



Southeast Development Area Environmental Impact Report Public Comments

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EIR Circulation: July 14 – August 28, 2023

From: [REDACTED]
To: [Adrienne Asadoorian](#)
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Subject: In opposition to SEDA
Date: Monday, August 28, 2023 11:51:44 AM

External Email: Use caution with links and attachments

The first objective documented by the SEDA-EIR is to "accommodate between 40,000 and 45,000 dwelling units". The population of the State of California has now declined by close to 1 million people over the last two years. This population decline was not forecasted. According to a June 2023 LA Times survey, 40% of the people in California are seriously considering leaving. The EIR and SEDA plan have failed to recognize the quickly changing current population statistics and need to be reconsidered in light of the potential for this trend to continue.

1. Have you accounted for an un-forecasted decline or flat population for Fresno? What will be the taxpayer and environmental cost of annexation on every key element of the SEDA plan if Fresno's population declines along with current California trend?
2. If Fresno's population does decline or stays flat, how would this annexation still make sense? Would you allow massive housing development without the new people to fill it? Would it result in people abandoning city apartments for new housing? Might this cause Fresno home resale values to plummet and the inner city to crumble? Or would it just result in abandoned housing projects spoiling our prime agricultural land....Like the old Running Horse project?
3. What alternatives have you considered should the California population trend continue? Would it be wiser to focus on investing the state's 250 million dollar gift to improve infrastructure inside the current city limits instead of promoting this urban sprawl; potentially without the population to support it? Would it make better sense to postpone this plan for a few years to understand

if the current population trends will continue?

Given the uncertainty about California's declining population trend, a massive city expansion via annexation is too risky. Ignoring this possibility and continuing with outdated population assumptions is simply irresponsible. It has the potential for a huge wasted investment that only benefits a few real estate developers at the expense of prime agricultural land, county property owners and residents, and the people of the City Fresno.

Virtually every resident and property owner in this area is against the plan. Please let us vote on it. Or are you afraid of what we'll say with our votes?

Alan Cederquist



September 6, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

Sent by email: adrienne.asadoorian@fresno.gov

RE: Southeast Development Area Draft Program Environmental Impact Report

Dear Ms. Asadoorian,

I am the Assistant Director of the Central Valley Health Policy Institute. CVHPI's mission includes improving equity in health by developing the region's capacity for policy analysis and program development, implementation, and evaluation. I have reviewed the data supporting the Air Quality section of the July 14, 2023, draft Program EIR for the Southeast Development Area, and offer these comments.

The draft PEIR includes calculations for annual tons of nitrogen oxides (NO_x) and reactive organic gases (ROG), but it fails to calculate the ozone pollution that will result from these two precursor pollutants and to factor in the increasing number of extremely hot days each summer as climate change impacts Central Valley weather. In this region, quantifying ozone pollution arising from new development is crucial to establishing the impacts on human health the proposed development will create. The PEIR must thus include projected ozone production, based on the tons/year figures for NO_x and ROG, as well as summer averages in tons/day that factor in escalating excess heat events over the pertinent years. There are tools readily available for such calculations, including but not limited to The Community Multiscale Air Quality Modeling System (CMAQ).

Studies document that incremental increases in ozone levels alone—independent of the other pollutants the project will create—will have the following human health impacts: decreased lung function, decreased lung function growth in children,¹ increased asthma-related emergency visits and hospital admissions,² and mortality among older adults.³ In Fresno County, a rigorously sound study conducted by Entwistle et al. (2019) showed

¹ <https://www.sciencedirect.com/science/article/pii/S0012369221036266>

² <https://link.springer.com/article/10.1007/s11869-019-00685-w>

³ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3581312/>

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decade, The Children's Health and Air Pollution Study (CHAPS) has documented the adverse health effects on children that ambient air pollution has in Fresno including lung function, chemical modification of DNA (methylation), metabolic dysfunction, and oxidative stress.⁹

The toll on human health this project's pollution will take on the population of the area, and on children, appears to be quite serious and pervasive. The City must insist on thorough and accurate analysis, and robust mitigation of air quality impacts before approval.

Please include these comments in the record of this project. Thank you.

Sincerely,



Emanuel Alcala (Seal 4, 2023 10 CG 9071)

Emanuel Alcala, PhD
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Central Valley Health Policy Institute
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⁸ <https://www.nature.com/articles/s41370-021-00323-7>

⁹ <https://www.chapssjv.org/publications>



August 25, 2023

Adrienne Asadoorian, Planner
City of Fresno
2607 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

RE: Comments on SEDA EIR

Dear Ms Asadoorian:

Although the Building Industry Association (BIA) does not have any specific comment on the Environmental Impact Report (EIR) for the Draft Southeast Development Plan, the BIA does have comments on the draft Plan on which the EIR is based.

The BIA generally supports the draft Specific Plan which will provide much needed housing for the city in the coming years to meet its state housing obligations and is nearer Fresno's employment centers than most other areas of the county. There are, however, some constraints within the Plan that are problematic for the building industry. The Plan does not allow density under about 6 units per acre. Although builders usually build at much higher density, the total elimination of the larger lot subdivisions will not serve a portion of the population. In addition, the restriction on cul-de-sacs, which is the preferred location for residents to live, will deprive buyers of their desired location within a subdivision.

With these reservations, the BIA supports the approval of the EIR for SEDA.

If you have any questions, please call me at (559) 226-5900.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael Prandini", is written over a light blue horizontal line.

Michael Prandini
President & CEO

California Department of Transportation

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August 25, 2023

FRE-180-64.104
Southeast Development Area
Draft Environmental Impact Report (DEIR)
SCH #2022020486

GTS #: <https://ld-igr-gts.dot.ca.gov/district/6/report/28801>

SENT VIA EMAIL

Mx. Adrienne Asadoorian, Planner III
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Mx. Asadoorian:

Caltrans has completed our review of the Draft Environmental Impact Report (DEIR) for the Southeast Development Area (SEDA) in the City of Fresno.

The proposed development area covers nearly 9,000 acres. It is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the west by Locan, Temperance, and Minnewawa Avenues.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

DEIR-Traffic Impact Analysis (TIA) Comments:

The concerns below should have been adequately addressed in the DEIR or TIA. While the DEIR is a comprehensive planning document, it is recommended that the DEIR endorse procedures that address traffic safety on the State Highway System. Caltrans did provide a comment letter dated March 18, 2022, during the Notice of Preparation with a public comment period from February 22, 2022, to March 25, 2022, which is included in Appendix A of the DEIR. Comments one through eight presented herein are included in the attached letter dated March 18, 2022, and are as follows:

1. This development region will likely add vehicles to the State Road (SR) 180 interchanges at Clovis Avenue, Fowler Avenue, and Temperance Avenue. As a result, there may be significant speed differences between the off-ramp queues and the freeway mainline. Each of these interchanges is recommended for a peak-hour ramp queuing analysis to assess potential impacts. This development area is also expected to add vehicles to the SR 180 intersections at De Wolf Avenue, Highland Avenue, and McCall Avenue. The result may be significant speed differentials between the turn lane queues and the through-lane traffic caused by insufficient left-turn lanes or intersection control. **It is recommended that a peak-hour queue analysis be completed at each of these intersections to determine potential impacts.**
2. **It is recommended that the lead agency include a traffic safety review** that examines new pedestrian and bicycling desire lines, multimodal conflict locations, and changes in traffic composition (such as an increase in bicyclists or pedestrians, where features such as shoulders or sidewalks may not exist or are inconsistent with facility design). This analysis should include the SR 180 interchanges at Fowler Avenue and Temperance Avenue and the SR 180 intersections at De Wolf Avenue, Highland Avenue, and McCall Avenue. For future residential development, Caltrans recommends that project proponents consider working with the City to convert a portion of the planned residential units to affordable housing.
3. The City should develop policies for installing Level 2 EV charging stations in single- and multi-family residential units and DC Fast Charging EV charging stations in retail, commercial, park, and public facilities.
4. Caltrans recommends that the Project use multimodal methods, such as those derived from transit-oriented development (TOD), to minimize the traffic-related impacts of future developments. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans helps reduce VMT and GHG emissions by increasing people's likelihood of using and benefiting from a multimodal transportation network.
5. Early involvement with Caltrans is strongly encouraged for future projects affecting the state right-of-way.

The Caltrans Traffic Safety Bulletin 20-02-R1: Interim Local Development Intergovernmental Review Safety Review Practitioners Guidance provides direction on analyzing the safety impacts on the State Highway System by proposed land use projects. Subsequent projects included in this development area should incorporate this guidance.

VMT Analysis Comments:

The preparer of the VMT Analysis concluded that the VMT per Service Population in the SEDA project region will fall from 45.72 to 5.07 when the project is completed in 2035. The move from a primarily rural location (as the SEDA project area is now) to a developed urbanized mixed-use site results in a significant drop in VMT. Additionally, the VMT Analysis preparer claims that this is attributable to residents and employees

being better connected to jobs and services within the SEDA project area, reducing travel times on both the production (residential) and attraction (commercial) sides.

Conversely, the Year 2035 No Project Conditions VMT for the SEDA Project Area is 371,397 per Table 7. Table 10 presents the Year 2035 With Project Conditions VMT for the SEDA Project Area is 974,369. This translates to a net VMT increase of 162.35%.

In theory, the relationship between production (residential) and attraction (commercial) may minimize VMT at full buildout; nevertheless, a typical land-use plan buildout begins with the production (residential), followed by the attraction (commercial). The concern is that the attraction (commercial) will develop slowly over time, causing a VMT impact in the SEDA region.

Based on our review of the VMT Analysis, **we recommend that the EIR preparer address the safety concerns by undertaking a peak hour ramp queue analysis at the interchanges/intersections on SR 180 from Clovis to McCall Avenues, as stated previously.**

The SEDA Specific Plan should also explore several possible VMT migration strategies, such as:

1. Creation of regional-level VMT bank or VMT exchange program;
2. Improved Public Transportation: Expanding and enhancing public transit options to encourage more people to use buses, trains, and other forms of public transportation instead of driving individual cars;
3. Enhance parallel routes near SR 180, such as Belmont Avenue or Kings Canyon Road. For example, the plan is to extend the Bus Rapid as cited in Policy UF-5.2. In addition, the City may consider signal synchronization along the corridors, if not already.
4. Active Transportation: Creating infrastructure and promoting walking, biking, and other forms of active transportation, especially for short distance trips;
5. Telecommuting and Flexible Work Arrangements: Encouraging remote work options to reduce the need for daily commuting;
6. Carpooling and Ridesharing: Promoting carpooling and ridesharing initiatives to reduce the number of single-occupancy vehicles on the local road system and highways;
7. Transportation Demand Management (TDM): Implementing policies and programs that encourage the use of alternative transportation options and reduce the reliance on single-occupancy vehicles; and,
8. Incentives and Subsidies: Providing incentives, subsidies, or tax breaks for using public transportation or purchasing electric or fuel-efficient vehicles.

The SEDA area may aim to establish more sustainable and efficient transportation systems while addressing environmental and social concerns related to increasing vehicle use by implementing these and other VMT mitigation strategies.

Mx. Adrienne Asadoorian – Southeast Development Area Draft EIR
August 25, 2023
Page 4

If you have any other questions, please call Keyomi Jones, Transportation Planner, at (559) 981-7284 or keyomi.jones@dot.ca.gov.

Sincerely,



David Padilla, Branch Chief,
Transportation Planning – North

Attachment: Caltrans comment letter March 18, 2022

C: Sophia Pagoulatos, Planning Manager, City of Fresno
State Clearinghouse

ATTACHMENT
Caltrans comment letter March 18, 2022

California Department of Transportation

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March 18, 2022

FRE-180-R65.1

NOTICE OF PREPARATION, EIR

<https://ld-igr-gts.dot.ca.gov/district/6/report/25659>

SENT VIA EMAIL

Shawn Monk, Planner
City of Fresno
Long Range Planning Division
Office: 559-621-8031
shawn.monk@fresno.gov

Dear Mx. Monk,

Thank you for the opportunity to review the Notice of Preparation of a Program Environmental Impact Report for the Southeast Development Area Specific Plan. The proposed Southeast Development Area covers nearly 9,000 acres and has the potential to accommodate approximately 45,000 homes by the year 2050. The Plan Area is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the West by Locan, Temperance, and Minnewawa Avenues.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

1. Caltrans anticipates this development area would add substantial traffic to the State Route 180 interchanges at Clovis Avenue, Fowler Avenue, and Temperance Avenue. The result could be significant speed differentials between the off-ramp queues and the mainline of the freeway. **It is highly recommended that a peak hour ramp queue analysis is completed at each of these interchanges to determine potential impacts.**
2. This development area would also be expected to add traffic to the State Route 180 intersections at De Wolf Avenue, Highland Avenue, and McCall Avenue. The result could be significant speed differentials between the turn lane queues and the through lane traffic caused by insufficient left turn lanes or intersection control. **Therefore, it is also recommended that a peak hour queue analysis is completed at each of these intersections to determine potential impacts.**
3. Future development(s) should also consider traffic safety impacts on the State Highway System due to new pedestrian and bicyclist needs based on new origins or destinations that intersect a State Route. Additionally, multimodal conflict points and change in traffic composition (such as an increase in bicyclists or pedestrians, where features such as shoulders or sidewalks may not exist or are inconsistent with facility design) should be included. The State Route 180 interchanges at Fowler Avenue and Temperance Avenue; and the State Route 180 intersections at De Wolf Avenue, Highland Avenue, and McCall

Avenue should be included in this analysis.

4. Future development(s) should conduct a Vehicle Miles Traveled (VMT) study for projects that may substantially induce Vehicle Miles Traveled (VMT). Pedestrian and bicycle facilities within the project site should be considered in this study. The project proponents should also consider coordinating with nearby planned bike networks for a larger active transportation network. The City should consider creating a VMT Mitigation Impact Fee to help reduce potential impacts on the State Highway System.
5. For future residential development, Caltrans recommends project proponents consider working with the City to convert a portion of the planned residential units to affordable housing units.
6. The City should establish policies for the installation of Level 2 Electric Vehicle (EV) charging for single- and multi-family residential units as well as DC Fast Charging EV charging stations for retail, commercial, park and public facilities.
7. Caltrans recommends the Project implement multimodal strategies, such as those that originate from Transit-oriented development (TOD), in an effort to further reduce future projects' traffic related impacts.
8. Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network.
9. Early engagement with Caltrans is highly requested for future projects that would impact state right-of-way. Furthermore, prior to initiating the traffic study, please include Caltrans in the scoping.

If you have any other questions, please call or email Edgar Hernandez at (559) 981-7436 or edgar.hernandez@dot.ca.gov.

Sincerely,



David Padilla, Branch Chief
Transportation Planning – North

Cb 6
August 24, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

RE: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian:

I contest Section 3.10 Hydrology and Water Quality for the following reasons:

The plan does explain Level 1 water but offers no explanation for where Level 2 water will come from and how sufficient the amount will be to serve 45,000 additional houses. There is every indication that Level 1 water will not be adequate. Please explain.

Sincerely,

Dr. Carol Bloesser
Retired Fresno Unified Administrator
SEDA Area Property Owner
Member Southeast Property Owner's Association

cc: Fresno County Board of Supervisors

District 1: Brian Pacheco district1@fresnocounty.gov
District 2: Steve Brandau district2@fresnocounty.gov
District 3: Sal Quintero district3@fresnocounty.gov

District 4: Buddy Mendes district4@fresno.ca.gov
District 5: Nathan Magsig district5@fresno.ca.gov

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District 7: Nelson Esparza nelson.esparza@fresno.gov

Mayor Jerry Dyer mayor@fresno.gov

Cb 7
August 24, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

RE: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian:

I contest Section 3.15 Public Services:

1. The plan shows regional, community, and neighborhood town centers plus many forms of increased housing. Nowhere in the plan is there any consideration for fire stations or police stations. With developers ready to purchase any land they can for housing and retail, these will probably be forgotten. What are your plans for essential services?

Sincerely,

Dr. Carol Bloesser
Retired Fresno Unified Administrator
SEDA Area Property Owner
Member Southeast Property Owner's Association

cc: Fresno County Board of Supervisors

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August 28, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

Email: adrienne.asadoorian@fresno.gov

Re: Comments on Draft Program Environmental Impact Report for
Fresno Southeast Development Area (SEDA) Specific Plan
Project City of Fresno, Fresno County, California State
Clearinghouse Number 2022020486 dated July 14, 2023

Dear Ms. Asadoorian,

On behalf of the Sierra Club and the Central Valley Partnership, we submit the following comments on the Fresno Southeast Development Area (SEDA) Specific Plan project Draft EIR (DEIR). The SEDA project would be a massive development project with extensive impacts that must be carefully planned and mitigated. It has been accurately described as follows:

[the project will] transform nearly 9,000 acres southeast of Fresno into a new Clovis on Fancher Creek.

The project up for the city council's vote will be one of the biggest suburban sprawl projects in Fresno's history. The Dyer administration's plan includes 45,000 homes and up to 150,000 people, on a stretch of land that is currently a patchwork stretch of farmland, rural homesteads, two-lane country roads, and stop-signs.

Known as the Southeast Development Area (SEDA), the transformed community would rival the size of Clovis – 16 times the size of the Copper River project in northeast Fresno, and seven times as large

as Riverstone and Tesoro Viejo, the major new communities across the San Joaquin River in Madera.

(Weaver, FresnoLand, August 25, 2023, “Another Clovis, but in southeast Fresno? City moves forward on mega-development plans” , available at <https://fresnoland.org/2023/08/25/city-of-fresno-eyes-seda/>.)

As required by the California Environmental Quality Act (CEQA), the City of Fresno (City) must address the impacts of this massive project, along with its cumulative impacts with other similar developments in the region. CEQA has been described as a bill of rights for an environmental democracy. It is intended to provide a “road map” and a “price tag” for proposed projects:

The CEQA process is intended to be a careful examination, fully open to the public, of the environmental consequences of a given project, covering the entire project, from start to finish. This examination is intended to provide the fullest information reasonably available upon which the decision makers and the public they serve can rely in determining whether or not to start the project at all, not merely to decide whether to finish it. The EIR is intended to furnish both the road map and the environmental price tag for a project, so that the decision maker and the public both know, before the journey begins, just where the journey will lead, and how much they-and the environment-will have to give up in order to take that journey.

(*NRDC v. City of Los Angeles* (2002) 103 Cal.App.4th 268, 271.)

Unfortunately, the SEDA EIR falls woefully short of providing the public and decisionmakers with sufficient information to evaluate and mitigate the project’s impacts. These deficiencies must be rectified and a legally adequate EIR recirculated for public review and comment.

A. Agricultural Resources and Forestry Resources Impacts are Not Sufficiently Mitigated.

The SEDA DEIR, in its Agricultural Resource and Forestry Resources section, identifies the amount of farmland threatened with conversion to urban uses. The Plan’s proposed development will effectively eliminate approximately 6,741 acres in agricultural production, which are specified as 2,475 acres of Prime Farmland, and approximately 1,352 acres of Farmland

of Statewide Importance, 1,189 acres of Farmland of local importance, and approximately 1,725 acres of Unique Farmland. (DEIR p. 3.2-16.)

The prominent problem of the SEDA DEIR pertaining to agricultural resources is that its proposed farmland mitigation measures for these thousands of acres of farmland rely upon inadequate policies that have not been adequately implemented. When Fresno's General Plan was adopted, farmland mitigation was perhaps the most contested and difficult policy of the entire document. Inevitably, after intense debate, the final 2014 Fresno General Plan contained key values and provisions that were structural in nature, including no sphere of influence extension, a prioritization of infill over greenfield development, and defining an easily implementable farmland mitigation policy.

Specific to the structural land use policies promoting farmland conservation, the 2014 Fresno General Plan stated, "Policies in the Plan will help preserve farmland by incentivizing new development within and adjacent to already-urbanized land, only extending public utilities to new development that adheres to the Plan, and not expanding the City's SOI."¹ So, the proposed development of the Southeast Development Area effectively punctures the previously agreed upon sphere of influence boundary and violates the integrity of the city's hoped for revitalization as it re-initiates a historic pattern of sprawl development.

The achievement of a farmland mitigation policy was another important outcome of the 2014 Fresno General Plan. Originally, this General Plan specified under policy RC-9-c that when farmland was converted to urban uses, the City of Fresno would "permanently protect an equal amount of similar farmland elsewhere through easement." This simple, straightforward and implementable policy was consistent with other farmland mitigation programs that typically require mitigation at a 1:1 ratio on soils of similar quality under a conservation easement, however RC-9-c

¹ Fresno General Plan Adopted: December 18, 2014, Resource Conservation and Resilience Chapter, Farmland Section 7.6, pg. 7-42.

was later amended in ways that made it more muddled, less definitive and more difficult to implement.²

Today, as cited in the SEDA DEIR, the Fresno General Plan policy RC-9-c (the amended portion in italics) states:

“Farmland Preservation Program. In coordination with regional partners or independently, establish a Farmland Preservation Program. When Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is converted to urban uses outside City limits, this program would require that the developer of such a project mitigate the loss of such farmland consistent with the requirements of CEQA. The Farmland Preservation Program shall *provide several mitigation options that may include but are not limited to the following: Restrictive Covenants or Deeds, In Lieu Fees, Mitigation Banks, Fee Title Acquisitions, Conservation Easements, Land Use Regulations, or any other mitigation method that is in compliance with the requirements of CEQA.* The Farmland Preservation Program may be modeled after some of all of the programs described by the California Council of Land Trusts.”³

After a decade, the 2014 General Plan’s originally clear farmland mitigation policy has been amended, diluted, and as yet remains unimplemented. Even worse, its explicit direction to establish a “Farmland Preservation Program” remains incomplete. This reticence toward implementation erodes confidence that such measures will now be taken up within the Southeast Development Area’s Specific Plan.

² The hearing to consider General Plan Amendment Application No. P18-03553 and related Environmental Finding was initiated by the Fresno City Council on March 3, 2017 through Council Resolution No. 2017-61. The final resolution approved the General Plan Text Amendment No. P18-03553 amending Farmland Preservation Program RC-9-c.

³ Fresno General Plan Adopted: December 18, 2014, Resource Conservation and Resilience Chapter, Farmland Section 7.6, pg. 7-43.

Given the lack of compliance with earlier planning policy plans and directives related to farmland conservation, it is recommended that the City of Fresno institute a SEDA-specific urban growth boundary requiring fifty percent vote of city residents to all future proposed greenfield developments in the Plan Area. This would raise the level of planning diligence, democratic participation, and environment promoting policies as each future development project is considered. In addition, each future development proposal in the area should be authorized under a similarly constituted initiative process in authorizing community benefit agreements on each proposed development project to ensure its equity values can be programmatically achieved, such as in future apprenticeship programs and local hire mandates. Environmentally, community benefit agreements would better ensure that proposed “school and neighborhood gardens, community orchards, agricultural education centers and small farming operations in green belts and on the buffer edge” will be realized. (DEIR p. 3.2-17.) Both urban growth boundaries and community benefit agreements ensure resident-involved planning and democratic, participatory involvement through voter initiatives on each proposed future development projects within the Specific Plan area.

Specific to farmland mitigation, the SEDA DEIR inadequately identifies mitigation that can be expected to be meaningfully implemented. A proposed “Buffer District” is a much lesser threshold to breach in the future than an existing sphere of influence boundary in a general plan. Yet this is just the mitigation policy remedy being suggested in SEDA’s DEIR policy framework. (DEIR p. 3.2-17.) The proposed Buffer District is purely aspirational without explicit mechanisms to hold the line on future greenfield development and residential sprawl. Most troubling is that the SEDA EIR’s primary farmland mitigation policy proposal yet again relies upon the forever dormant 2014 Fresno General Plan policy RC-9-c guiding farmland mitigation, and MM AG-1.1 that was supposed to establish a Farmland Preservation Program (FPP), now planned to be initiated by 2025. (DEIR p. 3.2-15.)

Given the past lack of planning policy follow through, the SEDA EIR makes contingencies, “because the FPP has not yet been developed, the proposed project would implement project-specific MM AG-2, which requires all future development to mitigate the loss of Prime Farmland, Unique

Farmland, or Farmland of Statewide Importance, on a project-by-project basis before the initiation of construction or ground-disturbing activities.” (DEIR p. 3.2-17.) A project-by-project policy makes oversight of mitigation policy unworkable though it becomes necessary given the City of Fresno’s past reticence and resistance to mitigate for the loss of farmland.

B. Air Quality Impacts Would be Significant And are Insufficiently Mitigated

1. Fresno’s Current Air Quality Situation is Dire and Would be Worsened By the Project.

There is no dispute that the air quality in Fresno is abysmal. The prestigious American Lung Association’s annual report State of the Air 2023 lists Fresno as the fourth-most polluted city in the country for ozone⁴, and the second most polluted for short-term particulate pollution, and the third-most polluted city for year-round particle pollution⁵. The federal EPA classifies the San Joaquin Valley Air Basin, of which Fresno is a part, as in “extreme” nonattainment of the National Ambient Air Quality Standard (NAAQS) for ozone, and in “serious” nonattainment for fine particulates (PM2.5) (DEIR, PP. @@.). The San Joaquin Valley is one of only two air basins in the entire country classified as in “Extreme” nonattainment for ozone. (EPA Green Book, at <https://www3.epa.gov/airquality/greenbook/jnc.html>, last visited 8/24/23. Classification of the San Joaquin Valley as in “Serious” nonattainment of the federal standard for PM2.5 is at <https://www3.epa.gov/airquality/greenbook/rnc.html>, last visited 8/24/23.)) Fresno is an unhealthy place to breathe, and especially so for sensitive groups, including children, the elderly, and the sick.

Both state and federal law require air basins to comply with the health-based state and federal Air Quality Standards. [E.g., 42 USCA §7401, et seq.] The San Joaquin Valley Unified Air Pollution Control Agency (APCD)

⁴ The listing is for Fresno-Madera-Hanford, at <https://www.lung.org/research/sota/city-rankings/most-polluted-cities>; last visited 8/24/23.

⁵ The listing is for Fresno-Madera-Hanford, at <https://www.lung.org/research/sota/city-rankings/most-polluted-cities>; last visited 8/24/23.

has devised an Air Quality Management Plan (AQMP) to reduce the levels of health-damaging pollution in the air and make the air healthier to breathe. According to the DEIR, a new AQMP for ozone was due for submission to the EPA by August of 2022. There is no information in the DEIR as whether it was submitted or when an evaluation of the new AQMP by EPA might be expected; the fact remains that the Valley is in extreme nonattainment. A new plan for PM_{2.5} was submitted in June of 2020. (DEIR p. 3.3-25.) EPA has postponed the deadline for the Valley to meet the PM_{2.5} standard until 2024, but has not yet approved or disapproved the APCD's new plan to meet the federal standard. The Valley remains in serious nonattainment for PM_{2.5}. However, these facts appear to matter little, since the DEIR clearly and unequivocally states that carrying out the SEDA plan is **not** consistent with the Air Quality Management Plan now in operation to meet health-based federal and state Air Quality Standards, and would conflict with that Plan and with project significance thresholds established by APCD to prevent increases in ozone. (DEIR, pp. ES-6, ES-14, 3.3-45.) The DEIR states at page 3.3-45:

[T]he proposed Specific Plan would generate long-term emissions of criteria air pollutants that would exceed the Valley Air District's regional operation-phase significance thresholds, which were established to determine whether a project has the potential to cumulatively contribute to the [San Joaquin Valley Air Basin]'s nonattainment designations. Thus, ***implementation of the proposed Specific Plan would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the AAQS.***

(DEIR, p. 3.3-45, emphasis added.)

The DEIR also states, at page 3.3-51, that the Project will cumulatively increase the airborne pollution to which Fresno residents are exposed daily:

The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard.

(DEIR, p. 3.3-51.)

2. Project Construction Emissions Would Be Significant For Every Pollutant Category.

The DEIR explains that, by itself, construction of the Project will cause emissions of every pollutant for which the Valley is in nonattainment in amounts that exceed APCD significance thresholds during each and every year of Project construction, 2023-2043, except the very last year. (DEIR, Table 3.3-8, p. 3.3-53.⁶) The DEIR makes no comparison between the emissions that Project construction will cause to the emissions provided for in the AQMP, a critical failure to provide the information that should be in the DEIR.⁷ It also asserts that it is “unavoidable” - if the SEDA plan is carried out – that “sensitive receptors” (e.g., children, the elderly, and people who already have respiratory illnesses) will be exposed not only to air that far exceeds the health-based state and federal Air Quality Standards, but they may also be exposed to toxic pollutant emissions, including carcinogens, during construction of the Project. Such carcinogens and other toxic chemicals are contained in diesel particulate emissions (commonly referred to as “DPM,” for diesel particulate matter”), an airborne soup of chemicals and small particles, many of which either are carcinogenic, or have carcinogens adhered to them, that are emitted by diesel trucks and diesel-powered construction equipment.⁸

⁶ We note that, while the DEIR states that “[b]uildout of the proposed project would occur over approximately 25 years, or longer,” the Table showing pollutant emissions from construction goes out only 19 years. There will, apparently, be even more pollutant emissions than the Table shows.

⁷ Nor is Appendix B, the Air Quality Appendix, much help. It contains only the same Table (in a slightly different format) and the outputs of the computer model used to predict Project emissions (these cannot easily be read by laypersons). It does not compare Project construction emissions with the AQMP.

⁸ For context, the South Coast Air Quality Management District (SCAQMD) estimates that 50% of the risk of cancer from airborne carcinogens in the greater Los Angeles area comes from exposure to DPM. (Multiple Air Toxics Exposure Study V, SCAQMD, 2021, page ES-7. Available at <https://www.aqmd.gov/docs/default-source/planning/mates-v/mates-v-final-report-9-24-21.pdf>; last visited 8/24/23.

The potential health impacts from diesel particulate emissions are quite significant, as the DEIR shows at page 3.3-17. The DEIR, at page 3.3-59, tersely acknowledges that “Project construction would involve the use of diesel-fueled vehicles and equipment that emit DPM, which is considered a [Toxic Air Contaminant].”⁹ The DEIR disclaims the ability to estimate DPM emissions from the Project, but it admits that, as to toxic emissions, especially DPM:

[I]t is possible that the proposed project would result in cumulatively significant impacts to sensitive receptors, even if individual projects were each less than significant.

(DEIR, pp. 3.3-60 to 61.). The DEIR’s inability to estimate the amount of DPM emissions the Project would cause is severely undercut by the DEIR’s ability to calculate the particulate emissions of the Project, both gross particulates and fine particulates, which should include many components of diesel particulate emissions. Some reasonable estimate should be possible, and it is a failure of information required by CEQA for the DEIR to make a good-faith attempt to provide this information. It has not done so.

Overall, the DEIR concludes that air pollutant emissions attributable to the Project, even after all feasible mitigation is applied, would have a “significant and unavoidable” impact, including on sensitive receptors. (DEIR, p. 3.3-61.) In short, the DEIR demonstrates that carrying out the SEDA Project is a recipe for Fresno to continue having some of the very dirtiest, unhealthful air in the nation for decades into the future, and a blueprint for allowing the Project to dump *more* ozone-causing emissions and particulate matter into the air Fresno residents breathe every day. It is a plan for forcing another generation of Fresno’s children to grow up breathing air that compromises their lungs and may permanently harm their health. (See State of the Air 2023 Report, pp. 24-25 [health effects of particulates] and 26—27 [health effects of ozone].))

⁹ Diesel exhaust has been formally designated a Toxic Air Contaminant by the California Air Resources Board. (Cal. Code of Regs., title 17, section 19000.)

3. The DEIR Does Not Show That it has Applied All Feasible Mitigation.

As set out above, the DEIR thus acknowledges that the Project would make Fresno's already abominable air even worse, which creates significant impacts on the environment. It then asserts that:

No further measures to reduce operation-phase criteria air pollutant emissions are available beyond the applicable Valley Air District rules and regulations in addition to the proposed project's policies and design46.) guidelines [as set out in the DEIR].

(DEIR, p. 3.3-46.) The DEIR asserts that there are no further feasible mitigation measures. In fact, the DEIR implies that the Project is too big for its air quality impacts to be feasibly mitigated (DEIR p. 3.3-46), a concept that is antithetical to CEQA's purposes and requirements. Instead, the City should consider making the Project smaller, so that mitigation is feasible. CEQA requires that once significant impacts from a Project have been identified, the project should not be approved if there are feasible mitigation measures that would lessen or prevent such impacts. (Public Res. Code § 21002.)

The City must re-think mitigation. The SEDA is a major project, one that will greatly expand the City's population and infrastructure, and one whose construction will stretch out for a quarter-century, up to the time when California is committed to being carbon-neutral. (AB 1279; EO B-30-15.) Its operation will last much longer. The City is approving a Project that will define Fresno and its legacy for the rest of this century. If aggressive and effective mitigation for air pollutant emissions is not enacted now, when it will be most effective because it acts on a relatively blank slate, when will it be enacted? To avoid a future of decades of continued air that sickens Fresno's residents, we urge the City to adopt additional mitigation measures now that are specific and effective, and not just aspirational. We believe that there are many mitigation measures set out in the DEIR that could be made more effective, that would reduce the pollutant emissions of the Project, and that are feasible. Below is a summary of the more prominent ones.

4. Mitigation Measures Already in the DEIR Must be Strengthened.

The DEIR lists policies in the Fresno City General Plan and the SEDA plan as potentially lessening the air quality impacts of the Project. Many, if not most, of these policies are so conditional and aspirational as to be unenforceable. Examples include policies that include wording such as “support,” “promote,” “incentivize,” or “pursue.” (E.g.: Land Use Policies LU-2(b), LU 3(c), HC 3.d; MT-2(c), (g) and m; Open Space Policy OS-10.5; Conservation Policies RC1.1, RC 1.3 (a) and (b), RC 1.4.)

Particularly important are those mitigation measures listed as “Municipal,” which are under the City’s direct control and discretion (e.g., Conservation Policies RC 4 (f) and (j), and 8(j).) Where a mitigation measure is within the City’s direct control (such as setting energy efficiency standards for municipal buildings), and where the environmental impacts to be mitigated are as dire as violating the AQMP, the City *must* enact mitigation measures that are fully enforceable. (CEQA Guidelines §15126.4(a)(1) and (2).)

DEIR mitigation measures specific to the Project must also be made mandatory. Specifically, MM AIR 2.1’s full list of controls for diesel-powered construction equipment should be made mandatory unless individual measures are proven infeasible under clearly defined standards, and MM AIR-3.1’s measures to control emissions of Toxic Air Contaminants should be mandated for *use*, not merely for identification.

In addition, many measures in the DEIR could be made enforceable by defining terms in the measures (such as “feasible” in MM AIR-2.1) or by setting schedules and enforceable deadlines for measures calling for the adoption of controls or plans, or for the setting of standards. (E.g., Resource Conservation Policies RC-4(b), 4(g), and 4(k), RC-8(j), and others.)

We also note that several mitigation measures that should be made mandatory for individual developers for projects within SEDA could also be used to provide offsets for their projects’ pollutant emissions, if also carried out outside SEDA. These include creation of off-site renewable energy projects, such as installation of solar panels on rooftops in existing Fresno neighborhoods, tree planting, and replacement of inefficient appliances in

homes in existing neighborhoods, and installation and maintenance of electric vehicle charging stations in Fresno neighborhoods or at facilities like shopping centers and sports facilities.

5. Because The DEIR is Inadequate as an Informational Document, Vital Information Must be Added, and the DEIR Recirculated.

The CEQA Guidelines require an agency to “use its best efforts to find out and disclose all that it reasonably can” in an EIR. (Guidelines § 15144.) The City has failed to do so here. Table 3.3-9, at page 3.3-55, which is the only table showing operational pollutant emissions from the Project, is an example of how uninformative the EIR is. It shows only a single year’s emissions total: 2050, the year of full build-out of the Project, and seven years after the last year (2043) for which construction emissions are projected.

Presumably, many individual SEDA projects, from housing developments to transportation facilities, will be completed in the years prior to 2050 but their emissions are undisclosed. This is a critical failure of the DEIR to provide full disclosure of environmental impacts from the Project; the public has no clue about operational emissions from the Project for 46 years prior to 2050. There is not even information as to when the first individual SEDA projects will begin to operate and will have operational emissions.

The SEDA projects’ expected operational emissions appear for the first and only time as they are expected to be in 2050. It is beyond credulity to assume to none of the SEDA component projects will emit any conventional pollutants until 2050, and that all of the individual SEDA projects will begin emitting at once, several years after construction emissions end. The DEIR states that “[r]egional construction and operational emissions reported in this analysis were modeled using CalEEMod using version 2020.4.0” (DEIR, p. 3.3-40), so the City presumably has at least some of this information. If it does not have it, the City must have, or must generate, this information to the extent it is feasible to do so, and the DEIR must provide it. The DEIR does state that, if climate change causes temperatures to rise, the number of days when ozone will form in the Valley:

If temperatures rise to the medium warming range, there could be 75 to 85 percent more days with weather conducive to ozone formation in Los Angeles and the San Joaquin Valley, relative to today's conditions. This is more than twice the increase expected if rising temperatures remain in the lower warming range. This increase in air quality problems could result in an increase in asthma and other health-related problems.

(DEIR, pp. 3.8-9 to 10.) Further, the DEIR states:

[Fresno] temperatures are predicted to increase by 4.5°F (degrees Fahrenheit) under the medium emission scenario and 8.5°F under the high emissions scenario.

DEIR, p. 3.8-10.)

The increase in pollutant emissions and the increase in temperatures and number of days when ozone is likely to form add up to a potential public health crisis, necessitating the fullest information that can be provided. Further, since this information is essential to any understanding of the health impacts of the Project, the DEIR must be recirculated with that information prior to certification. (CEQA Guidelines § 15088.5.) It is imperative that the decision makers and the public have this information.

Further, Table 3.3-8, at DEIR page 3.3-53 shows projected unmitigated yearly emissions of conventional pollutants from construction over the life of the Project. In the first year, 2024, the Table shows 1770.60 tons of volatile organic compounds (VOC), a precursor of ozone, projected to be emitted. In the second year, 2025, the figure drops by more than half, showing 668.30 tons of VOC projected to be emitted. After those two years, projected VOC emissions plummet, with the 2026 VOC emissions projected to be 30.45 tons. No reason is given for this remarkably high and the subsequent drop-off and extreme drop-off, respectively, of the next two years' VOC emissions. Clearly, there must be a reason for this weird pattern of VOC emissions that must be disclosed by the EIR.

The emissions of nitrogen oxides (NO_x) from construction listed in the Table show a steady decline over the years, as do other pollutants. Notably, PM_{2.5}, which almost certainly contains carcinogenic DPM from construction equipment and diesel trucks, remain fairly steady throughout the years, with

2024's emissions and 2043's emissions being within 6 tons per year of each other.

Possible explanations for the high early VOC numbers are that the City knows of specific projects planned for construction in 2024 and 2035 that emit high levels of VOC, or that the emissions modeling failed to accurately predict or report VOC emissions in the first two years of the Project. However, the City is not sharing those- or any - explanations with the public. This is a further failure of the DEIR to provide full information to the public.

Finally, the DEIR does not predict pollutant concentrations in the ambient air that will result from both construction and operation of the Project.

6. The DEIR does not Correlate Pollutant Emissions From the Project with Resulting Health Impacts.

The California Supreme Court, in *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502 ("Friant Ranch"), held that that the EIR on the Friant Ranch Project approved by the County of Fresno "fail[ed] to provide an adequate discussion of health and safety problems that will be caused by the rise in various pollutants resulting from the Project's development." (6 Cal.5th 502, at 527.) The DEIR here also fails to comply with the requirements of the *Friant Ranch* decision.

We first note that the DEIR does describe some health effects of ozone and PM2.5. (DEIR, pp. 3.3-12 to 3.3-12.) However, its description of the health impacts of PM10 and PM2.5 fails to point out the disproportionate impact of airborne particulate matter on disadvantaged communities. The APCD stated in a 2021 letter to the California Air Resources Board:

"As recent research indicates, there is a disproportionate health impact of PM2.5 exposure to people of color, and the burden of mobile sources to the Valley contribute significantly to these health effects. The State's CalEnviroScreen 3.0 tool indicates that a significant number of communities in the Valley are among the most disadvantaged in California for a number of indicators, including overall pollution burden, and diesel PM exposure (Figure 1). In fact, 20 of the top 30 most disadvantaged communities in California are within the San Joaquin Valley. As emissions from mobile sources contribute a

significant portion to the overall pollution burden in these disadvantaged communities, achieving emissions reductions from mobile sources is paramount to improving the health of the most impacted residents in the State.”

(APCD Comment Letter on Revised Draft 2020 Mobile Source Strategy, May 14, 2021, footnotes omitted. (https://ww2.arb.ca.gov/sites/default/files/2021-05/8-SJVAPCD_Comment_RevisedDraft2020MobileSourceStrategy.pdf; last accessed 4/6/23.) Here, the DEIR does not discuss the disparate effects air pollutant emissions increases may have on the disadvantaged communities within SEDA and elsewhere within the City.

In fact, the DEIR does not predict the impacts of its pollutant emissions on the ambient air at all, except to say that those emission will not be consistent with the AQMP. (DEIR, p. 3.3-45 [“implementation of the proposed Specific Plan would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the AAQS.”]) Beyond that, the DEIR says nothing about the magnitude of the increase in frequency and/or severity its new emissions will cause. Instead, it says tersely: “Air dispersion modeling is not applicable at a program level.” (DEIR, p. 3.3-42.) No further explanation is provided. However, the California Supreme Court in *Friant Ranch* was presented with a similar claim, and held that “if it is not scientifically possible to do more than has already been done to connect air quality effects with potential human health impacts, the EIR itself must explain why, in a manner reasonably calculated to inform the public of the scope of what is and is not yet known about the Project’s impacts.” (*Friant Ranch, supra*, 6 Cal.5th at p. 520.) Here, the DEIR has not done the analysis of the impact on human health of the Project’s new emissions (or even shown what all emissions are projected to be). Nor has the public been given an explanation of why it cannot provide that impact analysis, other than one short sentence saying it can’t be done. As the Supreme Court in *Friant Ranch* made clear, more explanation is required.

Further, such an analysis *can* be done. When Cal State San Diego proposed a master plan to develop a new community, it eventually certified an EIR that did perform a *Friant Ranch* analysis, correlating the project’s emissions with impacts on human health (although it acknowledged that the

analysis was not perfect). That analysis is available at <https://missionvalley.sdsu.edu/pdfs/feir/appendices/4-2-3-sdsu-mv-health-effects-memo.pdf>, and is hereby incorporated into this letter by reference. We also formally submit it into the administrative record for this Project by reference, as demonstrating that an analysis correlating emissions from a major project with impacts on human health is feasible.

The City has proposed a huge, multi-year Project that will transform Fresno. It must perform an analysis of the effects on human health of that Project's pollutant emissions, with the degree of precision that is currently possible and has been demonstrated in practice. The DEIR must be recirculated with the analysis when it is completed. CEQA and the public health demand no less.

C. GHG/Climate Change Impacts Are Not Adequately Analyzed or Mitigated.

As with its analysis for conventional air pollutants, the DEIR's analysis for greenhouse gas (GHG) emissions fails to provide the most basic information to the decision makers and the public. It also fails to adopt all feasible mitigation measures for the impacts of its emissions of climate-forcing gases, and it appears to be self-contradictory as to what the standard is as to the significance of those emissions.

1. The GHG Analysis Fails as an Informational Document

While the DEIR bestows considerable attention on the existing legal framework of the federal and state laws and regulations applicable to GHG emissions, it is remarkably short on information as to the GHG emissions to be expected from the Project. Like its description of SEDA emissions of conventional and toxic pollutants, described above, the DEIR provides only very limited information on the GHG emissions to be expected from the Project, and downplays the significance of those it does acknowledge.

In Table 3.8-2, at page 3.8-44, the DEIR sets out the Project's expected GHG emissions from construction. These are reported year by year for the years 2024 to 2043 (only 19 years from now, despite the DEIR's statement

that “[b]uildout of the proposed project would occur over approximately 25 years, or longer” at page 3.3-57).

The emissions expected from construction total 2,316,578 tons of carbon-dioxide equivalent GHGs.¹⁰ The DEIR downplays the potential significance of this emission of over two million tons of GHGs by saying that “[s]hort-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change.” (DEIR, p. 3.8-44.) This is nonsensical, since the fact that construction emissions are “one-time” for each individual project is somewhat meaningless, given that the DEIR has already shown that GHGs can remain in the atmosphere for decades or even centuries; carbon monoxide itself has a residency time of 50 to 200 years. (DEIR, p. 3.8-4.) It is their long period of residence in the atmosphere that enables GHGs emitted anywhere in the world able to affect the entire planet, as the DEIR observes at page 3.3-6 (“GHGs have long atmospheric lifetimes, several years to several thousand years. GHGs persist in the atmosphere for a long enough time to be dispersed around the globe.”)

The DEIR itself states that “although it is unlikely that a single project will contribute significantly to climate change, cumulative emissions from many projects affect global GHG concentrations and the climate system.” (DEIR p.3.8-7.) The Project’s construction emissions cannot be made less than significant by calling them “one-time,” since their effects will last for many decades or even for centuries.

As it does with the Project’s expected emissions of conventional pollutants, the DEIR provides the Project’s expected operational GHG emissions for only one year: 2050. (DEIR, Table 3.8-3, at p. 3.8-45.) The DEIR reports a surprisingly low total: 515,791 tons of GHGs. (*Id.*) We note that 2050 is the time by which the state is expected to carry out its many programs to reduce GHG emissions, including mandating zero-emission cars, setting low carbon fuels, reducing the carbon footprint of transporting water, and mandating electricity that is mostly or exclusively produced by non-

¹⁰ Because of the widely divergent longevity in the atmosphere of various GHGs, they are usually described in terms of the amount of their climate-forcing ability when compared with a single GHG, viz., carbon monoxide. This is called carbon monoxide equivalence. (DEIR, p. 3.8-3.)

carbon, renewable sources. (DEIR, p. 3.8-49.) Therefore, the 2050 GHG figure is almost certainly not representative of the Project's GHG emissions in all, or even most, of the years of its operation, before all the state programs have had full effect.

The DEIR is required to make a good-faith effort to discover and provide all the information it can. (CEQA Guidelines §§ 15003(i), 15144.) Here, the City had enough information to provide the expected total 2050 GHG emissions from operations. It also had enough information to provide the expected the GHG emissions from construction for each year between 2024 and 2043, showing that it has data on the expected year-by-year pace of construction and, by extension, on the pace at which SEDA projects would begin to operate. The DEIR used a widely accepted computer modeling system to predict the GHG emissions from the Project.

The short-term construction-related *and long-term operational GHG emissions* associated with future buildout of the Plan Area allowed under the proposed Specific Plan were estimated using California Emissions Estimator Model (CalEEMod) Version 2020.4.0. CalEEMod is a Statewide model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify GHG emissions from land use projects. The model quantifies direct GHG emissions from construction and operation (including vehicle use), as well as indirect GHG emissions, such as GHG emissions from electricity use, solid waste disposal, vegetation planting and/or removal, and water use. Emissions are expressed in annual metric tons of CO₂ equivalent units of measure (i.e., MT CO₂e), based on the GWP of the individual pollutants.

(DEIR, p. 3.8-43, italics added.) CalEEMod would have given the City information on the operational GHG emissions from the Project. With all this information, the DEIR could -and should- have provided approximate figures on the Project's operational GHG emissions year by year, giving the decision makers and the public a much better understanding of the amount of GHGs that would be emitted by SEDA. As it is, the DEIR has not performed a good-faith analysis and has not provided all the information it can. It does not comply with CEQA and cannot support the approval of the Project.

D. The EIR Fails to Address the Consequences of the City's General Plan Deficiencies.

1. The City General Plan is Inadequate and its Deficiencies Preclude Approval of SEDA, Since Such Approval Relates to the General Plan's Deficiencies.

The general plan is the “constitution for future development ... located at the top of the hierarchy of local government law regulating land use ” (*DeVita v. Napa* (1995) 9 Cal. 4th 763, 773, internal citations omitted.) Government Code section 65300.5 requires that all general plan elements be consistent with one another. County and city zoning ordinances also must be "consistent with the general plan." (Gov. Code § 65860(a); *San Francisco Tomorrow v. City and County of San Francisco* (2014) 229 Cal.App.4th 498, 508-509.) If a city or county's general plan is inadequate, it cannot support project approvals. (*Camp v. Board of Supervisors* (1981) 123 Cal. App. 3d 334, 352 [County could not approve subdivisions because some of its general plan elements were inadequate].) A permit may be challenged due to general plan inadequacy where the inadequacy is factually related to the characteristics or implications of the permit. (*Garat v. City of Riverside* (1991) 2 Cal.App.4th 259, 293.)

2. The General Plan Does Not Comply With AB 170.

AB 170, passed in 2003, enacted as Government Code section 65302.1 subdivision (b), requires that all cities and counties in the San Joaquin Valley amend their General Plans to add specific information on air pollution in their jurisdictions. This information must include “(1) A report describing local air quality conditions including air quality monitoring data, emission inventories, lists of significant source categories, attainment status and designations, and applicable state and federal air quality plans and transportation plans. (2) A summary of local, district, state, and federal policies, programs, and regulations that may improve air quality in the city or county. (3) A comprehensive set of goals, policies, and objectives that may improve air quality consistent with the strategies listed in paragraph (3) of subdivision (a). (4) A set of feasible implementation measures designed to carry out those goals, policies, and objectives.” (Govt. Code section 65302.1(c).) Government Code section 65302.1, subd. (e), set a deadline for compliance with GC 65302.1 of “no later than one year from the date

specified in Section 65588 for the next revisions of its housing element that occurs after January 1, 2004.”

A publication by the Air District (bearing the revision date of 04/02/09) reads, “AB 170 requires cities and counties to comply no later than one (1) year from the date specified in Government Code Section 6588 for the next revision of the housing element after January 1, 2004 (Section 65302.1.e). *Based upon the schedule outlined in the bill, jurisdictions in Fresno and Kern counties are required to adopt these amendments by June 30, 2009.* Jurisdictions in Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare counties have until June 30, 2010 to comply.”] [Emphasis added.]

3. The City General Plan Has No Environmental Justice Element, an Element Mandated by SB 1000.

Effective January 1, 2017, SB 1000, codified as Government Code section 65302, subdivision (h)(2), required the adoption into cities’ and counties’ general plans of an Environmental Justice Element, or adoption of the objectives and policies of an Environmental Justice Element in other General Plan Elements, such Element to be adopted on the first occasion after January 1, 2018, when the city or county adopts or revises two or more general plan Elements. Until it actually adopts an Environmental Justice Element that fully complies with SB 1000, the City does not have an adequate General Plan, and may not approve development projects, including SEDA.

4. The Project’s GHG Emissions Will Undercut the Effectiveness of Fresno’s Sustainable Communities Strategy.

Fresno's Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS), adopted in 2014 and updated in 2018 and 2022, was "intended to identify integrated land-use and transportation strategies that lower per capita GHG [greenhouse gas] emissions from cars and light-duty trucks, and foster communities that are more equitable, healthy, and

sustainable."¹¹ As required by SB 375, the Fresno RTP/SCS is based on assumptions about future development "that are consistent with adopted local general plans."¹² And the RTP/SCS specifically relies on the City of Fresno's 2014 General Plan as a basis for changes in land use and transportation that will help meet state-mandated GHG reduction targets:

Scenario B [the basis for the land use projections in the 2022 RTP/SCS] was built primarily from existing local general plans, regional growth projections and insights from the REMI economic forecasting model. . . . *The City of Fresno's updated general plan calls for 50 percent of new growth in designated infill development areas and proposes no sphere of influence expansion through 2035, which will help rein in fringe development in a traditionally sprawling region.*¹³

Construction of thousands of acres of low-density development to the southeast of Fresno would vitiate these benefits, dramatically increase vehicle miles traveled, and make it impossible to meet state-mandated GHG reduction goals as contemplated in the RTP/SCS.

E. The EIR's Water Supply Analysis Is Inadequate.

The water supply for SEDA is only shown to be adequate up to 2035, and only if groundwater conditions do not change due to climatic changes or regulatory changes due to the Sustainable Groundwater Management Act.

The DEIR does not show that adequate water will be available to meet the anticipated demand from SEDA in addition to the demand from the rest of the City of Fresno past 2035, and not out to the purported build-out date

¹¹ Fresno Council of Governments. 2022. Regional Transportation Plan & Sustainable Communities Strategy. Available at <https://www.planfresno.com/sustainable-communities-strategies-fall-outreach/>.

¹² Fresno COG, 2022.

¹³ Fresno COG, 2022 (Emphasis added).

(and the build-out date used in the Air Quality and Greenhouse Gas sections of the DEIR, as discussed earlier in these comments.)¹⁴

The City has long relied heavily on pumped groundwater to satisfy its water needs, as set out at DEIR, page 3-18-3. The DEIR states that prior to 2004, the City obtained 100 percent of its water from groundwater, but had reduced that by half in 2019 and 2020. (DEIR, p. 3.18-5.) However, the City is located over, and has been obtaining pumped groundwater from, the Kings River Subbasin, which has been designated as a critically overdrafted (i.e., over-pumped) basin. (DEIR, p. 3.18-4.) The Kings Subbasin is within the jurisdiction of the North Kings Groundwater Sustainability Agency (GSA), which is required under the Sustainable Groundwater Management (AB 1739 [Dickinson], SB 1168 [Pavley], and SB 1319 [Pavley]) to attain sustainability of groundwater basins by 2040. (DEIR, p. 3.18-3 to 4.)

Accordingly, the City has increased its purchases of surface water, obtaining surface water from the US Bureau of Reclamation (USBR)'s Central Valley Project and the Fresno Irrigation District (FID). The City is now attempting to recharge the Kings Subbasin, but the amount of water it can devote to recharge is less in dry years. (DEIR, p. 3.18-4 to 5.) The DEIR acknowledges that the water from the Central Valley Project is not always available, stating that “there have been extremely dry years in which no water is [sic] supplied”; this previously occurred in 2014 and 2015. (EIR, p. 3.18-6.) In those years, Fresno received only somewhat more than half of its usual Central Valley Project water.

The addition of 45,000 people in the SEDA Project will, of course, increase demand for water in Fresno. (DEIR, p. 3.18-7 [“Water supply for the Specific Plan Area will be met with existing supplies initially but will require additional supplies to meet buildout demands.”]) The DEIR acknowledges that additional pipe infrastructure will need to be planned, sited, and laid (DEIR, p. 3.18-10). Plans for doing so are sketchy, at best, and it is not clear

¹⁴ The DEIR is riddled with analyses that focuses on 2035 at the expense of analyzing to the 2050 horizon year. For example, see pages 3.14-13 (Land Use), 3.15-8 (Public Services), 3.15-33 (also Public Services), p.3.17-32 (Transportation), and pages 2-5 and 406.

that the air quality and GHG impacts of that construction were included in the emissions totals in Tables 3.3-8 and 3.8-2. If they are not so included, those Tables are incomplete and misleading, and must be revised in a recirculated DEIR. The effects of supplying water in future years is it will impact other water users must also be analyzed.

However, there is another, fundamental, problem with the DEIR's analysis of water supply for the Project. The DEIR appears to analyze only the impacts of the Project on water supply to Fresno up to 2035 and *not* to 2050, when the full expected buildout and population of SEDA is expected. (Appndx. F, Water Technical Study, p.1.) The Fresno General Plan's "Horizon" date is 2035, although full buildout is not expected until 2050 or beyond. (*Id.*).

The DEIR analyzes water demand for SEDA only out to 2035. (Water Technical Study, pp. 24-25.) The analysis makes clear that the DEIR is not exact; many "reasonable assumptions" about demand have been made. (Water Technical Study, p. 19.) Still the most favorable (to the City and future developers) conclusion that the Technical Study can reach is that "existing City of Fresno water supplies *could* be sufficient to supply the future development in SEDA in addition to the existing demands." (Water Technical Study, p. 24, italics added.). However, the Technical Study's estimate of water supply to Fresno, including SEDA, bears the disclaimer that the conclusion is valid only "assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA." (Water Technical Study, p. 24.) That same disclaimer appears in many discussions of groundwater in the main text of the DEIR (see DEIR, pp. 3.18-4, 5, 66, 67 and 68).

The DEIR appears to base much of its analysis of groundwater availability on the premise that climate conditions will not change, and the North Kings GSA will not impose conditions that change the current situation. Given both the DEIR's Table 3.8-2 (at p.3.8-11) showing the alarmingly high expected temperature increases in the Fresno area, and given the over-drafted condition of the Kings Subbasin together with the North Kings GSA's legal mandate to restore over-drafted basins by 2040, it seems more than likely that the Kings Subbasin will experience changes that would not be in the DEIR's favor. The DEIR simply has not shown that water

supply will be adequate for the Project to the buildout date of 2050, or even to the date most discussed in the Water Technical Study, 2035. The DEIR is both procedurally and substantively deficient as to water supply, and it should be revised and recirculated.

F. The Final EIR Must Respond in Writing to Comments Made on the NOP.

When the Notice of Preparation (NOP) was circulated for the SEDA project, you received various letter regarding the scope of the EIR. We request that you respond to each of these NOP comment letters as if they were a comment on the Draft EIR, especially the letters of the California Department of Fish and Wildlife and the California Department of Conservation.

Additionally, we specifically incorporate by reference the letter of Leadership Counsel for Justice and Accountability, CCEJN, Fresno Building Healthy Communities, and Fresno Barrios Unidos dated March 25, 2022. (<https://www.fresno.gov/wp-content/uploads/2023/07/Appendix-A-EIR-Noticing-and-Public-Involvement-COMBINED.pdf>, p. 70.) This letter rightfully comments as follows; we request that you respond to each of these points and every other point made in this letter:

First, given the significance of the SEDA to the future development of Southeast Fresno communities, it is of the utmost importance that the City proactively and meaningfully engage residents within and around the planning area. This means that the City must incorporate residents' input into the SEDA and EIR by revising land use designations to include community-led development like higher density housing, green space, affordable commercial and residential spaces, and so on. It must also have policies and implementation measures for active investment into Southeast Fresno neighborhoods by businesses and the City alike in essential infrastructure, services, amenities, and community greening. To do less is to perpetuate the long-held City practice of denying Southeast Fresno residents their rights to shape the future of their neighborhoods and access to opportunity on the same terms as other Fresno residents.

Below you will find additional comments in response to the Notice of Preparation:

I. The Proposed Land Use Map is Inconsistent with Local and State Climate, Housing, and Transportation Goals and Policies to Build Equitable Climate Resilient Communities

As previously noted, it is unclear and of significant concern to what extent authentic public participation took place during this process from over a decade ago. The former process took place at the tail end of the housing bubble when building single-family homes in the outskirts of the city limits was the priority and norm. This type of “leapfrog” development remains reflected in the SEDA land use map as a large portion of the 9,000 acres is zoned for low-density single-family housing. This is inconsistent with the current climate, housing, and transportation goals that aim to build communities with a variety of development and density to make them accessible to various incomes and for communities to get around by alternative modes of transportation.

Further, the second-largest land use is zoned for flexible research and development, which leaves space for more light industrial use, further industrializing south Fresno BIPOC communities. This current process is in stark contrast with other specific plans prepared and adopted by the City in recent years, which have emphasized resident self-determination in shaping their built environment, planning for complete and healthy communities, smart growth-promoting land use compatibility, and investment strategies and implementation measures designed to bring those plans’ vision to life. The City must not proceed with its efforts to further cement unjust and exclusive land-use patterns in City planning practices.

Fourteen years later, we have learned that this growth pattern is economically and environmentally unsustainable as the City now struggles to balance the need to build out the infrastructure and maintain public services in these communities while attending to decades of deferred maintenance in established neighborhoods. This is reflected in the 2015 General Plan praised for limiting unsustainable sprawl growth and focusing on efficient infill development.

(Letter of Groups, pp. 1-2, available at <https://www.fresno.gov/wp-content/uploads/2023/07/Appendix-A-EIR-Noticing-and-Public-Involvement-COMBINED.pdf>, pp. 70 et seq of PDF.)

Conclusion.

The DEIR must be revised and circulated properly to the public and to public agencies.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in blue ink that reads "Douglas P. Carstens". The signature is written in a cursive style with a long horizontal stroke at the end.

Douglas P. Carstens
Michelle Black

PATIENCE MILROD

LAWYER/LICENCIADA EN LEYES

August 28, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

Sent by email: adrienne.asadoorian@fresno.gov

RE: Public Comment on Southeast Development Area Plan and draft Program Environmental Impact Report

Dear Ms. Asadoorian:

On behalf of the Fresno Madera Tulare and Kings Counties Central Labor Council, the Central Valley IAF, and Regenerate California Innovation (RCI), please incorporate the following comments regarding the City's Southeast Development Area Specific Plan and draft Program Environmental Impact Report into the record of this matter.

The Southeast Development Area Plan and draft Program Environmental Impact Report (PEIR) are not ready for public discussion, let alone Council action.

There are great gaps and fatal flaws in the Plan and the draft PEIR – missing information that will be essential to a fiscally, politically, and environmentally responsible decision about this project. These flaws and gaps are all correctible, but they will require additional time, attention, and analysis. It is far more appropriate that the SEDA plan be considered, and evaluated, in the context of the City's next General Plan update.

Vital but unanswered questions at this point include:

- **Who pays for infrastructure, and how?**

SEDA infrastructure (at 2022 prices) has been estimated to cost somewhere between \$1 and \$2 billion. But either the SEDA infrastructure assessment has not been completed¹, or has not been made public: it is definitely not in the Plan or in the draft PEIR.

¹ This despite the fact its preparation was among the deliverables in FirstCarbon Solutions' scope of work: see, Consultant Service Agreement between City of Fresno (City) and FirstCarbon Solutions (Consultant), Southeast Development Area Specific Plan, executed November 4, 2020, Exhibit A, Attachment A: Scope of Services, Subtask 1.1.2, and Task 2.

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In fact, the Plan includes neither the infrastructure finance plan², nor the fiscal nexus study³, nor the fiscal impact analysis⁴, needed to ensure adequate resources to cover this billion-ish infrastructure price tag.

The City itself has admitted as much: its 2020 application to the California Department of Housing and Community Development (HCD) for a \$625,000 SEDA planning grant acknowledged that “an infrastructure assessment, and a fiscal nexus study *must be completed prior to adoption*.”⁵ [emphasis added.] That was, and remains, true: approval of the Plan and PEIR without these crucial components would be foolhardy and premature.

Especially pertinent to the fiscal wisdom of City investment in SEDA infrastructure: the Consultant Service Agreement required a Qualitative Fiscal Review, but no such review has been made public. Such a review would clarify “whether or not the existing targeted tax sharing parameters will remain feasible with the development of the SEDA Specific Plan.”⁶

Given that the existing City/County 32%/68% tax-sharing agreement is extremely disadvantageous to the City, and that efforts to persuade the County to a more equitable division of revenues have reportedly been stalled for many, many months and show no promise of reviving, it is vital that the public and the City Council be fully apprised of the fiscal hole the City digs for itself when it dumps money into annexation-area investments such as SEDA. The Council must have this information before deciding whether to greenlight SEDA planning at this time.

The draft PEIR promises⁷ that the Plan will provide “self-financing for the development and ongoing maintenance of the SEDA that does not reduce City of Fresno resources dedicated to other areas of the City or burden Fresno residents outside of the SEDA.” This commitment to private financing is consistent with the City’s draft 6th Cycle Housing Element, which insists that any growth in low-priority development areas (including SEDA) “would require all infrastructure costs to be borne by the new development.”⁸

However, the draft PEIR then contradicts itself, asserting later in the document that infrastructure costs will be “funded through a **combination** of public and private funding.”⁹ If the idea is to commit *any* public funding to SEDA’s infrastructure, the City must calculate

² Also a deliverable per the November 2020 Consultant Service Agreement, *id.* at Subtask 1.1.3 – 1.1.7.

³ Also a deliverable per the November 2020 Consultant Service Agreement, *id.* at Subtask 1.1.8 – 1.1.9.

⁴ The City Council in 2020 approved a budget of \$215,000 for a Fiscal Impact Analysis and interactive modeling tool to analyze the various impacts on the City’s general fund of infill and greenfield projects in the context of its General Plan. (See, June 18, 2021, Agreement for Consultant Services between City of Fresno and Economic & Planning Systems, Proposed Work Program.) On information and belief, that analysis and tool were designed for large-scale projects such as SEDA, have been completed and are suitable for application to the SEDA project, and have already been usefully applied to at least one similarly large-scale Specific Plan. However, with respect to SEDA, the City has either not requested that analysis, or has not disclosed its conclusions.

⁵ [Fresno City SB 2 Planning Grants Application](#), Section E, Project Description, p. 6.

⁶ November 2020 Consultant Service Agreement, *id.* at Task 1.2.

⁷ SEDA draft PEIR, p. ES-2.

⁸ Fresno Multi-Jurisdictional Housing Element | July 2023, p. 1E-3-81.

⁹ SEDA draft PEIR, p. 2-3.

those costs (including, for example, debt service on bonds), develop a plan to pay for them, and make those costs and payment structures public well before plan adoption.

The City admits that it has such documents, but refuses to make them public, claiming (without evidence) that they are “privileged,” and that the public interest in keeping them secret outweighs the public interest in disclosing them, because the studies are “ongoing,” and disclosure of cost estimates would provide “incomplete information.”

We are informed and believe and on that basis assert that the City is in possession of its departments’ and consultants’ best and final estimates of projected infrastructure costs. Of necessity these costs will be *estimates*, since they involve projections into the future; this does not make them “incomplete” or otherwise disqualify them as a basis for considering the adequacy of the SEDA plan and its EIR.

Moreover, both the California Environmental Quality Act and the Public Records Act require maximum disclosure of information the government holds. In this case, the very fact that the studies are incomplete (if they *are* incomplete) is of public interest. Whether the available numbers are “final” or not, the public, and the City Council, are entitled to know what information is available at this time on this vital question, to what extent and in what way(s) it is claimed to be “incomplete,” what further studies or analyses still need to be conducted, and when that work will be completed.

These important questions of “how much?” and “who pays?” – to which the City itself offers conflicting answers right now – must be answered *before* the Plan can be approved. With such inadequate information, the City cannot legitimately make findings of overriding consideration that effectively commit us all to writing a blank check for likely unneeded and massively expensive new infrastructure investments in the SEDA area.

- **Will there be enough new Fresnans to populate SEDA?**

The draft PEIR relies on old and inaccurate population growth figures, and therefore grossly overstates the actual increase in numbers of new Fresnans over the next three decades. (See Keith Bergthold’s August 28, 2023 comment letter.) As a result, the Plan assumes a demand for housing, and associated infrastructure, that current, accurate population growth figures do not support.

Moreover, a recent study shows that, to the extent new residents *are* moving into Fresno from elsewhere, on average they are families with incomes *below* Fresno’s median income:

“The data show that the inflow of residents to Fresno County are in households with lower incomes than the City and County averages, suggesting that in-migrants may be seeking a more affordable cost of living that is available in the county; these households thus increase the demand for housing that is at and below the median price in the Fresno market.”¹⁰

Since new Fresnans will be competing for existing *affordable* housing, they will not be creating demand for SEDA housing. Instead, we can expect the historical pattern in Fresno to be also true for SEDA: new housing developments drive internal migration within the city rather than drawing new residents from other areas. That dynamic, in turn, lowers property values in existing neighborhoods, as homeowners relocate to a newer fringe

¹⁰ See, [Fresno Urban Decay Analysis](#), Economic Decay: Migration (source: Internal Revenue Service).

development; blight and physical decay reliably follow.¹¹

- **Will SEDA meet the housing needs of Fresnoans who already live here?**

The Plan itself does not commit to any particular number of homes at any particular price point; nor does it require as a mitigation measure that developers build so as to ensure any proportion of affordable-to-market-rate homes. But based on the SEDA proposed zoning map¹², and on the City’s application for the SEDA planning grant¹³, the SEDA Plan anticipates at most 9,000 *potentially* affordable multifamily units¹⁴ and 35,200 single-family units.

As it happens, the City’s own One Fresno Housing Strategy acknowledges that the City’s pressing needs are *not* for the single-family market rate housing SEDA will supply, but for housing affordable to low-income residents: “Historic poor land use planning, inequitable fair housing practices and the basic imbalance of supply and demand have all led Fresno to its current state of needing approximately 15,000 new and converted affordable housing units between now and 2025 to meet our residents’ needs.” One Fresno Housing Strategy, April 2022, Mayor’s Message, p. 2.

The One Fresno Housing Strategy makes clear that “Fresno needs 21,001 units for households who can afford no more than \$500 on monthly housing costs,” and “the City of Fresno has a glut of 28,310 single-family detached units over and above what Fresno households need based on household size.” *Id.* at p. 38. These are not housing needs that SEDA’s 35,200 additional single-family market rate homes will meet.

The City’s own quantified assessment of Fresno’s housing needs¹⁵ over most of the next decade shows more than adequate inventory for that new housing; not a single parcel from SEDA is needed to meet those goals.¹⁶

¹¹ “The city has seen various changes to population density over the past 50 years, indicating a shift in residential patterns. Outmigration in established centers perpetuates economic decay through a decline in support for commercial services.” *Id.*, Economic Decay: Population Density (source: Community Survey and Decennial US Census).

¹² Southeast Development Area Specific Plan, Map 2.5—SEDA Proposed Land Use, p. 22.

¹³ [Fresno City SB 2 Planning Grants Application](#), Section E, *Project Description*, p. 6.

¹⁴ Based on HCD’s zoning standard of at least 16 units per acre (see, [HCD By-Right Program Minimum Densities Table](#)). However, density standards are only a rough proxy for affordability; at this point—since the PEIR includes no enforceable mitigation measures imposed as conditions of entitlement—it is possible that not a single unit to be built in SEDA will be affordable to low-income families.

¹⁵ See, FRESNO MULTI-JURISDICTIONAL HOUSING ELEMENT, July 2023: Figure 1E-2.2 Sites Inventory, Fresno 2023, p. 1E-2-33; and Table 1E-1.1, Summary of Quantified Objectives, 2023-2031, p. 1E-1-35.

¹⁶ The SEDA PEIR admits as much at p. 2-1: “While there is still ample residential capacity within the current city limits and in Growth Area I (which includes the Southwest Fresno and the West Area Neighborhoods Specific Plan areas), there is a sense of urgency about the current housing crisis and the City’s ability to provide housing for the existing population and its natural growth as well as the unanticipated in-migration occurring at this time.” The PEIR includes no evidence justifying this supposed “urgency,” and California Department of Finance population growth figures flatly contradict it. Moreover, they do not reflect any “unanticipated in-migration occurring at this time,” and the EIR offers

The SEDA Specific Plan's claim that "the acceleration of the current housing crisis has created a 'substantial shortage' of homes and therefore prioritized completion of the SEDA Plan"¹⁷ is demonstrably untrue. This claim cannot therefore be the basis for legitimate, evidence-based findings of overriding consideration.

- **The PEIR fails to use reasonably available tools**

In preparing the PEIR, the consultants have failed to use readily available analytic tools to assess SEDA's air quality, transportation, human health impacts¹⁸, and fiscal impacts¹⁹, among others.

Certification of this draft PEIR's many conclusory statements, unsupported by scientific or objective data, would constitute an abuse of discretion.

- **Impact numbers are just wrong, or missing**

- Internal trip capture is overstated**

The PEIR must correct the counterfactual assumptions it makes about internal trip capture within SEDA. Professionally adequate analysis would recognize that only *second-generation* SEDA residents will be able to work, go to school, shop, and recreate within SEDA's boundaries to the extent claimed, since commercial and employment centers will lag a decade or two behind housing development and occupancy. This serious analytic error in turn generates drastically underestimated traffic impacts, which in turn results in material undercounting of air quality impacts, which in turn would invalidate any human health impact analysis based on these data, if such an analysis had been done.

- The draft PEIR must include ozone calculations**

The draft PEIR's Air Pollution Description and Health Effects discussion (at pp. 3.3-11 – 3.3-31) lists criterion pollutants, generally describes their adverse effects on human health, and identifies the regulatory programs intended to curb air pollution, including (3.3-23 – 24) the ozone reduction/prevention plans for the San Joaquin Valley Air Basin nonattainment area. There is no discussion of the human health impacts of the additional pollution load this project contributes to Fresno's already-dirty air.

The PEIR does not calculate the anticipated parts per million (ppm) of ozone resulting from SEDA construction and operations; although NO_x and ROG are estimated, the reader has no idea how much ozone will be produced (i.e., whether the amount of ozone resulting from the ROG and NO_x pollution will bring the ozone ppm within the 0.10 to 0.40 range). Given that the measures for both exceed the thresholds of significance, this omission renders the draft PEIR's air quality analysis inadequate. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 520.

The ozone discussion must, of course do more than calculate the NO_x + ROG figure but must also factor in the rising temperatures actually being experienced and expected to

no evidence in support of this apparently fictitious phenomenon.

¹⁷ Draft SEDA Specific Plan, p. 9.

¹⁸ See, e.g., tools referenced at SJVAPCD's 2015 Plan for the 1997 PM_{2.5} Standard, Chapter 3: Health Impacts and the Health Risk Reduction Strategy, p. 3-20.

¹⁹ See fn. 4, *supra*.

increase over the project implementation period. See SJVAPCD Redesignation Request, Appendix B: Analysis of Meteorology Affecting Ozone Levels, p. B-8:

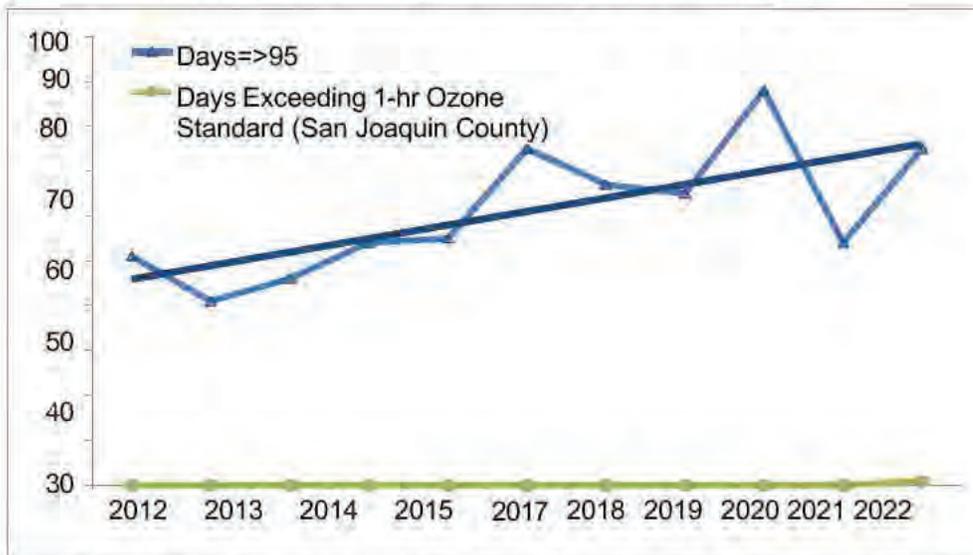


Figure B-7 Number of Days per Year with High Temperatures $\geq 95^{\circ}\text{F}$ at Stockton Airport (May-October) and Days Exceeding the 1-hour Ozone NAAQS (2012-2022)

As importantly, ozone calculations must be based on an accurate VMT figure derived from realistic, evidence-based VMT projections that correct for the excessively optimistic internal trip capture assumptions of this Draft PEIR.

The draft PEIR must include a human health impact analysis

The PEIR fails to include an analysis that correlates the project's emissions of air pollutants to its impacts on human health, rendering the draft PEIR's air quality analysis inadequate. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, at pp. 517-520.

Because ozone is not confined to the site where it is generated, piecemealing human health impact analyses on a development-by-development basis, as the draft PEIR proposes, both grossly understates the health impacts, and makes their mitigation almost impossible.

Moreover, the draft PEIR deliberately misleads the public and decision makers about the seriousness of the air quality impacts SEDA will create, by discussing ROG separately from NO_x , and asserting that "direct exposure to ROG would not ... result in health effects." See, p. 3.3-58. There is no mention of the toxic cocktail that ROG creates when it combines with NO_x in the heat of a Central Valley summer afternoon. But ozone's effects on humans, especially children, are not trivial:

SJVAPCD describes ozone impacts in its Community Emission Reduction Program approved for SEDA-adjacent South Central Fresno²⁰: "Breathing ozone can trigger a variety of health problems, including chest pain, coughing, throat irritation, and congestion. It can reduce lung function and inflame the linings of the lungs. Repeated exposure may permanently scar lung tissue. Children are at a greater risk of experiencing negative health impacts because their lungs are still developing and they are more likely to be active outdoors when ozone levels are high, thus increasing their

²⁰ <http://community.valleyair.org/selected-communities/south-central-fresno>

exposure. Studies have linked rising hospital admissions and emergency room visits to higher ozone levels.” Appendix G: Health Impacts of Air Pollution, p. G-17.

Fresno State University’s Central Valley Health Policy Institute studied emergency room and hospital admissions in Fresno, Bakersfield, and Modesto on a daily basis for selected conditions, such as asthma and acute myocardial infarction (MI), that had been previously linked to air pollution in other studies. They determined that ozone was strongly linked to increased risk for asthma ER visits in children during the hottest summer months. Moreover, asthma ER admissions are also strongly linked to increasing PM2.5 across the Valley, with a higher risk in children. Further, risk for asthma hospitalizations increased dramatically with PM2.5 in children and adults across the region. A moderate increase in risk of acute MI (heart attack) was also linked to PM2.5 levels regionally, as were pneumonia ER visits in children and acute bronchitis ER visits in adults.²¹

Water impacts are egregiously underestimated

It appears the City has not factored drought conditions or climate change projections into its water supply sustainability calculations. Figure ES-2, Projected Water Supplies²², shows an increase of almost 21,000 AFY in available groundwater between 2025 and 2045, plus another 6,500 AFY increase in surface water over the same period.

However, the draft PEIR recognizes that across California, climate change will result in a “reduction in the quality and supply of water from the Sierra snowpack,”²³ a source on which the City of Fresno is heavily reliant for both surface water and groundwater recharge. The Draft PEIR reports that by 2050, such impacts in the Fresno area will reduce the average water supply from snowpack to two-thirds historical levels, and “If emissions reductions do not occur, water from snowpack could fall to less than one-third of historical levels by 2100.”²⁴

Not only are these concerns not discussed in the Plan or the draft PEIR, but they are explicitly minimized in the discussion of hydrology and water quality. There, the PEIR proposes a cheerful water outlook, repeating in multiple places the phrases “during normal water years” and “assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA.”²⁵ These are objectively unreasonable assumptions, but there is no discussion of a fallback position in the (likely) event the PEIR’s sunny projections are inaccurate.

Mitigations for hydrology impacts are ill-considered; City taxpayers will bear the cost

Not only are the projections unreasonably optimistic, but this is yet another place where the City’s failure to do the program-level work of infrastructure planning, accurate environmental assessment, and imposition of mandatory, system-wide, coordinated

²¹ Capitman & Tyner, *The Impacts of Short-Term Changes in Air Quality on Emergency Room and Hospital Use in California's San Joaquin Valley*, California State University, Fresno, June 2011.

²² Draft PEIR, Appx. F, p. ES-7.

²³ Draft PEIR, p. 3.8-9.

²⁴ *Id.*, p. 3.8-10.

²⁵ *Id.*, p. 3.10-40.

mitigation measures predictably exacerbates environmental impacts.

Mitigation measures HYD-2b and HYD-2c require the City to refuse to approve proposed SEDA developments that would exceed “existing water supply capacity,” and to “secure additional water supplies by securing additional water sources” prior to any such development approvals. This post-facto proposed mitigation – the costs of which are scheduled to be borne by City taxpayers and not by SEDA’s developers or ultimate residents – is far inferior to plan-level mitigations prescribed in the Program EIR.

But to achieve plan-level efficiencies and effectiveness, the draft PEIR would have to include the information in the “pending” SEDA Public Facilities Financing Plan (no due date disclosed) and/or “EIR-related water infrastructure planning tasks” (whatever those may be)²⁶. Apparently this vital information will be developed after SEDA approvals.

- **The PEIR is inconsistent with other public planning documents**

- Air quality attainment status**

The draft PEIR’s air quality impact analysis is inconsistent with the San Joaquin Valley Air Pollution Control District’s “Proposed 2023 Maintenance Plan and Redesignation Request for the Revoked 1-Hour Ozone Standard” (SJVAPCD Redesignation Request) adopted by the Air District Board on June 15, 2023.²⁷ That document is intended to persuade the federal Environmental Protection Agency to terminate anti-backsliding provisions for the revoked 1-hour ozone standard, including Section 185 nonattainment fees. Toward that end, the document includes both proofs of compliance and a maintenance plan. It clearly does not factor in the ozone contributions SEDA would make to the Valley’s pollution load.

Specifically, SJVAPCD’s Redesignation Request, Appendix A: Emissions Inventory (pp. A-1 through A-4), projects annual anticipated pollution levels for NO_x through 2036. A layperson – including a member of the public, the Planning Commission, or the City Council – must be confounded comparing the Air District’s all-Valley numbers in identified years to the numbers this project alone will generate.

NO_x – summer average in tons/day

Year	Entire San Joaquin Valley, per SJVAPCD ²⁸	SEDA, per PEIR	SEDA % increase over total SJV
2026	119.50	180.529	151.07%
2031	97.49	170.8218	175.22%
2036	84.13	168.2333	199.97%

²⁶ SEDA Specific Plan, pp. 100-109, *passim*.

²⁷ See, SJVAPCD [2023 Maintenance Plan and Redesignation Request for the Revoked 1-Hour Ozone Standard](https://ww2.valleyair.org/rules-and-planning/air-quality-plans/ozone-plans/) – see <https://ww2.valleyair.org/rules-and-planning/air-quality-plans/ozone-plans/>.

²⁸ SJVAPCD Proposed 2023 Maintenance Plan and Redesignation Request for the Revoked 1-Hour Ozone Standard, Appendix A: Emissions Inventory, p. A-4. The document provides changes in VOC over time and does not sum up ROG separately; it will therefore be important for an adequate SEDA ozone analysis to determine, and to include as a point of comparison, how SEDA ROG emissions will compare to regionwide ROG production during the identified years, in order to report accurately the extent to which SEDA will impede achievement of regionwide air quality improvement goals.

This chart illustrates the huge impact of SEDA on Valley air quality: by 2036, SEDA alone is projected to produce double the amount of NO_x being produced *across the entire rest of the San Joaquin Valley*.

The PEIR must acknowledge these data, explain them in the context of the SEDA proposal, and provide fact-based analysis of the proposal's air quality impacts that take these data into account. The draft PEIR's passing confession that "Emissions of VOC and NO_x that exceed the Valley Air District regional threshold would cumulatively contribute to the ozone nonattainment designation of the SJVAB" (p. 3.3-56) is inadequate. Exceedances at this scale require some effort beyond falling back on General Plan mitigation measures that never anticipated impacts of this scale.

2035 General Plan

The Draft PEIR is inconsistent with the City's 2035 General Plan. Although the draft PEIR claims that construction of the 45,000 new SEDA dwelling units by 2050 "would be considered planned growth" consistent with the vision of the 2035 General Plan (SEDA draft PEIR, p. 3.14-13), the Draft PEIR fails to acknowledge that the General Plan's proposed growth trajectory puts SEDA development in third place, after Development Areas 1 and 2.²⁹ To allow SEDA to jump the line into first place is *not* how the City has planned its growth; such reorganizing of development priorities is inconsistent with the General Plan, and creates significant adverse fiscal and environmental consequences for the City and its existing neighborhoods that the General Plan specifically strives to avoid by its new-growth priorities hierarchy.

Moreover, accurate population projections contradict the draft PEIR's claim that "full buildout of the proposed project would...provide housing to meet the demand for new residential units."

Housing element

The draft PEIR is inconsistent with the City's draft Housing Element. The Draft PEIR uses outdated Regional Housing Needs numbers from the 2015-2023 cycle, rather than current 2023-2031 numbers already available and cited in the City's own proposed 6th Cycle Housing Element.

More importantly, it undermines the Housing Element's corrective approach to decades of poor planning. Fresno's 6th cycle draft Housing Element acknowledges that "growth in the City of Fresno over the past few decades has traditionally been low density suburban development, which has resulted in conditions of sprawl in various areas of the city." Fresno Multi-Jurisdictional Housing Element July 2023, Appendix 1E: City of Fresno, 1E-4-1.

The Housing Element therefore proposes to fill a perennial critical gap in the City's capacity to provide and upgrade housing in legacy neighborhoods: "As part of the implementation of the Housing Element, programs are identified to upgrade the city's infrastructure as needed in low- and moderate-income neighborhoods with the greatest needs. Priority for infrastructure projects will be given to serving established neighborhoods, including generally south of Herndon Avenue as shown in Figure 1E-3.36: Priority Areas for Development Incentives, along BRT and enhanced transit corridors, and in the Downtown Planning Area, consistent with General Plan policies." Housing Element, 1E-3-81 [emphasis

²⁹ Housing Element, Figure 1E-3.37, which shows Growth Area 2 to include SEDA, labeled "DA-3."

added].

A City decision to invest \$1 billion in SEDA infrastructure is inconsistent with the Housing Element's commitment to correct the City's history of neglecting older neighborhoods. In the zero-sum game of municipal finance, and especially in the absence of a SEDA infrastructure financing plan, there is no way to ensure adequate resources to fund "Priority Investments in Established Neighborhoods" as already identified in the General Plan³⁰. Committing now to massively expensive infrastructure not needed for new housing directly conflicts with the General Plan by privileging new growth over strengthening established neighborhoods. In addition, it foreseeably, substantially, contributes to physical blight and decay, with resulting economic decline, in all non-SEDA areas of the City³¹.

Again, consistently with the General Plan, the 6th Cycle Housing Element inventory does not identify parcels in SEDA as necessary to meet Regional Housing Needs between now and 2031. See, Figure 1E-3.39 at p. 1E-3-82. Instead, the Housing Element identifies SEDA as Development Area 3, as does the General Plan—the last in priority for development on the fringe areas. See, Housing Element, Figure 1E-3.37, which shows Growth Area 2 to include SEDA, labeled "DA-3" for Development Area 3. "Growth Area 2 has significantly less access to completed infrastructure. Any development in these areas would require all infrastructure costs to be borne by the new development." 1E-3-81.

City of Fresno Greenhouse Gas Reduction Plan

By 2035, SEDA's own carbon dioxide emissions per year (510,000 tons) will almost equal the reduction to which the City committed in its 2021 Greenhouse Gas Reduction Plan (559,000 tons annually).

The draft PEIR fails to itemize or quantify the benefits of the theoretic mitigation measures it mentions. As with transportation impacts, the decision to urbanize 9,000 rural acres 10 miles from the nearest urban center makes it very difficult to achieve efficiencies in energy use and transportation emissions, requiring a higher level of effort and analysis to achieve measurable mitigations.

The fact that the task of mitigation is complicated does not relieve the City of its obligation to seriously consider feasible mitigation measures, and to make them mandatory conditions of entitlement for any development in the SEDA. This it has failed to do.

- **The PEIR piecemeals assessments of environmental impacts, and mitigations**

The City's 2020 application to HCD for the SEDA planning grant committed to project streamlining as one of the SEDA plan's deliverables by incorporating "environmental analyses that eliminate the need for project-specific review."³² This makes sense, in light of the City's claim that it needs SEDA in order to expedite thousands of urgently needed new homes.

If the City *had* conducted those environmental analyses it promised to do, it would have been able to keep another of the promises it made to HCD: a Program EIR under which "future development will also utilize an expanded exemption under Government Code

³⁰ See summary in June 2023 draft Housing Element, p. 1E-3-80.

³¹ See, [Fresno Urban Decay Analysis](#), ECONorthwest, 2023.

³² [Fresno City SB 2 Planning Grants Application](#), Section D, *Proposed Activities Checklist*, item 3, p. 5.

Section 65457 that will apply to certain residential, commercial, and mixed-use projects that are consistent with a specific plan adopted pursuant to Government Code, Article 8, Chapter 3 and would be exempt from CEQA.”³³

The Plan pays lip service to streamlining, promising “Fiscal Responsibility” by “holistically coordinat[ing] infrastructure to integrate efficiencies that piecemeal planning cannot,” and otherwise coordinating systems and networks for efficiency and economy.³⁴

But the Plan and the draft PEIR fail so utterly to provide either plan-scale impact analysis or plan-scale mitigation measures that the draft PEIR itself repeatedly prescribes both environmental assessment and imposition of mitigation measures only during the City’s approval process for subsequent discretionary projects within the SEDA footprint – for air quality impacts, transportation impacts, water supply impacts, etc. That is, the City will need to subject every new project to environmental review in order to determine if its impacts are potentially significant, and what mitigation measures should be imposed – exactly the process streamlining is intended to avoid.

Statements by City officials in recent days make this only too clear, most explicitly from City spokesman Brandon Johansen, whose email to a reporter admitted “As individual projects are filed within the Southeast Development Area, they will be evaluated under CEQA to determine project impacts and mitigation measures.”³⁵ Planning Director Jennifer Clark listed “some follow up things that will need to occur, including the impact fees, and the financing plan for the infrastructure.”³⁶

Obviously, this approach makes streamlining impossible (unless the idea is to use the PEIR to evade environmental review and mitigation for follow-on projects, which has been known to happen in Fresno). Absent streamlining, the City cannot accomplish its claimed goal of expediting housing production.

As importantly, this approach renders impossible “holistic coordination of infrastructure to integrate efficiencies that piecemeal planning cannot,” much less creating systems and networks for efficiency and economy.

Finally, a project-by-project evaluation of air quality, water supply, and transportation impacts makes effective mitigation of SEDA’s large-scale environmental degradations illusory at best. A 9,000-acre project area, planted at such a remove from the city’s center, requires creative and transformative approaches to the environmental consequences of its placement and its population. Piecemealing precludes effective mitigation.

These are all good reasons to put SEDA on hold until adequate environmental analysis, and especially real mitigation measures, can be incorporated into the draft PEIR.

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³³ SB 2 Planning Grants Application, Section E, Project Description.

³⁴ Draft PEIR at p. ES-2.

³⁵ Greg Weaver, Another Clovis, but in southeast Fresno? City moves forward on mega-development plans, *Fresnoland*, August 25, 2023; <https://fresnoland.org/2023/08/25/city-of-fresno-eyes-seda/>; accessed August 27, 2023.

³⁶ *Ibid.*

- **Mitigation measures are inadequate at best**

The draft PEIR fails to propose mitigation measures that will have any mitigating effect on air quality impacts, although many tools and other resources are available for this purpose. The PEIR takes the position that plan-scale mitigations are infeasible, but this is inaccurate: the City's own 2020 VMT threshold guidelines document provides multiple mitigation options for community and general plans³⁷. It is objectively unreasonable, and an invitation to piecemealing that will defeat the whole purpose of a mitigation program, to suggest that it is impossible to impose plan-scale mitigation measures as enforceable conditions of development in SEDA.

The draft PEIR falsely claims that it has adequately canvassed and incorporated available air quality mitigation measures, but that "due to the magnitude of emissions generated by the residential, office, and commercial land uses proposed as part of the proposed project, no mitigation measures are available that would reduce cumulative impacts below the Valley Air District's thresholds." That the PEIR cannot find measures to reduce (for example) 2026 NO_x emissions from 180 tons per year to 10 does not mean there are *no* possible mitigations that would reduce NO_x emissions to (for example) 50: "Mitigation measures need not include precise quantitative performance standards, but they must be at least partially effective, even if they cannot mitigate significant impacts to less than significant levels." *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 404; §§ 21051, 21100; Guidelines, § 15370. It is not an option in 2023 to effectively abandon the effort, when air pollution from this project would so massively exceed the entire total NO_x output for the rest of the San Joaquin Valley, creating avoidable illness and death, and torpedoing City efforts to reduce climate change impacts.

Moreover, the draft PEIR does not sufficiently account for its lack of specificity by assurances that a "Health Risk Assessment" (HRA) will be prepared later in the CEQA process, in connection with development-specific EIRs. (See, e.g., MM Air 3.1, 3.2.) *Sierra Club v. County of Fresno*, supra, 6 Cal.5th at p. 521. For one thing, an HRA is required by the California Health & Safety Code, § 44306, only to evaluate and predict the dispersion of hazardous substances. Secondly, a project-specific HRA is inadequate for assessing plan-scale impacts or for devising plan-scale mitigation measures – the very purpose of a Program Environmental Impact Report, but not remotely achieved by the SEDA draft PEIR.

The draft PEIR also fails to propose mitigation measures that will significantly reduce transportation impacts. Although the project triples vehicle miles traveled to almost 1 million per day, mitigation measures are inadequate. For the first two decades of the project's operation, its transportation and consequent air quality impacts are huge, both as a result of the concept itself – a new city of 145,000 planted in rural Fresno, 10 miles from the city's urban center – and of an apparent determination to impose no mitigation that might inconvenience or cost SEDA developers and builders.

- **There is plenty of time to fill in the missing information and analysis**

There is no emergency requiring immediate approval of this development plan. The City's own draft Housing Element establishes that there is more than adequate site inventory in the City to accommodate anticipated housing demand for at least eight years. More

³⁷ CEQA Guidelines for Vehicle Miles Traveled Thresholds, adopted June 25, 2020, City of Fresno; see, Appendix C, Vehicle Miles Traveled Mitigation Measures for Community Plans and General Plans. See also, SJVAPCD Emission Reduction Clean Air Measures – among many others.

importantly, adoption of this plan at this time will utterly defeat its claimed principal purpose, to facilitate streamlined housing production by anticipating and mitigating at a program scale the environmental impacts of such development.

Certainly within the next year, the City will be able to correct erroneous population projections and otherwise gather corrected data, use the correct tools to assess impacts, identify effective and enforceable plan-scale mitigations, and fully disclose those facts and analyses. Given the size and scale of the SEDA proposal, it may make most sense to roll its environmental assessment into the next General Plan update, which appears to be due in 2024.

Either way, as the situation now stands, it will be impossible for the City Council to make evidence-based findings that “specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment” (Public Resources Code, § 21081 (b)), or that the “unmitigated effects are outweighed by the project’s benefits.” (*Laurel Heights, supra*, 47 Cal.3d at p. 391.)

Please include my clients (see cc’s, below) and me on the notification list for next steps in this process. Thanking you for your attention to these matters, I remain,

Very truly yours,



PATIENCE MILROD

Attorney for Central Valley IAF, Fresno Madera
Tulare and Kings Counties Central Labor Council,
and Regenerate California Innovation

- cc: Dillon Savory, Fresno Madera Tulare and Kings Counties Central Labor Council, by email to dsavory@myunionworks.com
Keith Ford, Central Valley IAF, by email to theabsolutmoose@gmail.com
Keith Bergthold, Regenerate California Innovation (RCI), by email to keith@regenerateca.org
Jennifer Clark, Development Director, by email to Jennifer.Clark@fresno.gov
Sophia Pagoulatos, Manager of Long-Range Planning, by email to Sophia.Pagoulatos@fresno.gov
Andrew Janz, City Attorney, by email to Andrew.Janz@fresno.gov



CITY OF SANGER

1700 7TH STREET

SANGER, CALIFORNIA 93657-2804

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COMMUNITY DEVELOPMENT DEPARTMENT

DAVID BRLETIC, DIRECTOR

August 28, 2023

City of Fresno
Planning and Development Department
Adrienne Asadoorian, Planner III
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Notice of Availability of a Draft Program Environmental Impact Report (PEIR) for the Proposed Southeast Development Area (SEDA) Specific Plan Project

Dear Ms. Asadoorian:

The City of Sanger has reviewed the PEIR for the proposed SEDA Specific Plan. The project includes approximately 9,000 acres of residential, commercial, agricultural, and mixed-use opportunities for development to meet the growing needs of the area. The City of Sanger appreciates the opportunity to comment on the project.

The proposed project area is located approximately 2 miles west of the City of Sanger's Sphere of Influence (SOI) and City Limits. While outside of City of Sanger's review boundary, a project under CEQA addresses not only those impacts within the project area but cumulative impacts as well. A project of this magnitude being in close proximity to the City of Sanger has great potential to increase demand on City infrastructure, such as safety personnel and transportation infrastructure. The City encourages that the cumulative impacts regarding potential impacts on the City of Sanger be considered in the analysis.

The SOI acts as a tool for implementation of the City's General Plan and growth potential for the next 20 years. With housing demand fueling growth for the City, we are actively exploring ways to implement the General Plan through annexation programs with the Fresno Local Agency Formation Commission (LAFCo). As available land within the SOI for the City is reduced due to annexation and development, the City will seek expansions to the SOI to accommodate growth demand. We encourage and welcome open communication and coordination between neighboring communities so that proper and orderly development may proceed as the planning areas for the City of Sanger and Fresno become closer in proximity.

Mentioned above, the planning areas of the City of Sanger and Fresno have become closer in proximity. The City of Sanger is a community of many long-time residents who proudly associate their identity as such. When planning areas meet and distinguished boundaries become less recognizable, that feeling of identity may be challenged. The City wants to continue to maintain community identity.

We appreciate the opportunity to provide comments on the project from our perspective and welcome any communication between us that would facilitate our comments. If you have any questions regarding this matter, please contact David Brletic, Community Development Director at 559-876-6300, ext. 1520, or dbrletic@ci.sanger.ca.us.

Sincerely,



David Brletic
Community Development Director

CC: Greg Garner, Acting City Manager
Derek Sylvester, Senior Planner

From: [REDACTED]
To: [Adrienne Asadoorian](#)
Cc: [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District6](#); [District7](#); [District5@fresnocountyca.gov](#); [District4@fresnocountyca.gov](#); [Sophia Pagoulatos](#); "[Dale Reitz](#)"
Subject: Comments on Draft Program EIR for Fresno Southeast Development Area Specific Plan Project - Comments by Mark Reitz and Dale Reitz
Date: Saturday, August 19, 2023 6:48:24 PM
Attachments: [SEDA Comments on Program EIR Reitz 8-19-2023.pdf](#)

External Email: Use caution with links and attachments

We would like to congratulate and thank the city of Fresno for their work in preparing this significant document and moving towards adoption of a Specific Plan for the Southeast Development Area that has been discussed and anticipated since 2007. As long-time property owners of a family home and farm within this area for over 100 years at 1080 S. Temperance (east of Temperance between the Railroad and Church Avenues), we and our neighbors welcome the opportunity to provide input to this Plan, and hopefully provide local perspective to responsible growth and for the benefit of the city of Fresno for years to come.

The attached letter provides our comments and recommended changes to the Draft Program EIR related to adoption of the Land Use Plan for this Specific Plan.

We request that the **Consolidated Business Park Alternative (Alternative 2)**, be adopted as the preferred land use plan and the Specific Plan be adopted as such.

If you have any questions, you may contact us at the address and contact information below. Please provide acknowledgement that you received our letter.

Mark Reitz PE

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Dale T. Reitz

[REDACTED]
[REDACTED]

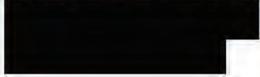
From: [Tom Lang](#)
To: [Adrienne Asadoorian](#)
Cc: [Aletha Lang](#); [District 5](#); [District4@fresnocountyca.gov](#); [District3@fresnocountyca.gov](#);
[District2@fresnocountyca.gov](#); [District1@fresnocountyca.gov](#); [bspaunhurst@fresnocountyca.gov](#);
[aolivas@fresnocountyca.gov](#)
Subject: Comments regarding SEDA Specific Plan and Environmental Impact Report
Date: Tuesday, August 22, 2023 3:49:25 PM
Attachments: [SEDA Letter Tom and Aletha Lang.pdf](#)

External Email: Use caution with links and attachments

Dear Adrienne Asadoorian, Planner,
Fresno County Board of Supervisors,
Staff and Commissioners of the Fresno
Local Agency Formation Commission
(LAFCo)

Please see our attached signed PDF
comment letter in opposition for
inclusion in the public comment section
of the Environmental Impact Report for
the City of Fresno's SEDA Specific Plan

Sincerely,

Tom and Aletha Lang




August 28, 2023

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street
Third Floor, Room 3065
Fresno, CA 93721

By Email: adrienne.asadoorian@fresno.gov

Re: Draft EIR, Southeast Development Area Specific Plan

Dear Ms. Asadoorian:

I am submitting the following comments on the Draft Environmental Impact Report (DEIR) for the Southeast Development Area (SEDA) Specific Plan on behalf of the Center for Biological Diversity. The Center is a non-profit environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 87,000 members worldwide, including in the City of Fresno and surrounding areas.

The EIR Must Address the SEDA Specific Plan's Foreseeable GHG Impacts

The DEIR concludes that the Specific Plan will have a significant, unavoidable impact after mitigation due to its anticipated net operational greenhouse gas emissions, which, at buildout, are estimated at 510,791 metric tons of CO₂ equivalents. No project-specific mitigation measures are proposed for this significant impact. The DEIR does propose that subsequent discretionary projects under the Specific Plan will be subject to General Plan PEIR Mitigation Measure MM GHG-1.1, which requires confirmation that projects are consistent with the City's 2021 GHG Reduction Plan Update and implementation of all measures deemed applicable through the GHG Reduction Plan Update Project Consistency Checklist.

The DEIR acknowledges that the Specific Plan is itself inconsistent with the GHG Reduction Plan Update. Individual projects under the Specific Plan will also be inconsistent with the GHG Reduction Plan Update. Merely applying the Project Consistency Checklist cannot make a project consistent with the GHG Reduction Plan Update, nor does applying the Checklist mitigate the foreseeable GHG impacts of the Specific Plan.

CEQA does not exempt specific plans from the requirement to adopt all feasible mitigation measures, nor does it relieve program EIRs from the requirement to evaluate feasible mitigation measures for the foreseeable environmental consequences of a specific plan. The DEIR concludes that there are no feasible project-specific mitigation measures, but none are

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considered. Despite this omission, there is a broad range of mitigation measures that can be adopted at the Specific Plan level to guide future development. A representative but non-exclusive list of such measures includes the following:

- Require onsite renewable energy generation (ideally rooftop solar or community solar) to meet all residential and commercial energy demand.
- Require all construction to exceed Title 24 Energy Efficiency Standards by 20% in light of the Specific Plan's extended buildout.
- Require installation of all-electric energy efficient appliances.
- Require use of high efficiency public street and area lighting.
- Increase transit accessibility and reach by providing transit incentives to construction personnel and future residents; build transit facilities during initial phase of build out; include reliable connections to existing public transit.
- Require pedestrian friendly measures including interconnecting street/pedestrian networks; narrower roadways and shorter block lengths; sidewalks; tree canopy for shade and transit shelters.
- Require traffic calming measures including marked crosswalks, curb extensions, raised crosswalks, roundabouts, and planter strips with native vegetation.
- Require a neighborhood electric vehicle network.
- Require bicycle-friendly designs including bike lanes, bike sharing programs, bike parking, and dedicated bike trails.

In addition, Appendix D of the California Air Resources Board's 2022 Scoping Plan Update provides a set of measures and criteria to achieve equitable reduction of GHG emissions, including:

- Utilizing existing infill sites that are surrounded by urban uses, and reuse or redevelop previously developed, underutilized land presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer).
- Providing proximity to public transit (within ½ mile).
- Ensuring that development does not result in the loss or conversion of the State's natural and working lands.
- Requiring installation of all electric appliances, without any gas connections for space heating, water heating, or indoor cooking.
- Making at least 20 percent of residential units affordable to lower-income residents.
- Ensuring no net loss of existing affordable units.
- Providing EV charging infrastructure at least in accordance with CalGreen Tier 2 standards.

While application of the GHG Reduction Plan Update Project Consistency Checklist may provide some comparable measures, the Checklist does not ensure that all feasible mitigation measures have been adopted. In addition, if these measures are not sufficient to mitigate the Specific Plan's anticipated GHG emissions to less than significant levels, additional mitigation is available in the form of GHG offsets achieved through the purchase of solar generation and

energy efficiency upgrades for local low-income residents and businesses. Only after these and other measures have been considered and fully evaluated can the City conclude that the Specific Plan will result in significant, unavoidable GHG impacts.

The DEIR improperly discounts the Specific Plan’s anticipated GHG impacts from construction, stating (p. 3.8-44) that “Short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change.” The DEIR, however, projects that construction emissions will total more than 2.3 million metric tons of CO₂ equivalents over 20 years, with average annual emissions of over 115,000 metric tons. There is no support for the DEIR’s conclusion that “future development under the proposed project at construction would not result in significant adverse effects related to GHG emissions.”

The DEIR should be revised and recirculated to evaluate feasible mitigation measures for the Specific Plan’s foreseeable operational and construction GHG impacts.

The DEIR Does Not Adequately Address the Availability of Water for the Specific Plan

The DEIR concludes that the City’s existing water supplies will be adequate to serve future development under the Specific Plan, which could include 45,000 new residential units by 2050, while still meeting existing demands (p. 3.18-66). Accordingly, the DEIR does not evaluate the Specific Plan’s environmental consequences of obtaining new water sources, or its impacts on existing residents.

The DEIR’s analysis considers potential water availability during wet, dry, and multiple dry years, but its conclusion assumes that the City’s long-term average water supply obtained from surface water sources will remain relatively stable. According to Appendix F at p. 6-17 (Water Technical Study), the City’s allocation of Fresno Irrigation District water diverted from Kings River is projected to remain at a steady percentage of the average Fresno Irrigation District deliveries between 1964 and 2019—453,800 acre-feet per year. This assumption is likely invalid in light of the foreseeable effects of climate change. Indeed, it is directly inconsistent with the acknowledgment elsewhere in the DEIR that “By 2050, the average water supply from snowpack is projected to decline to two-thirds from historical levels. If emissions reductions do not occur, water from snowpack could fall to less than one-third of historical levels by 2100.”

If the anticipated decline in surface water supplies due to climate change are considered in the Specific Plan’s water supply analysis, the Specific Plan’s water demand is likely to result in a significant shortfall in water supplies. The DEIR should be revised and recirculated to address the foreseeable effects of climate change on water supply available for development pursuant to the Specific Plan.

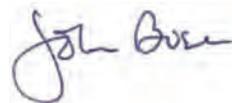
The EIR Does Not Adequately Address the Specific Plan’s Impacts to Swainson’s Hawks

As the DEIR acknowledges, the Specific Plan would potentially result in approximately 5,000 acres of farmland being converted to urban uses. The EIR wholly fails, however, to address the

importance of these agricultural lands as nesting and foraging habitat for the Swainson's hawk, a highly migratory raptor species known to occur in the Specific Plan area. The Swainson's hawk is listed as a threatened species under the California Endangered Species Act. The DEIR does not disclose the potential impact to Swainson's hawks due to the loss of agricultural lands, nor does it evaluate potential mitigation measures for this impact. While the DEIR discusses measures to mitigate the loss of farmland, it does not address the value of the lost farmland to Swainson's hawks, and measures that may mitigate the agricultural impact will not necessarily address the biological impact. The DEIR should be revised and recirculated to fully disclose and mitigate the Specific Plan's impacts to Swainson's hawks.

Thank you for your consideration of these comments, and please add me to the notice lists for the Southeast Development Area Specific Plan and its EIR.

Sincerely,

A handwritten signature in blue ink that reads "John Buse". The signature is written in a cursive style with a large initial "J".

John Buse
Senior Counsel
Center for Biological Diversity

Via E-Mail only

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721



Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian,

I contest Section 3.2 Agricultural Resources and Forest Resources for the following reasons:

1. The mitigation plan, MM AG1.1, is unacceptable because it relies on the development of a Farmland Preservation Program by 2025. Since the plan is not in place, the environmental impact cannot be determined. Therefore, this plan must not be accepted until a plan is in place and can be adequately evaluated. Having the plan in place with clear requirements provides predictability of the environmental impact.
2. In reference to MM AG2, the City's General Plan Policy RC-9-c does not provide the sole legal basis for mitigation for the loss of farmland to urban development. As you are aware, the California Environmental Quality Act ("CEQA"), Pub. Res. Code 21000 et seq., requires agencies to analyze the significant environmental impacts of projects that they approve or carry out, and to *mitigate those impacts*, where feasible, to a less than significant level. The Legislature has declared that CEQA "plays an important role" in effectuating the important public policy of preserving agricultural lands within the state. Stats. 1993, ch. 812, 1, p.4428. Accordingly, CEQA's environmental analysis and mitigation requirements extend to farmland conversion. *See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 733 (EIR deficient due to an inaccurate assessment of the amount of prime farmland to be converted as a direct result of the development project); *Citizens for Open Government v City of Lodi* (2012) 205 Cal.App.4th 296, 320-22 (EIR found conversion of 40 acres of farmland a significant impact even after purchase of conservation easements at a 1:1 ratio). Impact AG-2, page 3.2-19 states there are "no feasible mitigation measures available" and that there is "significant and unavoidable impact." This is not acceptable under CEQA mandates and must be corrected.
3. The EIR inadequately summarized the total of farmland as 5,552 acres, page S22. When all 4 categories of farmland are added together it amounts to 6,750 acres. The SEDA plan states that the Level of Significance After Mitigation (MM AG-2) is Significant and unavoidable. The plan does not conserve any farmland. Alternative 3 would conserve 648.61 acres. This is not acceptable. Farmland conservation needs to be at least at a 1:1 ratio. Alternative 1 would have the least impact on conversion of

farmland to housing. The SEDA plan, page S10, plans for 45,000 homes compared to 17,900 in the current plan (Alternate 1). Therefore, a large amount of farmland would not be converted to houses under the existing plan and the SEDA plan should be rejected. With the increase in this number of homes and residents, the number of jobs would only be increased from 29,600 to 37,000 jobs. This is unacceptable and will have an adverse on the environment of the planned area.

4. The City of Fresno's General Plan conceived of the development of SEDA in Growth Area II to occur after other infill initiatives, to give those time to gain momentum. The Project History in Appendix A of the EIR states "there is still ample residential capacity within the current city limits and in Growth Area I (which includes the Southwest Fresno and the West Area Neighborhoods Specific Plan areas)." Also refer to 2013-2031 Fresno County Multi-Jurisdictional Housing Element Appendix I-E Fresno. This mitigation measure has been completely ignored in the EIR and has not been addressed as a reasonable option. Therefore the SEDA plan must not be developed until the space within the current city limits and Growth Area I are utilized.
5. The plan has made no consideration at all for the social and economic impact on minority groups. A large number of Hmong and Southeast Asia descendants that farm in this area will lose their income and livelihood as their farms are converted to houses and non-agriculture industries. This is a social injustice and has to be addressed before this EIR can move forward.
6. There are no mitigation measures to conserve over 900 acres of agriculture land that is already within the Williamson Act. This is totally unacceptable under CEQA guidelines. This EIR cannot move forward until these lands are secured as agriculture land or mitigated at a 1:1 ratio.
7. The public comment received during the EIR scoping period asking for an assessment of the impacts that the plan will have on current and future agricultural operations has not been adequately addressed. (Stated on page 3.2-1) Housing, especially high density houses, is incompatible with farming. Mitigation measures in these situations have not been adequately described so a full environmental impact can be made. Planning for only organic farming in the area is not adequate as organic sprays appear to be the same as conventional pesticides approved by Environmental Protection Agency (EPA) and California Department of Pesticide Regulation. Therefore, to plan only for the use of organic pesticides will not provide home owners with peace of mind of safety.
8. Policy RC-5.2 Hazardous Materials. Prevent contamination of the groundwater table and surface water resources and discourage all pesticide use for agricultural and landscaping uses within the SEDA. This policy is outside the jurisdiction of the City of Fresno. The use of all pesticides for agricultural and landscaping is under the jurisdiction of the Federal EPA and California Department of Pesticide Regulation.

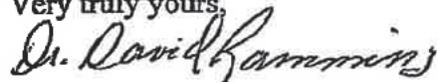
This policy is just another way to reduce the feasibility to farm in the SEDA plan area, forcing agriculture out so housing can be built without regard to preserving agriculture land. This policy is not consistent with CEQA's mandate to preserve agriculture land and reasonable measures must be shown how to mitigate hazardous materials in groundwater and surface water and still preserve agriculture land.

9. The measure to mitigate agricultural conversion, page 3.2-17 is stated as "To counter the effects of agricultural conversion, the Specific Plan includes a policy framework to support the integration of agriculture within the urban sphere. Programs that would be integrated into the Specific Plan may include school and neighborhood gardens, community orchards, agricultural education centers." This does not mitigate in any way the loss of agricultural land for production that feeds Fresno, California, and the United States. Community gardens are very limited in their production as well as their use. Limited plantings of nut and fruit trees are susceptible to pests, diseases and bird damage without adequate pest control measures and will be a liability. These plantings will become reservoirs for pests and invasive species that could destroy all commercial agriculture in the San Joaquin Valley of California. Therefore, these measures are inadequate to satisfy CEQA mandates for preservation of farmland.

Based on these reasons, the Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as any staff reports pertaining to this project.

Very truly yours,



Dr. David Ramming
Retired Research Horticulturist, USDA/ARS
SEDA area property owner
Member Southeast Property Owner's Association

Cc: Sophia Pagoulatos, Planning Manager

Via E-Mail only

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721



Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian,

I contest Section 3.10 Hydrology and Water Quality for the following reasons:

1. Impact HYD-2: states "The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin." The mitigation measure MM HYD-2d has not been adequately demonstrated in showing that the existing groundwater recharge facilities have produced adequate infiltration into the underground aquifers. Gallons of water input is shown but the real results would be revealed by the change in groundwater table near the basins. Therefore, inadequate information is available to adequately assess the impact these basins are having. In addition, no studies are provided that show what the infiltration rate of proposed groundwater facilities in the SEDA area would be. The Fresno Irrigation District is building all its groundwater recharge facilities on the west side of its district as they feel the east side is less effective for groundwater recharge facilities. The United States Department of Agriculture, Agricultural Research Service, Sustainable Agricultural Water Systems Research laboratory at Davis, CA should be contacted and methodology they have developed be used to verify that the proposed sites for groundwater recharge facilities are indeed adequate to mitigate the overdraft of the North Kings Groundwater Basin. Even with the infiltration rate determined, these recharge facilities are only functional when adequate water is available in "wet" rainfall years. Therefore, they are only adequate part of the time. Data is lacking and needs to be developed to show how many recharge facilities would be needed on an average during wet and dry rainfall years to have no significant impact on the groundwater levels.
2. MM HYD-2c: States "Prior to exceeding existing water demands, the City shall pursue the provision of adequate water supplies by securing additional water sources and shall not approve development per the Specific Plan for the Plan Area until additional water supply is provided." The city of Fresno is already using nearly all its allocation of surface water from the Fresno Irrigation District (FID). The only way the city of Fresno can obtain additional water is by taking it away from other recipients. Agriculture is the main recipient of water from FID and reducing its water

- would have serious environmental impact. Important impacts would be: 1. Removal of agricultural land from production. 2. Reduction in the amount of food that could be produced. 3. Less water available for groundwater recharge basins in agricultural areas to replenish North Kings Groundwater basin that extends beyond Fresno City limits and sphere of influence.
3. Under 3.10.6 Project Impacts and Mitigation Measures, Mitigation measure MM HYD-1 is placed under Impact HYD-2. It only references North Kings GSP adopted by North Kings GSA and only applies to groundwater supplies and groundwater recharge, not surface or groundwater quality HYD-1. This makes no sense and needs to be corrected. If it should have been labeled MM HYD-2, then there is no MM HYD-1 measures stated for Impact HYD-1. The North Kings GSP is a plan for the whole sub-basin and not specific to the SEDA plan. The EIR for the SEDA plan must be specific to the environmental effects it will have and what mitigation measures specifically to this area will be implemented and if they will meet CEQA requirements.
 4. Public comments received during the Draft Program Environmental Impact Report Identified that groundwater overdraft is an issue in the City and requires that the Draft PEIR evaluates the SEDA Specific Plan's impact on groundwater resources. The EIR responded with Impact HYD-2: The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. MM HYD-2d states The City shall develop new and expand existing groundwater recharge facilities to balance increased water demands resulting from the Project Area. The City's plan of reducing its reliance on wells and relying more on surface water, using more surface water to recharge the groundwater through recharge basins sounds great. However, the City of Fresno is already using the majority of its surface water allocation from FID. MM HYD-2c says the City of Fresno will seek additional water sources. No potential additional water resources are identified, therefore this EIR cannot be adequately evaluated based on unknown water sources.
 5. Objective RC-6 Ensure that Fresno has a reliable, long-range source of drinkable water. Policy RC-6-I Natural Recharge. Support removal of concrete from existing canals and change the practice of lining new and existing canals with concrete to allow for natural recharge. Without concrete lining of canals: 1. Delivery of water to the city of Fresno and agriculture would be less efficient, meaning less water for both consumers at the city level and in agriculture. 2. The maintenance costs of the canals would be higher due to erosion of the banks. 3. There would be an increase in the soil particulates and contaminants in the water from the soil banks of the canal. 4. There will be damage to the canal banks by rodents and other animals, causing the loss of water from leaks and flooding. This policy and mitigation measure should not be implemented until the EIR is amended with a full report of impact on the environment and water quality.

Based on these reasons, the Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as any staff reports pertaining to this project.

Very truly yours,



Dr. David Ramming
Retired Research Horticulturist, USDA/ARS
SEDA area property owner
Member Southeast Property Owner's Association

[Redacted]

Cc: Sophia Pagoulatos, Planning Manager

August 27, 2023

Ms. Sophia Pagoulatos, Planning Manager
Ms. Adrienne Asadoorian, Planner
City of Fresno
2600 Fresno Street, Third Floor, Room 3065
Fresno, CA 93721



Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486.

Dear Ms. Sophia Pagoulatos,
Ms. Adrienne Asadoorian,

Comment in General: This plan is basically a "blank check" plan. No mitigation is allowed in the controversial areas. Also, over and over again, it is stated that once the plan is adopted, the various areas of contention would then be worked out. This reminds me what has happened at the Federal level when Congressmen stated we must pass the legislation and afterwards analyze it to see what it says. THIS IS WRONG and so very unfair to property owners as well as tax payers who will have to cover the expenses of a blank check! I find it very hard to understand how your department can endorse something that is so blatantly wrong.

I also find it difficult to understand why you promote a plan that you do not have concrete answers for. At the Town Hall meetings we were given answers that were vague, indirect, seemingly deceptive, or contradictory. Considering how massive this plan is, how disruptive this is to hundreds of lives, how intrusive this is, and how it will ultimately change the dynamics of Fresno, residents should be entitled to clear answers from those who want to implement this plan. To be so unprepared with a project of this magnitude is inexcusable and offensive.

The first three words of the Constitution are "We the People". The way your organization is handling this portrays an abusive City Government with the "Almighty Dollar" taking priority. It is very disheartening, especially knowing that there are options besides taking the most fertile farmland.

The EIR is inadequate as it is based on ad hoc decisions to be made in the future and not on a set plan. Therefore, it cannot be properly evaluated and should be abandoned.

I contest the following areas of the EIR for the following reasons:

Cost Factors

Comment: The City of Fresno has not addressed the taxpayer's cost to implement this development. This "blank check" is unacceptable and needs to be addressed.

Climate Factors

Comment: The City of Fresno has not addressed the climate goals. This "blank check" is unacceptable and needs to be addressed.

Section 3.2 Agriculture Resources and Forestry Resources

Impact AG -1

Question: With the loss of the Ag land, please site the studies done to accommodate the loss of income for the Hmong Farmers. Hurting a minority is unacceptable and needs to be addressed and must be corrected.

MM AG-1.1

Question: Since the City of Fresno has documented their intent on preserving Prime Farmland, how can this plan be acceptable under the city's goals? Over riding signed documents of preserving Prime Farmland is unacceptable and must be corrected.

Section 3.3 Air Quality

MM AIR 1c

Question: How is the increase in the electrical grid going to affect Fresno? Not knowing the impact is unacceptable and needs to be addressed.

Question: The document states that air pollution emissions will increase substantially in Southeast Fresno (possibly by 600% in some areas). The public health impacts of this pollution on local residents has not been analyzed in the EIR. Apparently the City wants to deal with this after the Project's approval. This "blank check" is unacceptable and needs to be addressed and documented prior to approval.

Section 3.5 Cultural Resources

Question: How will the loss of the Hmong revenue impact the Hmong culture? Please site studies that support no consideration for the Hmong farmers. Hurting a minority is unacceptable and needs to be addressed and must be corrected.

Section 3.8 Greenhouse Gas Emissions

Question: It is our understanding that the Greenhouse Gas Footprint will increase by 25% with this mega development. This plan is inconsistent with Fresno's climate change progress. What is the Greenhouse Gas Emissions goal of the City in this area and how will it be implemented in the SEDA development? The current plan is a "blank check" concerning climate change and is unacceptable until this is addressed in detail

Question: Fresno's goal was to reduce CO₂ emissions by 559,000 tons a year by 2035. With SEDA, the emissions will increase by 510,000 tons a year. How do you account for this discrepancy and how do you plan to remedy this problem? Without this information, this plan is unacceptable and this "blank check" needs to be addressed and corrected.

Section 3.11 Land Use and Planning

Impact LAND-2

Question: This plan contradicts Fresno's written policy of preserving prime farm land. Please explain how this plan is not in conflict with the preservation of prime farm land. Over riding signed documents of preserving Prime Farmland is unacceptable and must be corrected.

Section 3.14 Housing

Question: How much of the 45,000 homes will be affordable housing? Jennifer Clark has been reported as saying this detail would be worked out after the City Council approves the project. This is a "blank check" and is unacceptable. This should be corrected and addressed prior to approval.

Section 3.15 Public Services

Question: In the high density areas, how are firefighters, police and first responders going to be able to help people without roads within the areas? Public safety is the number one concern. This plan is unacceptable and needs to be corrected.

Question: Who is going to pay for the massive bill to build schools to accommodate the high density population located in the Sanger School District? Since Sanger Unified has replied to this Project with great concern, please document the projected costs involved with the School district and the plan to fund these schools. Why have no estimated costs been given? Are you concerned that that truth would be detrimental to the Project? Going forward with no plan to implement school growth is unacceptable and needs to be corrected. Asking taxpayers to fund a "blank check" is unacceptable and needs to be corrected.

Section 3.16 Recreation

Question: We have been told at the Town Hall Meetings that Eminent Domain is not involved with the Project Plan. Please clarify. Does Eminent Domain occur only after the area is rezoned? Please state facts concerning the plans for Eminent Domain and Rezoning. The indirect answers we have been given are unacceptable. If Eminent Domain and rezoning will not occur, please give us a signed document stating such information.

Section 3.17 Transportation and Traffic

Question: What transportation will be available for the residents in the high density areas to obtain high paying jobs in other areas of town? If the 15 minute cities are designed to confine residents to the area without opportunities to pursue jobs on the North side of town, this is unacceptable and needs to be corrected.

Question: How is the City of Fresno planning to pay for the infrastructure cost? It has been reported that this will be ironed out after the council approves the massive project. This "blank check" is unacceptable and needs to be addressed prior to any approval.

Section 3.18 Utilities and Service Systems

Impact UTIL – 2

Question 1: What are the significant environmental effects of constructing new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities? Please site the studies made and the data concerning the results of the studies. To accept this Plan without detailed information is endorsing a "blank check". This is unacceptable and needs to be corrected. Information and projected costs need to be published.

MMUTIL-1a

Question: What is the plan for additional water capacity? In the Town Hall Meetings we have not received any definite answers.

Comment: A definite plan should be in place prior to adopting the EIR as the water issue will be huge with the mega increase in the amount of people. The water issue will have a major impact on the city as a whole. To adopt the EIR without any plan in place is like giving someone a blank check to do whatever they want even if it was detrimental to the environment. The plan is unacceptable as is and needs to be corrected.

MMUTIL – 1b

Comment: The water supply system needs to be evaluated prior to the adoption of the plan. There is enough information in the plan to be able to evaluate proposed water supply improvements as well as evaluate the environmental impact. To move forward without this information is unacceptable and needs to be addressed. Tax payers should not be endorsing a "blank check".

MMUTIL – 1d

Question: When you expand the wastewater system, are current property owners paying for hooking up to City Sewer? What will be the cost?

Comment: We have not received a clear answer at the Town Hall Meetings. However, we were told that the property owners were to pay for sewer hookup, the cost is around \$30,000, a loan would be available, and if the owner were to sell a lien would be placed on the home to cover the costs. Please give us exact information as to what it will mean for connecting to the City Sewer System and site your source of information. Keeping information from the property owners is unacceptable and needs to be corrected.

MMUTIL – 1f

Question: What will the long term impact on the environment be when expanding or relocating electric, natural gas, or telecommunication facilities for a project of this magnitude. Please site your studies. No information concerning this is unacceptable and needs to be addressed.

Impact UTIL – 2

Question: The EIR states there are sufficient water supplies for this project and foreseeable future development. Please state your source and details to support this statement. Considering the water levels, the years of drought and the projected number of people you plan to accommodate, this is one of the most important issues that needs to be addressed. Stating that there are "sufficient water supplies" is totally unacceptable. This needs to be corrected and addressed in detail as the ramifications of a limited water supply are huge! Allowing the Plan to address this after the Plan is adopted is endorsing a "blank check" for major problems ahead.

Questions:

1. Where are you drawing your water source from?
2. Is the Kings River considered a source even though it is already low?

This project is huge and the lack of information is unacceptable.

Questions:

1. Once our wells run dry, we are not allowed to drill lower. How can you tell us that this will not impact our wells?
2. We have been told that if we are annexed into the City we have 5 years to hook up to City Water.

Our questions have been evaded and the answers given have been contradictory. This is unacceptable! This needs to be addressed and corrected!

Questions:

1. Is the property owner responsible for the cost of connecting to City water? If so, is the cost between \$30,000 - \$50,000? If the property owner doesn't have the money, is a loan required and is a lien put on the house if the owner intends to sell?

We have not been given definite answers. This is unacceptable. A plan of this magnitude should have answers for the property owners.

2. We have also been told that if a property is on a corner, the owner is responsible for hooking up to water in two directions. Please clarify. If this is the case, this is unacceptable! Since when should the property owners be penalized for the developers' benefit?

MM UTIL-2a

Question: The summary refers to the refined measures and standards that the city plans to use to reduce the per capita water use and implement water saving and conservation standards. What are they? Please give details. Without details this plan is unacceptable. Again, this is endorsing a "blank check". Please address and correct.

Section 3.19 Wildfire

Impact WILD-1

Question 1: With the proposed high density housing plan, what is the emergency response plan? If there is no plan, there needs to be one prior to the development of the project for the safety of human life. Without an emergency response plan in place, this plan is unacceptable. This needs to be corrected.

Question 2: What is the emergency evacuation plan in the high density housing area?

Comment: If there is no plan, there needs to be one prior to the development of the project for the safety of human life. Without an emergency evacuation plan in the high density housing area, this plan is unacceptable and needs to be corrected.

Impact WILD 2

Question: Due to the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, what is the plan to protect the occupants from pollutant concentrations? Without a plan in place, this plan is unacceptable and needs to be corrected.

Question: Due to the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, what is the plan to prevent rapid spreading? Without a plan in place preventing rapid spreading of fire, this plan is unacceptable and needs to be corrected.

Impact – WILD 3

Question 1: Without the infrastructure of roads, fuel breaks, etc., what plans will be implemented to protect the safety of occupants in the high density areas during an emergency?

Comment: If there is no plan, this is unacceptable and needs to be corrected. There needs to be a plan in place prior to the development of the project for the safety of human life.

Question 2: Without the infrastructure of roads, fuel breaks, etc. how will firefighters and rescue personnel be able to access various locations in the high density areas during an emergency? This needs to be addressed and corrected in the EIR or the plan is unacceptable.

Impact – WILD 4

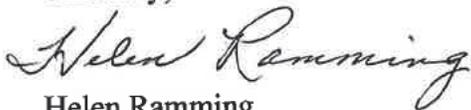
Question 1: Should an unexpected potential threat develop from flooding, landslides, etc., what is the plan of evacuating people?

Comment: If there is no plan, this is unacceptable and needs to be corrected. There needs to be one prior to the development of the project for the safety of human life.

Based on the above reasons, the EIR for the Fresno Southeast Development Area, Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as updates concerning this project.

Sincerely,



Helen Ramming

SEDA area property owner

Member of Southeast Property Owner's Association

Via E-Mail only

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian,

I contest Section 3.2 Agricultural Resources and Forest Resources for the following reasons:

1. The mitigation plan, MM AG1.1, is unacceptable because it relies on the development of a Farmland Preservation Program by 2025. Since the plan is not in place, the environmental impact cannot be determined. Therefore, this plan must not be accepted until a plan is in place and can be adequately evaluated. Having the plan in place with clear requirements provides predictability of the environmental impact.
2. In reference to MM AG2, the City's General Plan Policy RC-9-c does not provide the sole legal basis for mitigation for the loss of farmland to urban development. As you are aware, the California Environmental Quality Act ("CEQA"), Pub. Res. Code 21000 et seq., requires agencies to analyze the significant environmental impacts of projects that they approve or carry out, and *to mitigate those impacts*, where feasible, to a less than significant level. The Legislature has declared that CEQA "plays an important role" in effectuating the important public policy of preserving agricultural lands within the state. Stats. 1993, ch. 812, 1, p.4428. Accordingly, CEQA's environmental analysis and mitigation requirements extend to farmland conversion. *See San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 733 (EIR deficient due to an inaccurate assessment of the amount of prime farmland to be converted as a direct result of the development project); *Citizens for Open Government v City of Lodi* (2012) 205 Cal.App.4th 296, 320-22 (EIR found conversion of 40 acres of farmland a significant impact even after purchase of conservation easements at a 1:1 ratio). Impact AG-2, page 3.2-19 states there are "no feasible mitigation measures available" and that there is "significant and unavoidable impact." This is not acceptable under CEQA mandates and must be corrected.
3. The EIR inadequately summarized the total of farmland as 5,552 acres, page S22. When all 4 categories of farmland are added together it amounts to 6,750 acres. The SEDA plan states that the Level of Significance After Mitigation (MM AG-2) is Significant and unavoidable. The plan does not conserve any farmland. Alternative 3 would conserve 648.61 acres. This is not acceptable. Farmland conservation needs to be at least at a 1:1 ratio. Alternative 1 would have the least impact on conversion of

farmland to housing. The SEDA plan, page S10, plans for 45,000 homes compared to 17,900 in the current plan (Alternate 1). Therefore, a large amount of farmland would not be converted to houses under the existing plan and the SEDA plan should be rejected. With the increase in this number of homes and residents, the number of jobs would only be increased from 29,600 to 37,000 jobs. This is unacceptable and will have an adverse on the environment of the planned area.

4. The City of Fresno's General Plan conceived of the development of SEDA in Growth Area II to occur after other infill initiatives, to give those time to gain momentum. The Project History in Appendix A of the EIR states "there is still ample residential capacity within the current city limits and in Growth Area I (which includes the Southwest Fresno and the West Area Neighborhoods Specific Plan areas)." Also refer to 2013-2031 Fresno County Multi-Jurisdictional Housing Element Appendix 1-E Fresno. This mitigation measure has been completely ignored in the EIR and has not been addressed as a reasonable option. Therefore the SEDA plan must not be developed until the space within the current city limits and Growth Area I are utilized.
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6. There are no mitigation measures to conserve over 900 acres of agriculture land that is already within the Williamson Act. This is totally unacceptable under CEQA guidelines. This EIR cannot move forward until these lands are secured as agriculture land or mitigated at a 1:1 ratio.
7. The public comment received during the EIR scoping period asking for an assessment of the impacts that the plan will have on current and future agricultural operations has not been adequately addressed. (Stated on page 3.2-1) Housing, especially high density houses, is incompatible with farming. Mitigation measures in these situations have not been adequately described so a full environmental impact can be made. Planning for only organic farming in the area is not adequate as organic sprays appear to be the same as conventional pesticides approved by Environmental Protection Agency (EPA) and California Department of Pesticide Regulation. Therefore, to plan only for the use of organic pesticides will not provide home owners with peace of mind of safety.
8. Policy RC-5.2 Hazardous Materials. Prevent contamination of the groundwater table and surface water resources and discourage all pesticide use for agricultural and landscaping uses within the SEDA. This policy is outside the jurisdiction of the City of Fresno. The use of all pesticides for agricultural and landscaping is under the jurisdiction of the Federal EPA and California Department of Pesticide Regulation.

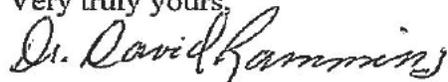
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Very truly yours,



Dr. David Ramming
Retired Research Horticulturist, USDA/ARS
SEDA area property owner
Member Southeast Property Owner's Association

Cc: Sophia Pagoulatos, Planning Manager

Via E-Mail only

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian,

I contest Section 3.10 Hydrology and Water Quality for the following reasons:

1. Impact HYD-2: states "The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin." The mitigation measure MM HYD-2d has not been adequately demonstrated in showing that the existing groundwater recharge facilities have produced adequate infiltration into the underground aquifers. Gallons of water input is shown but the real results would be revealed by the change in groundwater table near the basins. Therefore, inadequate information is available to adequately assess the impact these basins are having. In addition, no studies are provided that show what the infiltration rate of proposed groundwater facilities in the SEDA area would be. The Fresno Irrigation District is building all its groundwater recharge facilities on the west side of its district as they feel the east side is less effective for groundwater recharge facilities. The United States Department of Agriculture, Agricultural Research Service, Sustainable Agricultural Water Systems Research laboratory at Davis, CA should be contacted and methodology they have developed be used to verify that the proposed sites for groundwater recharge facilities are indeed adequate to mitigate the overdraft of the North Kings Groundwater Basin. Even with the infiltration rate determined, these recharge facilities are only functional when adequate water is available in "wet" rainfall years. Therefore, they are only adequate part of the time. Data is lacking and needs to be developed to show how many recharge facilities would be needed on an average during wet and dry rainfall years to have no significant impact on the groundwater levels.
2. MM HYD-2c: States "Prior to exceeding existing water demands, the City shall pursue the provision of adequate water supplies by securing additional water sources and shall not approve development per the Specific Plan for the Plan Area until additional water supply is provided." The city of Fresno is already using nearly all its allocation of surface water from the Fresno Irrigation District (FID). The only way the city of Fresno can obtain additional water is by taking it away from other recipients. Agriculture is the main recipient of water from FID and reducing its water

would have serious environmental impact. Important impacts would be: 1. Removal of agricultural land from production. 2. Reduction in the amount of food that could be produced. 3. Less water available for groundwater recharge basins in agricultural areas to replenish North Kings Groundwater basin that extends beyond Fresno City limits and sphere of influence.

3. Under 3.10.6 Project Impacts and Mitigation Measures, Mitigation measure MM HYD-1 is placed under Impact HYD-2. It only references North Kings GSP adopted by North Kings GSA and only applies to groundwater supplies and groundwater recharge, not surface or groundwater quality HYD-1. This makes no sense and needs to be corrected. If it should have been labeled MM HYD-2, then there is no MM HYD-1 measures stated for Impact HYD-1. The North Kings GSP is a plan for the whole sub-basin and not specific to the SEDA plan. The EIR for the SEDA plan must be specific to the environmental effects it will have and what mitigation measures specifically to this area will be implemented and if they will meet CEQA requirements.
4. Public comments received during the Draft Program Environmental Impact Report Identified that groundwater overdraft is an issue in the City and requires that the Draft PEIR evaluates the SEDA Specific Plan's impact on groundwater resources. The EIR responded with Impact HYD-2: The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. MM HYD-2d states The City shall develop new and expand existing groundwater recharge facilities to balance increased water demands resulting from the Project Area. The City's plan of reducing its reliance on wells and relying more on surface water, using more surface water to recharge the groundwater through recharge basins sounds great. However, the City of Fresno is already using the majority of its surface water allocation from FID. MM HYD-2c says the City of Fresno will seek additional water sources. No potential additional water resources are identified, therefore this EIR cannot be adequately evaluated based on unknown water sources.
5. Objective RC-6 Ensure that Fresno has a reliable, long-range source of drinkable water. Policy RC-6-I Natural Recharge. Support removal of concrete from existing canals and change the practice of lining new and existing canals with concrete to allow for natural recharge. Without concrete lining of canals: 1. Delivery of water to the city of Fresno and agriculture would be less efficient, meaning less water for both consumers at the city level and in agriculture. 2. The maintenance costs of the canals would be higher due to erosion of the banks. 3. There would be an increase in the soil particulates and contaminants in the water from the soil banks of the canal. 4. There will be damage to the canal banks by rodents and other animals, causing the loss of water from leaks and flooding. This policy and mitigation measure should not be implemented until the EIR is amended with a full report of impact on the environment and water quality.

Based on these reasons, the Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as any staff reports pertaining to this project.

Very truly yours,



Dr. David Ramming
Retired Research Horticulturist, USDA/ARS
SEDA area property owner
Member Southeast Property Owner's Association



Cc: Sophia Pagoulatos, Planning Manager

Via E-Mail only

City of Fresno
c/o Adrienne Asadoorian, Planner
2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721

Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Asadoorian,

I contest Section 3.10 Hydrology and Water Quality for the following reasons:

1. Impact HYD-2: states "The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin." The mitigation measure MM HYD-2d has not been adequately demonstrated in showing that the existing groundwater recharge facilities have produced adequate infiltration into the underground aquifers. Gallons of water input is shown but the real results would be revealed by the change in groundwater table near the basins. Therefore, inadequate information is available to adequately assess the impact these basins are having. In addition, no studies are provided that show what the infiltration rate of proposed groundwater facilities in the SEDA area would be. The Fresno Irrigation District is building all its groundwater recharge facilities on the west side of its district as they feel the east side is less effective for groundwater recharge facilities. The United States Department of Agriculture, Agricultural Research Service, Sustainable Agricultural Water Systems Research laboratory at Davis, CA should be contacted and methodology they have developed be used to verify that the proposed sites for groundwater recharge facilities are indeed adequate to mitigate the overdraft of the North Kings Groundwater Basin. Even with the infiltration rate determined, these recharge facilities are only functional when adequate water is available in "wet" rainfall years. Therefore, they are only adequate part of the time. Data is lacking and needs to be developed to show how many recharge facilities would be needed on an average during wet and dry rainfall years to have no significant impact on the groundwater levels.
2. MM HYD-2c: States "Prior to exceeding existing water demands, the City shall pursue the provision of adequate water supplies by securing additional water sources and shall not approve development per the Specific Plan for the Plan Area until additional water supply is provided." The city of Fresno is already using nearly all its allocation of surface water from the Fresno Irrigation District (FID). The only way the city of Fresno can obtain additional water is by taking it away from other recipients. Agriculture is the main recipient of water from FID and reducing its water

would have serious environmental impact. Important impacts would be: 1. Removal of agricultural land from production. 2. Reduction in the amount of food that could be produced. 3. Less water available for groundwater recharge basins in agricultural areas to replenish North Kings Groundwater basin that extends beyond Fresno City limits and sphere of influence.

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Very truly yours,



Dr. David Ramming
Retired Research Horticulturist, USDA/ARS
SEDA area property owner
Member Southeast Property Owner's Association



Cc: Sophia Pagoulatos, Planning Manager



AUGUST 25, 2023

VIA EMAIL: ADRIENNE.ASADOORIAN@FRESNO.GOV

PLANNING AND DEVELOPMENT DEPARTMENT
ADRIENNE ASADOORIAN, PLANNER III
2600 FRESNO STREET, ROOM 3065
FRESNO, CA 93721

Dear Adrienne Asadoorian:

DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE FRESNO SOUTHEAST DEVELOPMENT
AREA SPECIFIC PLAN PROJECT, SCH# 2022020486

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Draft Environmental Impact Report for the Fresno Southeast Development Area Specific Plan Project (Project).

The Division monitors and maps farmland conversion on a statewide basis, provides technical assistance regarding the Williamson Act, and administers various agricultural land conservation programs. Public Resources Code, section 614, subdivision (b) authorizes the Department to provide soil conservation advisory services to local governments, including review of CEQA documents.

Protection of the state's agricultural land resources is part of the Department's mission and central to many of its programs. The CEQA process gives the Department an opportunity to acknowledge the value of the resource, identify areas of Department interest, and offer information on how to assess potential impacts or mitigation opportunities.

The Department respects local decision-making by informing the CEQA process, and is not taking a position or providing legal or policy interpretation.

We offer the following comments for consideration with respect to the project's potential impacts on agricultural land and resources within the Department's purview.

PROJECT ATTRIBUTES

The proposed project is a Specific Plan that would provide for increased density and accelerate housing production throughout the Plan Area. The proposed project would offer flexibility in meeting the evolving needs of households in the region through a multimodal transportation network and diverse housing types and affordability levels. It has the potential to accommodate approximately 45,000 homes and 37,000 jobs within the nearly 9,000-acre planning area by the year 2050. The proposed project is framed

with three interrelated goals: fiscal responsibility, social equity, and environmental sustainability. The proposed project would link a series of complete communities and mixed-use centers with a multimodal transportation network. Additionally, the proposed project would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure. The project site contains Prime Farmland, Farmland of Statewide Importance, and Unique Farmland as designated by DOC's Farmland Mapping and Monitoring Program. The project site may also contain lands subject to Williamson Act contracts.

PROJECT CONSIDERATIONS

The conversion of agricultural land represents a permanent reduction and impact to California's agricultural land resources. The Department generally advises discussion of the following in any environmental review for the loss or conversion of agricultural land:

- Type, amount, and location of farmland conversion resulting directly and indirectly from implementation of the proposed project.
- Impacts on any current and future agricultural operations in the vicinity; e.g., land-use conflicts, increases in land values and taxes, loss of agricultural support infrastructure such as processing facilities, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from the proposed project, as well as impacts from past, current, and likely future projects.
- Proposed mitigation measures for impacted agricultural lands within the proposed project area.
- The project's compatibility with lands within an agricultural preserve and/or enrolled in a Williamson Act contract.

WILLIAMSON ACT

Where the project site is located on land subject to a Williamson Act contract, the Department advises that the environmental review discuss the compatibility of the project with the contract and local Williamson Act program requirements.

MITIGATING AGRICULTURAL LAND LOSS OR CONVERSION

Consistent with CEQA Guidelines, the Department advises that the environmental review address mitigation for the loss or conversion of agricultural land. An agricultural conservation easement is one potential method for mitigating loss or conversion of agricultural land. (See Cal. Code Regs., tit. 14, § 15370 [mitigation includes "compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements."]; see also *King and Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814.)

Mitigation through agricultural conservation easements can take at least two forms: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural easements. The conversion of agricultural land may be viewed as an impact of at least regional significance. Hence, the search for replacement lands may not need to be limited strictly to lands within the project's surrounding area.

A helpful source for regional and statewide agricultural mitigation banks is the California Council of Land Trusts. They provide helpful insight into farmland mitigation policies and implementation strategies, including a guidebook with model policies and a model local ordinance. The guidebook can be found at:

[California Council of Land Trusts](#)

Of course, the use of conservation easements is only one form of mitigation, and the Department urges consideration of any other feasible measures necessary to mitigate project impacts.

Thank you for giving us the opportunity to comment on the Draft Environmental Impact Report for the Fresno Southeast Development Area Specific Plan Project. Please provide the Department with notices of any future hearing dates as well as any staff reports pertaining to this project. If you have any questions regarding our comments, please contact Farl Grundy, Associate Environmental Planner via email at Farl.Grundy@conservation.ca.gov.

Sincerely,

Kealii Bright

Keali'i Bright
Division Director

From: [REDACTED]
To: [Adrienne Asadoorian](mailto:Adrienne.Asadoorian)
Cc: [Annalisa Perea](mailto:Annalisa.Perea); [Mike Karbassi](mailto:Mike.Karbassi); [Miguel Arias](mailto:Miguel.Arias); [Tyler Maxwell](mailto:Tyler.Maxwell); [Luis Chavez](mailto:Luis.Chavez); [Garry Bredefeld](mailto:Garry.Bredefeld); [Nelson Esparza](mailto:Nelson.Esparza); todd.stermer@freno.gov; district1@fresnocountyca.gov; district2@fresnocountyca.gov; salquinterro@fresnocountyca.gov; district3@fresnocountyca.gov; district5@fresnocountyca.gov; clerkbos@fresnocountyca.gov; aolivas@fresnocountyca.gov; [Mayor](#)
Subject: Comment on the EIR Report of the SEDA (South East Development Area) Plan Comments
Date: Monday, August 28, 2023 3:18:55 PM

External Email: Use caution with links and attachments

As a resident in the proposed **SEDA** area outlined for City annexation and development, I have many uncertainties and reservations regarding the initial plans as laid out in the recently released EIR report that precedes this planned residential/agricultural seizure.

1. Groundwater Supplies

The majority of residents of the defined 9,000+ acres have their own sufficient water access via personal pumps: both residential and agricultural

--The EIR suggests that it will not approve any development plans until additional water capacity is provided through "...improvements..." in accordance with the City. I need to know who is going to pay for these improvements, what they may entail, if present residents can maintain their current water access and if not, who will subsidize the ENTIRE costs of upgrading or changing to city requirements.

2. Light, Glare, Noise, Fire

Presently, the proposed areas enjoy a less blatant exposure to the negative city atmosphere of street lights that permeate homes, glare that obliterates the evening skies, and incredible noise from hundreds and hundreds of homes, vehicles and properties that inevitably create excessive incursion into others private properties that will create disputes, hostilities and eventually complaints to law enforcement. Increased police and fire requirements will be vital for any area expecting this huge increase of population. Regulations and laws will have to be strictly enforced or it may be "handled" by established residents who find their lifestyles invaded and violated.

3. Agriculture requirements of crop fertilizers/pesticides/soil enhancements

Will there be new restrictions on presently used *and accepted* crop airborne soil and crop solutions?
Will there be controls/limitations tomorrow what is perfectly fine today?

4. Large and small animal ownership

Will there be new restrictions on the animals that many residents typically own but are not customary or approved to city residences, such as cows, sheep, goats, horses, chickens, pigs, etc.

5. Increase on present residential costs, such as sewer and water hook up? Agricultural pumps for water access? Any fencing changes for utility access? The present access to **FID** (Fresno Irrigation District) water canals? Fireplace usage for properties without access to natural gas hookup?
a. Who will cover the costs for these immense changes in utilities?

- b. Will there be property tax increases for the changes forced on the residents?
- c. Will there be increased costs for the access for police, fire, and emergency services?
- d. What about the insurance cost increases created by companies who see fire dangers with so many homes so close together that can cause immediate need of emergency services?
- e. Will the city still provide ditch tenderers, canal management and repair, weed abatement?

It seems like the City of Fresno already has a lot on it's plate without this land grab. Who is this for... developers and political donors?

Property owners and residents in this area don't want to be annexed into the City of Fresno.

We don't want Fresno to become another LA with this urban sprawl. If you care about the people who live here now, **put it to a vote** and let their voices be heard!

Elizabeth J Grossmayer

[REDACTED]
[REDACTED]
[REDACTED]



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

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

August 25, 2023

Adrienne Asadoorian
Planner III
Planning and Development Department
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Notice of Availability of a Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan (State Clearinghouse [SCH] No. 2022020486) for the City of Fresno
FID Facilities: Various

Dear Ms. Asadoorian:

The Fresno Irrigation District (FID) has reviewed the Notice of Availability of a Draft Program Environmental Impact Report for the Southeast Development Area Specific Plan for the City of Fresno (Project). We appreciate the opportunity to review and comment on the subject document for the proposed project. FID's comments are as follows:

Impacted Facilities

1. FID previously commented on the subject project on March 25, 2022, in response to the Notice of Preparation of a Program Environmental Impact Report for the subject project. Those comments and conditions still apply and a copy has been attached for your review.

Thank you for providing us the Notice of Availability of a Draft Program Environmental Impact Report of the Southeast Development Area Specific Plan. We appreciate the opportunity to comment on the subject Notice for this project. While it is difficult to envision all of the potential impacts without all of the improvement details, we look forward to working with you to address our concerns as the developments occur. We reserve the right to provide additional comments when more detailed information becomes available. Should you have any questions,

Adrienne Asadoorian
Re: NOA SEDA
August 25, 2023
Page 2 of 2

please feel free to contact me at (559) 233-7161 extension 7103 or
LKimura@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachments



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

CONVEYANCE. COMMITMENT. CUSTOMER SERVICE.

March 25, 2022

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

RE: Notice of Preparation of a Program Environmental Impact Report of the
Southeast Development Area Specific Plan for the City of Fresno
FID Facilities: Various

Dear Ms. Clark:

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

Impacted Facilities

1. FID has many canals within the Project Area as shown on the attached FID exhibit map. The facilities include: Fresno No. 3, Fancher No. 6, Mill No. 36, Briggs No. 7, Gould No. 97, Gray Colony No. 111, Eisen No. 11, Temperance No. 37, Hanson No. 129, East Branch No. 5, and Kutner Colony S. Br. No. 329. FID's canals range from smaller diameter pipelines to large open canals. In most cases, the existing facilities will need to be upgraded to meet then-current urban standards or relocated by the developer to accommodate new urban developments which will require new pipelines and new exclusive easements. FID will impose the same conditions on future projects as it would with any other project located within the common boundary of the City of Fresno and FID. FID will require that it review and approve all maps and plans which impact FID canals and easements.
 - a. Small/Medium Canal Crossings – The majority of the proposed planned will impact existing pipelines and small open channel canals. FID will require all open channels and existing pipelines impacted by the project area development be upgraded to meet FID's then-current standards for

urban, rural, industrial areas. The majority of FID's facilities that lie within the proposed Planning Area do not meet FID's urban specifications, including road or highway crossings. The majority of the existing pipelines are monolithic cast-in-place concrete pipe (CIPCP), low head/thin wall PVC, and non-reinforced mortar jointed concrete pipeline. These pipelines were designed for a rural environment and will fail if they are not replaced as development occurs.

- b. Large Canal Crossing – There are large canals called Gould No. 97, Fresno No. 3, Mill No. 36, and Fancher No. 6 that will more than likely be too large to be contained within a pipeline. Development impacts to these facilities shall require designs that protect the canal's integrity for an urban setting including the need for access and full right-of-way widths for FID's operations and maintenance needs.
2. FID's facilities that are within the Planning Area carry irrigation water for FID users, recharge water for the City of Fresno, and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Planned Area.
3. Canal Access – FID will continue to access the Canal from public roads. In order to access the maintenance bank with our larger equipment, FID requires a drive approach wide enough to accommodate the equipment. FID requires a 50-foot wide drive approach narrowing to a 20 feet wide drive banks. The 50-foot width is defined as starting from the end portion of a bridge/railing outward (away from the bridge). Every road and canal intersection is different and therefore each access will be different. The major factors affecting the proposed width will be the angle of the road intersecting the Canal, grade of canal bank vs. City road, median vs. no median, etc.
 - a. If guard railings extend beyond attachment points at each wing-wall, they will obstruct FID's access to the canal and additional right-of-way will need to be acquired. FID will require the developer demonstrate FID's longest vehicle will be able to make the turns onto the drive banks. FID's right-of-way is a minimum 20-feet from the canal hinge on both sides of the canal, and FID will require the developer acquire and dedicate to FID exclusive easements for this purpose.
4. Canal Banks – If there will be any work on canal banks, the following will apply:
 - a. All in-channel disturbed soil shall be concrete lined (both side slopes and bottom). FID will require reinforced concrete to limit the on-going maintenance that typically occurs with gunite or shotcrete slope protection.

- b. Drive banks must be sloped a minimum of 2% away with a maximum of 4% from the canal with provisions made for rainfall. Drainage will not be accepted into the Canal and must be routed away from FID property/drive banks. Runoff must be conveyed to nearby public streets or drainage system by drainage swales or other FID acceptable alternatives outside FID's easements/property.
 - c. All existing trees, bushes, debris, old canal structures, pumps, canal gates, and other non- or in-active FID and private structures must be removed within FID's property/easement and the City's project limits.
5. Trail - It is FID's understanding that many trails are master-planned within the Southeast Development Area. As with other developments with trails along the canals, FID will not allow the trail to encroach/overlap FID's canal easement unless an agreement is in place for this purpose. The following requirements are intended for trail projects adjacent to FID-owned properties and right-of-ways for open canals:
- a. FID will not allow the trail easement to be in common use with FID-owned property or easements.
 - b. FID requires all trail improvements be placed outside of FID-owned properties and easements.
 - c. FID will not allow any portion of a tree canopy to encroach within its properties or easements.
 - d. FID's canals will not accept any drainage from the trail or the canal bank.
 - e. FID may require some improvements be made to the canal depending on the existing canal condition, the proposed trail, and the adjacent development.
 - f. City parks that are adjacent to open canals are treated the same as trails, therefore the same requirements shall apply.

Water Supply Impact

1. The project encompasses the City of Fresno Growth Area 1 and 2 and portions of the project are not entitled to water under the current City of Fresno Conveyance Agreement. Under the executed agreement between the City of Fresno and FID development within Growth Area 2 will not result in an increase in the City's surface water allocation from FID. The document must consider how

to best handle future developments, if any, within the areas designated Growth Area 2 and areas outside of the agreement to evaluate all potential impacts.

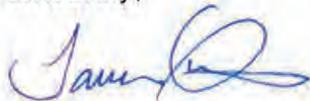
2. The document must evaluate whether the City's Water Master Plan needs to be updated and how the Cooperative Agreement between the City of Fresno and FID may impact the developments within the Planning Area. The report must evaluate the City's growth with the recent water issues, including climate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

Jennifer Clark
Re: NOP SEDA
March 25, 2022
Page 5 of 5

local water basins and adopt locally-based management plans. FID and the City of Fresno are members of the North Kings Groundwater Sustainability Agency which will manage the groundwater basin within the FID service area. This area is in an over drafted groundwater basin and SGMA will impact all users of groundwater and those who rely on it. The City of Fresno should consider the impacts of the project on the City's ability to comply with the requirements of SGMA.

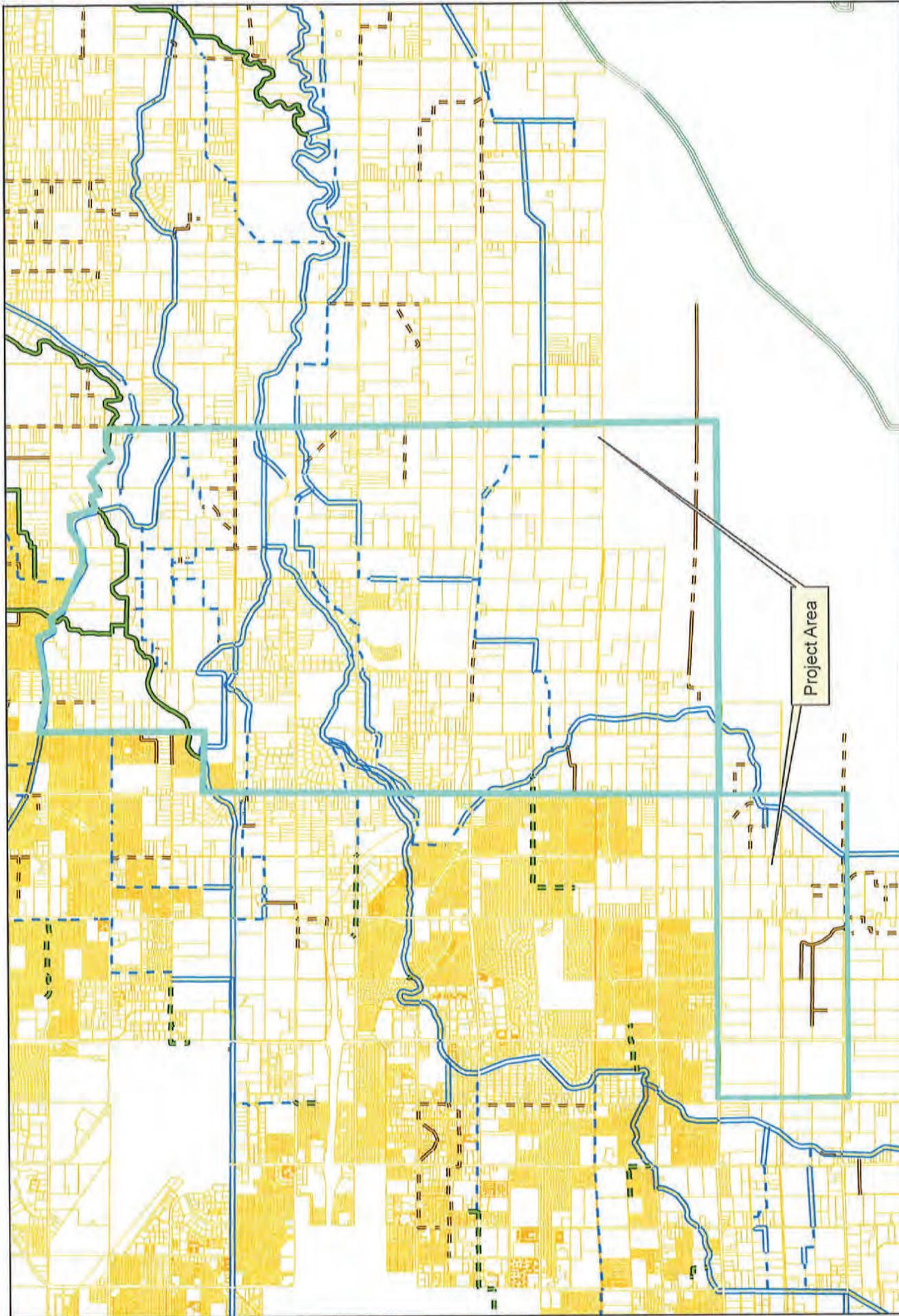
Thank you for making available to us the Notice of Preparation of a Program Environmental Impact Report of the Southeast Development Area Specific Plan for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to comment on the subject Notice for this project.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

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachments



Project Area



FRESNO IRRIGATION DISTRICT

Legend

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

This map was produced by the Fresno Irrigation District and is provided for reference and informational purposes only, and is not intended to show map scale accuracy or all inclusive map features, nor for legal purposes. FID makes no statements regarding the accuracy of this map as the features shown are in their approximate location. Please contact the FID Engineering Dept. at (559) 233-7151 for further information on FID facilities.

Parcel: G:\F\99\0320103 FID Master.mxd
 Spatial Reference
 Name: NAD 1983 StatePlane California IV FIPS 5404





**McCORMICK
BARSTOW LLP**
ATTORNEYS AT LAW

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September 4, 2023

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City of Fresno
Planning and Development Department
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With a copy to
Jennifer Clark, Director
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SUBJECT: Draft Program Environmental Impact Report for the Proposed
Southeast Development Area Specific Plan Project (State
Clearinghouse No. 2022020486)

This comment letter is being submitted on behalf of our client, the County of Fresno (the "County") Department of Public Works and Planning regarding the City of Fresno's (the "City") Draft Environmental Impact Report ("DEIR") for the Southeast Development Area Specific Plan Project (the "Specific Plan"), which is intended to govern future development of the area commonly referred to as SEDA (the "Project"). Please ensure this letter and its referenced enclosures are included in the Record of Proceedings regarding the consideration of the Project by the City of Fresno (the "City").¹

A. The Specific Plan Fails to Address the Requirements of LAFCO Resolution USOI-144, and Thereby Omits Discussion of Important Policies Intended to Mitigate the Environmental Consequences of the Project.

Preparation of the Specific Plan for SEDA development is a requirement of the Fresno County LAFCO approval that incorporated SEDA into the City Sphere of Influence, as set forth in LAFCO Resolution USOI-144, a copy of which is attached for convenience of reference. Therefore, the City needs to assure that the Specific Plan incorporates the details intended by Resolution USOI-144. Those elements require a master service delivery plan, and an implementation program for annexing open space areas and rural residential neighborhoods. These items were highlighted in Resolution USOI-144 because they involve significant environmental impacts of the intended development of SEDA. However, those requirements have not been adequately

¹ This letter is being submitted after the 45 day comment period based upon arrangements previously confirmed between the City and the County.

addressed in the Specific Plan. As a result, its companion DEIR fails to adequately evaluate how the Specific Plan's implementation will mitigate the environmental impacts that would be addressed by the intended requirements of Resolution USOI-144.

Resolution USOI-144 does not simply require that those intended programs apply to properties within the boundaries of SEDA. Resolution USOI-144 requires development of a program that addresses annexing rural residential neighborhoods within the City's existing sphere of influence in the vicinity of SEDA, as well as within SEDA. That program, as specified in the Resolution, must address "logical and reasonable development, discourage urban sprawl, preserve open-space and prime agricultural lands, and efficiently provide for government services and encourage orderly development."

Additionally, the intended rural residential neighborhood annexation program is required to "emphasize the retention of characteristics that make the neighborhoods desirable places to live, while making provision for appropriate improvement needed to incorporate characteristics into the urban landscape." These are not programs or policies that were to be deferred to some subsequent time, or to some subsequent SEDA Development Code amendments. Resolution USOI-144 specifically requires that they be reflected in the Specific Plan prepared by the City.

Resolution USOI-144 further requires adoption of policies that address the matters concerning lands subject to Williamson Act contracts. Such policies should address the City's intended approaches to any option the City may hold to terminate such contracts under Government Code section 51243.5, and the policy the City intends apply with respect to nonrenewal of such contracts under Government Code section 51246.

The Specific Plan, unfortunately, does not incorporate any such policies. In fact, it makes no reference to Williamson Act Contracts. The DEIR does make reference to Williamson Act contracts, but simply for the purpose of noting that the Specific Plan is not consistent with existing Williamson Act Contracts, and that it will result in significant impacts on those existing contracts. It further adopts no mitigation measures concerning this impact, and simply confirms this is a significant and unavoidable impact with no available mitigations. It therefore intends to adopt a statement of overriding considerations on such matters.

Regarding the requirements of Resolution USOI-144 that the SEDA Specific Plan incorporate a master service delivery plan, the proposed Plan simply asserts that a "pending SEDA Public Facilities Financing Plan", will address important elements of the Plan. It defers that financing plan, and thereby fails to satisfy the requirement of Resolution USOI-44 that these arrangements be incorporated into the Specific Plan. (See Specific Plan-Planning Context, Complete A Public Facilities Financing Plan, p.3; Policy RC-3.3, Water Recycling-Residential Landscaping and Small Farms and Community Farming, p.104; Policy RC-4.1, Minimizing Groundwater Extraction, p. 105; Policy RC-4.2, Replacement of Extracted Groundwater, p.105; Policy RC-4.3, Maximizing

Groundwater Recharge, p.105; Policy RC-6, Water Supply and Delivery, p. 107; Policy RC-6.1, Site Development-Level Water Supply and Delivery Systems, p. 107; Policy RC-6.3, Flood Control and Stormwater Management-Sub-Area or Development Proposal delivery, p. 108; Policy RC-6.4, Flood Control and Stormwater Management-Shared Resources and Infrastructure, p. 109). The plan to finance these public facilities, which are so important to addressing environmental impacts, were intended to be addressed in the Specific Plan. This has not been done. The DEIR simply notes that the Financing Plan will be a subsequent element of the Project, and assumes its components will adequately address the Specific Plan's requirements, including intended elements of intended environmental mitigations (See DEIR Policy RC-3.3, Small Farms and Community Farming, at p. 3.18-48).

Because the Specific Plan does not conform to the express requirements of Resolution USOI-144, which identified important environmental impacts of developing the SEDA lands, the DEIR violates the requirements of the California Environmental Quality Act ("CEQA") that the environmental consequences of a government decision on whether to approve a project will be considered before, not after, that decision is made. (*Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 190). It also violates the requirement that an EIR "should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines section 15151)

B. The Project Lacks Sufficient Planning Details to Permit in an Adequate DEIR Analysis of Its Potential Environmental Impacts.

A fundamental purpose of CEQA is to "inform the public and responsible officials of the environmental consequences of their decisions before they are made. (*Stanislaus Natural Heritage Project v. County of Stanislaus, supra*, 48 Cal.App.4th at 190). In addition, an EIR "should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." (CEQA Guidelines section 15151). It is true that the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (CEQA Guidelines section 15146). In this instance, the project is a specific plan, and the City's Specific Plan fails to provide the information generally required for specific plans under Government Code section 65451.2 The DEIR therefore fails to satisfy CEA's

² Because the City is a Charter City, the requirements of Government Code Section 65451 do not apply to it unless it has otherwise confirmed, by ordinance or resolution, an intention to comply with such provisions. (Government Code sections 65700 and 65803). However, in this instance the requirement of preparing the Specific Plan is an element of LAFCO Resolution USOI-144. By accepting the benefits of that Resolution, the City has committed to be bound by its requirements. Whether Resolution USOI-144 intended that the Specific Plan satisfy the minimum thresholds established in Government Code Section 65151 is a matter of interpretation for LAFCO to address. However, in addition to not satisfying the

requirements because the Project which it evaluates is too vague to permit sufficient environmental impact evaluation. (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193, *Save Our Capitol! v. Department of General Services* (2023) 87 Cal.App.5th 655, 674).

Standard provisions of a specific plan should include details for the proposed distribution, location, and extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy, and other essential facilities needed to support the land uses described in the plan. (Government Code section 65451(a)(2)). In addition, a specific plan generally includes a program of implementation measures including regulations, programs, public works projects, and financing measures necessary to carry out the development of the land uses intended by the plan. (Government Code section 65451(a)(4)). However, the Specific Plan lacks sufficient detail concerning such matters. As noted above and below, the Specific Plan defers preparation of both its intended infrastructure financing plan, and its zoning standards, which will subsequently establish the intended development densities and other regulations for its land use designations.

Where, as here, a specific plan does not incorporate the information, in sufficient detail, generally required for such a plan, and instead defers such matters to future preparation, the CEQA document cannot meaningfully evaluate the environmental impacts of the intended project. An insufficiently detailed project cannot be adequately subjected to appropriate environmental review (*Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 829). The DEIR thereby fails to satisfy its fundamental purpose of CEQA, to "inform the public and responsible officials of the environmental consequences of their decisions before they are made". (*Stanislaus Natural Heritage Project v. County of Stanislaus Court of Appeal, supra*, 48 Cal.App.4th at 190).

For example, the Specific Plan attempts to address the qualities of the size, density, composition and building character of its extensive complement of new Mixed-Use Districts, by requiring that they be consistent with new zone district standards to be adopted in the future, as part of a SEDA Development Code update. (Specific Plan, at Policy UF-2.2 Development Code Update, p. 27). Some density standards are described for some of the new land use categories. However, the Plan confirms that those density standards, and other aspects of the development standards and regulations, are to be set forth in the presently undefined Development Code update. That updated code will replace all previous zoning designations and will supersede the General Plan and all applicable Specific Plans, including the SEDA Specific Plan. (Specific Plan, page 39). The failure to incorporate meaningful details of those standards in the Specific Plan fails

minimum statutory requirements of a specific plan, as noted in Section A, the Specific Plan also does not satisfy the express requirements of Resolution USOI-144, resulting in its failure to address important environmental consequences of the Specific Plan.

to address these important aspects of the Specific Plan's intended scope of development, and results in an inadequate CEQA evaluation of its environmental impacts.

Public Resources Code section 21155.4 provides that any future project consistent with an adopted specific plan, and which implements certain transit oriented development projects, may obtain exemptions from compliances with CEQA. Here, the Specific Plan lacks appropriate details. As a result, the CEQA evaluations are incomplete. Nevertheless, further CEQA compliances for future projects might not later occur. This adds additional importance to the need to assure that the Specific Plan is sufficiently detailed so its CEQA evaluations are conducted appropriately as part of its adoption.

C. The Project Is Inconsistent With Relevant Provisions of the City's General Plan - The Impacts of This Inconsistency Was Not Analyzed in the DEIR.

Government Code section 65454 mandates that a specific plan must be consistent with the relevant general plan. This provision of the State Planning and Zoning Law is applicable to Charter cities. (Government Code section 65700). In addition, CEQA requires that any inconsistency of a Project with relevant land use policies should be evaluated as a potentially significant impact. (Guidelines, appen. G, section XI, subd. (b).

The Specific Plan intends to assure its consistency with the General Plan by the City later adopting amendments to the General Plan to incorporate its new land use designations. While that is not unusual, what is unusual is that the zoning standards applicable to the implementation of the new land use designations are also being deferred until sometime into the future. As a result, the environmental impacts of the new Specific Plan's land use designations cannot be meaningfully evaluated unless and until those zoning standards are available for public review and comment.

In addition, the City of Fresno General Plan, at Section 1.3 (Development Under the Plan – Dwellings, Population, and Jobs) confirms that the Specific Plan for SEDA is required to include a "comprehensive provision of public infrastructure". However, the Specific Plan does not contain the required comprehensive policies, programs or plans necessary for any comprehensive provision.

Instead, the Specific Plan states that its goal is simply "to set a clear vision for how Southeast Development Area will develop over time". (Specific Plan, page 16, at "Next Steps: Setting the Stage for Implementation"). The Specific Plan's required program for comprehensive provision of public infrastructure is instead deferred by proposing that the City Council will, at some subsequent time, "direct which financing options to pursue", and will then complete a Public Facilities Financing Plan. (Specific Plan, page 17, at "Complete a Public Facilities Financing Plan").

The Specific Plan, while it intends to identify major infrastructure requirements, fails to include the comprehensive provision of public infrastructure required by the

terms of the General Plan. Because the Specific plan does not satisfy these requirements of the General Plan, it is inconsistent with the General Plan. The DEIR, at Table 3.11-1 lists what it perceives to be a Consistency Determination of the various policies of the Specific Plan with the General Plan. However, that listing fails to reference Section 1.3 of the General Plan. The DEIR therefore fails to identify the impacts of this inconsistency with the General Plan. As a result, it violates the requirements of CEQA that an EIR evaluate the impacts of any inconsistency in the Project and land use policies of the lead agency.

In addition, the General Plan, in its commentary under Implementing Policy UF-13.a, confirms that a Specific Plan is intended to further define the requirements and regulations of the General Plan "to coordinate more discreet land use and transportation design integration and intensity with necessary public facilities, maintenance, and services financing" for the relevant development area. Though the Specific Plan does identify some major infrastructure requirements, it does not indicate how such infrastructure is designed to integrate with the intensity of the intended development, because important facets of that density is deferred to a future SEDA Development Code update.

For example, table 2.1 of the Specific Plan identifies types of streets that will be included in various land use districts. However, there is no discussion about how the delineation of those transportation facilities is intended to accommodate the development and uses reflected in the Specific Plan.

The DEIR takes the limited information included in the Specific Plan and makes the conclusion that the Project will be consistent with the General Plan policy that calls for planning and design of roadway systems to meet LOS D on major roadways. The sole assurance of this is the statement that "Roadway improvements to increase capacity and maintain LOS standards would be planned and programmed based on the total overall needs of the roadway system, recognizing the priority of maintenance, rehabilitation, and operation of the existing road system." (DEIR at p. 3.17-30). However, the actual impact on existing roadways is nowhere detailed in either the Specific Plan or its DEIR. This is presumably because, without any understanding of the density of developments in the land use designations, the projected traffic demands on specific roadways cannot be fairly estimated. As a result, the queuing analysis for impacts on the State High system interchanges, requested by Caltrans in its Comment Letter dated August 25, 2023, was not prepared.

The intended density of development that the public facilities will be required to support is not included in the Specific Plan. Those important elements of a legally compliant specific plan are simply deferred to a future adoption of a SEDA Development code update. As a result, the DEIR fails to evaluate the environmental impacts of the Project.

D. The Specific Plan Intends for an Undefined SEDA Specific Plan Development Code to Supersede Its Development Standards (Including Relevant Density Standards) - the DEIR's Analysis of the Environmental Impacts of These Unknown Development Standards Is Therefore Inadequate.

The Specific Plan intends to defer the designation and adoption of density and land use standards until adoption of the SEDA Specific Plan Development Code. (Specific Plan, page 39). This is not simply the deferral of refinements to the Specific Plan's intended policies. These undefined Development Code updates are instead intended to have such importance to the intended development area that they will replace all previous zoning designations and will supersede the General Plan and all applicable Specific Plans, including the SEDA Specific Plan. (Specific Plan, page 39). Where, as here, the most consequential elements the Specific Plan's standards of development are not disclosed to the public or other agencies, no meaningful environmental evaluation of its environmental impacts can be sufficiently conducted.

These deferred Specific Plan elements are not simply limited to the intended density standards of the proposed land use designations. As an example, Section 2.3.2 of the DEIR discusses locations of open space and institutional features intended by the Specific Plan. However, it states that those locations, as well as roadway configurations and transit alignments, are more closely specified in an Infrastructure Plan. That Infrastructure Plan referenced in the DEIR is nowhere identified or disclosed in the Specific Plan (or otherwise in the DEIR).

Deferral of fully binding density standards for the Specific Plan's land uses, and intended location of key public facilities, significantly diminishes the ability of the DEIR to evaluate the project's environmental impacts. This causes the DEIR to fail its obligation to provide information to the public and the elected officials as to the Specific Plan's potential environmental impacts.

E. The Specific Plan Abolishes the "Permanent Buffer" Along Its Eastern Border Intended to Separate and Preserve Long-Term Agricultural Uses Outside Its Borders – the Consequences of Which Are Nowhere Disclosed in the DEIR.

An important public policy goal for the Specific Plan is to minimize its impacts on various classes of agricultural lands. (See LAFCO Resolution USOI-144, Section 8-3). In furtherance of this goal, the Specific Plan states that the Plan will create an agricultural buffer between developed areas of SEDA and the agricultural lands to its east. (Specific Plan, p. 60).

However, the existing land uses allocated to SEDA in the General Plan already establishes a buffer. The General Plan states that this is to be a permanent buffer area, designed to separate and preserve long-term agriculture outside of the eastern SOI boundary from urban uses inside the SOI Boundary. (General Plan, p.3-25). Table 15-802 of the City Development Code sets forth the limited uses that can be conducted

within that Buffer zone, with manufactured housing, and secondary units, being the sole housing type permitted.

The Specific Plan proposes to abolish this existing adopted Buffer zone in the SEDA area. It instead intends to allow Rural Cluster Residential uses in the area of lands previously designated with the Buffer Zone. The DEIR states that this Rural Cluster Residential uses will serve as a transitional buffer, and states that this area will provide average gross density of 0.1 to 0.5 units per acre.³ This change in the uses permitted in the Buffer can be seen by comparing Map 2.4, SEDA General Plan Land Use (Existing), with Map 2.5, SEDA Proposed Land Use Map, at pages 21 and 22 of the Specific Plan.

The Specific Plan therefore relaxes the existing restrictions that the General Plan established for development within the existing Buffer Zone, and diminishes from permanent to transitional status. The Specific Plan instead intends to allow a greater extent of housing, and potentially other uses. However, this change in the existing Buffer zone is nowhere discussed in the DEIR, and the impacts of allowing greater development within those areas is therefore nowhere analyzed in the DEIR. This is a significant change to an existing land use designation that was previously adopted to help diminish in conversion of farmland to nonagricultural uses.

The DEIR asserts that no feasible mitigation measures to address this impact are available. However, the proposed Specific Plan's change in the General Plan's Buffer zone exacerbates the impact. One feasible mitigation measure would therefore be the retention of the General Plan's established Buffer zone. Where, as here, the DEIR is intending to amend a prior mitigation measure of the existing General Plan, the DEIR must discuss the reasons that justify any change to the Buffer zone, and the potential consequences of allowing new Rural Cluster Residential uses within its environs. That discussion is particularly important where the DEIR otherwise determines this impact is significant, and unavoidable. The DEIR should be updated to include this discussion, and should then be recirculated.

F. Rather Than Rely Upon the Undefined Standards of Mitigation Measure MM Ag-2, the City Should Defer Adoption of the Specific Plan Until It Adopts the Farmland Preservation Program Intended by General Plan Policy Rc-9-C.

The DEIR, at p. 3.2-17, details the intention of the General Plan Policy RC-9-b to implement a Farmland Preservation Program. It seeks to assure that such a program, when adopted, will ensure mitigation of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance. Until the program is adopted, the DEIR intends to implement, through MM AG-2, an ad hoc mitigation program whose standards are entirely undefined.

³ As noted above, the Specific Plan provides that the densities stated in the Plan can be overridden by whatever standards are set forth in the yet to be developed SEDA Development Code.

The City adopted General Plan Policy RC-9-b nearly a decade ago, on December 18, 2014. It has had much time to prepare an appropriate program that addresses the intentions of that mitigation standard. Continuing in place an arrangement for ad hoc mitigations, based upon undefined standards, is not an acceptable alternative to a defined and adopted uniform program and policy that General Plan Policy RC-9-b intended. (See *Center for Sierra Nevada Conservation v. County of El Dorado* (2012) 202 Cal.App.4th 1156). This is particularly true given the amount of time that has been available to adopt such a program.

Rather than adopting MM AG-2 as a new mitigation measure, the City should defer finalizing this Specific Plan until after the program intended by General Plan Policy RC-9-b is fully adopted. Only then can both the agricultural community and the development community understand the requirements for development within the Plan where relevant farmland is being impacted. MM AG-2, standing alone, has insufficient performance standards to satisfy appropriate standards for deferred mitigation. It includes no mitigation ratio, does not address potentially appropriate exemptions and exclusions, or the locations of lands covered by conservation easements. It thereby leaves too many aspects of the arrangement too ill defined to fully assess its efficacy.

The fact that the impacts on relevant farmlands are identified as an unavoidable and mitigatable significant impact does not allow the DEIR to fail to adopt feasible mitigation measures. The adoption of General Plan Policy RC-9-b intended to allow appropriate deliberation of a comprehensive program to address such impacts. That program should be adopted before annexations within SEDA begin and before the Specific Plan is adopted.

G. The Specific Plan and Its DEIR Should Address Phasing Policies and Assure That Lands in the City's Sphere Adjacent to, but Outside SEDA, Are Prioritized For Development Before SEDA Lands.

The Specific Plan's implementation objectives provides that development of SEDA is to occur in an organized and phased manner. (Specific Plan, p.12, DEIR p. 2-12). The DEIR also states that annexations will be "strategic and proactive to facilitate infrastructure development by the City." (DEIR at p. 2-3). An important value of a phasing plan is that it can help diminish the pressure on early conversion of farmlands and impacts on existing rural residential uses within the Specific Plan boundaries. It may also help extend the period before the development within the Specific Plan pressures conversion of farmlands outside the Specific Plan, or rural residential uses in proximity to the Specific Plan boundaries.

A phasing program is therefore a tool that can help achieve many of the objectives of the Specific Plan's requirements set forth in LAFCO Resolution USOI-144, Section 8-3, regarding the Project's impacts on existing rural residential neighborhoods. It is also an important tool to mitigate the impact on farmland conversions, which is

particularly important where, as here, the DEIR finds that such impacts cannot be mitigated and are otherwise a significant an unavoidable circumstance. Even where that circumstance exists, CEQA nevertheless requires that all feasible mitigation measures are adopted. Yet, in this instance the Phase plan, while promised, is not adopted and is therefore not available as a mitigation tool.

One easy phasing strategy we recommended is a policy of the City to help insure that the unincorporated lands west of Temperance Avenue within the City Sphere of Influence are timely annexed before annexation begins with SEDA. However, an even broader phasing strategy would provide a greater extent of mitigation on the premature conversion of farmlands and impacts of development on existing rural residential uses.

Unfortunately, the Specific Plan does not include any phasing strategies. The accompanying DEIR therefore does not assess all potential mitigations that can be provided by a thoughtful phasing program. Such a program might include advancing construction of relevant public facilities necessary to support development. It might also include milestones before lands in various phases can have development commence.

The Specific Plan should be updated to incorporate the phasing plan that would allow the DEIR to assess the extent to which a proposed phasing will help mitigate the impacts of the project on rural residential neighborhoods and the conversion of farmlands. Such an assessment should be included in a recirculated DEIR.

H. The DEIR Does Not Assess the Adequacy of Existing City Ordinances to Support the Existing Rural Residential Neighborhoods Within the Plan.

LAFCO Resolution USOI-144, Section 8-3, confirms that the Specific Plan is to, among other aspects, emphasize the retention of characteristics in rural residential neighborhoods within the Plan's environs after their annexation into the City. This policy concerns an important environmental impact of the Specific Plan.

The Plan and the DEIR simply state that the existing uses on those parcels will remain protected under the Annexation Overlay Ordinance approved in City of Fresno Bill 2008-10. (Specific Plan, p. 29, DEIR, p. 2-8). Unfortunately, the text of bill 2008-10 is not set forth in the Specific Plan or the DEIR, and it is not a document that is readily available for public review. However, the City's Development Code includes Section 15-1606, that establishes an Annexed Rural Residential Transitional (ANX) Overlay District, which was codified as part of the adoption of the City's most recent comprehensive update to its Development Code in Ordinance 2015-39, effective January 9, 2016. It is unclear whether the provisions in Municipal Code Section 15-1606 is what was intended to be referenced in the DEIR and Specific Plan, or whether other provisions were intended.

The Annexation Overlay Zone in Municipal Code Section 15-1606 does protect a range of existing uses. However, it allocates such uses and their structures to legal

nonconforming status. That status may create difficulties with lenders and buyers of property, and the imposition of those constraints are not consistent with protecting the maintenance of such rural residential uses. That legal nonconforming status will also hinder appropriate expansion of existing legal nonconforming structures that may be reasonable and desirable to maintain thriving rural residential neighborhoods.

In fact, LAFCO Resolution USOI-144, Section 8-3, intends that the Specific Plan's program for retention of rural residential neighborhoods in annexed lands would allow for appropriate improvements needed to incorporate their characteristics into the urban landscape. While the City's legal nonconforming regulations at Municipal Code sections 15-404 and 15-405 allow some expansion in single family residential structures, similar expansion of other ancillary structures is not permitted except with the attainment of subsequent entitlements. In addition, expansions of single-family residential structures requires that the improvements conform to the standards of the newly allocated Base District. (Municipal Code Section 15-405-E-1).

LAFCO Resolution USOI-144, Section 8-3 has emphasized the importance of a program for annexation that is intended to emphasize the retention of characteristics of rural residential neighborhoods that make them desirable places to live. The Specific Plan does not include such a program. Further, the DEIR does not evaluate the characteristics of the existing rural residential neighborhoods. Nor does it evaluate the adequacy of the provisions of Municipal Code Section 15-1606, and the associated nonconforming legal use standards of the City, to assess whether those annexed rural neighborhoods will be able to effectively maintain their qualities intended by LAFCO Resolution USOI-144.

The DEIR should be updated to include an assessment of the existing City ordinances that will govern existing residential neighborhoods within the Plan after annexation, and whether those standards adequately protect their retention. It should also recommend any refinements to the existing City Ordinances where necessary. That information should be included in an updated and recirculated DEIR.

I. Elements of the DEIR's Mitigations of Water Supply Impacts Need Clarification.

The Specific Plan, at p. 105, under Policy RC-4.2, states that the North Kings Groundwater Sustainability Plan was approved in 2019. The Plan approval was subject to subsequent review and approval by the Department of Water Resources, and that plan was conditionally approved by the Department of Water Resources in 2023.

More importantly, Policy RC-4.2 states that all groundwater drawn to serve development in the SEDA will be replaced "with at least an equal volume via infiltration, pumping or other means". However, both the Specific Plan and the DEIR fail to explain how groundwater is to be replaced by pumping, or what the other means are that it intends to reference.

Policy RC-4.2 also states that the necessary recharge may not necessarily occur the same year as withdrawals, but asserts that over time total recharge will match total withdrawals. While all of those goals and intentions are desirable, some maximum period of mismatch between withdrawal and recharge should be identified. Consideration of impacts to sustainable management criteria should also be considered.

The City is situated on top of a single unconfined aquifer. To offset groundwater pumping, recharge must occur within a reasonable distance that demonstrates effectiveness. We are not opposed to regional recharge provided the groundwater pumping does not cause widespread regional impacts. Recharge outside of the North Kings Groundwater Sustainability Agency would not be considered reasonable.

The DEIR includes, as an appendix, a Water Technical Study prepared by Blair, Church, and Flynn Consulting Engineers (the "Water Study"). The Water Study identifies surface water supplied from both the United States Bureau of Reclamation (USBR) and the Fresno Irrigation District (FID) through existing agreements for groundwater recharge and potable use after treatment. According to the Water Study, the most recent FID agreement signed in 2016 provided for a maximum of 29% of FID's Kings River water supply to be available to the City. It is unclear per the FID agreement whether the water supply was intended for use within the Specific Plan boundary. The FID agreement, specifically Section 13.(c), states that "City and District mutually agree that the increase in percentages reflected in this Section 13 include allowances for moderate growth in Growth Area 1 of City's Sphere of Influence as shown in Exhibit C (as depicted as Figure IM-2 of the Fresno General Plan)." The DEIR should be revised to clarify this issue.

Mitigation Measure HYD-2b requires that the City must, prior to exceeding existing water supply capacities, evaluate the water supply system and not approve development in the Specific Plan until additional capacity is provided through water system improvements in accordance with the City Metropolitan Water Resources Management Plan. We recommend that some threshold be adopted to confirm that there is a trigger, prior to the actual point of exceeding existing water supply capacity, when the evaluations will be performed, and when the improvements will be required.

The DEIR, at page 3.10-9, advises that the City is in the process of updating its Metropolitan Water Resources Management Plan (the "Metro Plan"). Mitigation Measure HYD-2d provides that new and expanded groundwater recharge facilities will be in accordance with that plan, and that those measures will be completed prior to new applications for future development in the Specific Plan. However, because the Metro Plan has not yet been updated, it is unclear how HYD-2d can be an effective mitigation measure when the standards that may be included in that Metro Plan update have not yet been determined. It is also unclear whether full construction of all intended recharge facilities within the Specific Plan, as identified by the Metro Plan, will be completed as part of the requirement that new and expanded recharge facilities will be completed prior to new applications for future development. This element of the Mitigation Measure

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should be clarified. These requirements could also be better assured if the Specific Plan incorporated a phasing program that focused development of necessary public facilities on the areas intended for priority development.

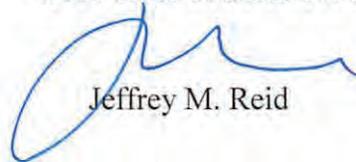
J. County as a Responsible Agency.

Section 2.5.2 of the DEIR should be updated to identify Fresno County as a Responsible Agency. That is because the County will be required to issue encroachment permits for construction within the County's road right-of-way, coordinate Williamson Act Contract cancellations, and approve required property exchange agreement(s) associated with future annexations in SEDA.

K. Conclusion.

Based on the foregoing, we respectfully request that the City not consider the Project DEIR until after there have been appropriate updates to the Specific Plan and the DEIR, to address the matters detailed above.

Sincerely,
McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP



Jeffrey M. Reid

cc: Bernard Jimenez, Planning & Resource Management Officer
Fresno County Department of Public Works and Planning

Enc. LAFCO Resolution USOI-144

RESOLUTION NO. USOI-144

FRESNO LOCAL AGENCY FORMATION COMMISSION
FRESNO COUNTY, CALIFORNIA

REQUEST FOR REVISION TO THE)	ADOPTED FINDINGS AND APPROVED
CITY OF FRESNO SPHERE OF)	WITH CONDITIONS
INFLUENCE)	

WHEREAS, in order to carry out its purposes and responsibilities for planning and shaping the logical and orderly development and coordination of local governmental agencies so as to advantageously provide for the present and future needs of the County and its communities, this Commission has the authority under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (the "Act") to develop and determine the sphere of influence of each local governmental agency within the County and enact policies designed to promote the logical and orderly development of areas within the sphere (California Government Code Section 56425(a)); and

WHEREAS, this Commission has the authority to establish spheres of influence, or to revise or amend adopted spheres of influence of local governmental agencies after a noticed public hearing called and held for that purpose (California Government Code Section 56427); and

WHEREAS, a proposal for a revision to a local government's adopted sphere of influence may be made by the adoption of a resolution of application by the legislative body of an affected local agency (California Government Code Section 56654(a)); and

WHEREAS, the City Council of the City of Fresno, California, adopted a resolution of application (Resolution No. 2005-507) on the 6th day of December 2005, applying to the Fresno Local Agency Formation Commission (LAFCo) for consideration of an amendment (hereafter referred to as the "Proposal" or "proposed SOI revision") to the City's Sphere of Influence to include the "Southeast Growth Area", consisting of approximately 8,863 acres, as identified in the Fresno 2025 General Plan; and

WHEREAS, the City of Fresno filed a certified copy of said resolution of application with the Executive Officer pursuant to California Government Code Section 56756; and

WHEREAS, the affected territory is generally described as an area bounded on the north by the Gould Canal, to the east by McCall, Highland and Temperance Avenues, on the south by Jensen, and North Avenues, and on the west by the existing Fresno Sphere of Influence boundary along Minnewawa, Temperance, and Locan Avenues, as depicted in "Exhibit A" attached to this resolution and made a part hereof; and

WHEREAS, said resolution of application (Resolution No. 2005-507) stated that Article VI of the City / County Amended and Restated Memorandum of Understanding (hereafter referred to as the "MOU" or "tax sharing agreement") requires the City to meet various conditions before proceeding with development within the Southeast Growth Area; and

WHEREAS, said resolution of application states that the City has met all the conditions identified in Article VI of the MOU with the exception of the preparation and approval of the Southeast Industrial Growth Area Business Park Specific Plan and attainment of the 60% residential development build-out in selected Community Plan Areas, and that provided the SOI amendment is approved, the City will move forward with the preparation and adoption of various Community and Specific Plans; and

WHEREAS, at its March 16, 2005 hearing the Local Agency Formation Commission requested more detailed environmental analysis, especially with respect to issues related to the preservation of agricultural lands; and

WHEREAS, in response to the request for more detailed environmental information, the City caused to be prepared a more detailed initial study to support a new Environmental Assessment (No. SOI-05-01, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130) dated September 29, 2005); and

WHEREAS, the City Council reviewed the more detailed environmental information and found that the information supports and reaffirms the original finding and made a new finding based on the new information that there is no substantial evidence in the record that the "Southeast Growth Area SOI Amendment" may have an adverse impact on the environment; and

WHEREAS, as commended by Section 56425 (b) of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, the City of Fresno presented the proposal to the Fresno County Board of Supervisors and requested them to support and concur with the City's request; and

WHEREAS, at its January 31, 2006 hearing, by a vote of three to two, the Board of Supervisors approved its support of a resolution of reapplication to LAFCo for an amendment to the City's SOI to include the Southeast Growth Area; and

WHEREAS, pursuant to Section 56425 (b), when there is an agreement between the County and a city seeking an SOI amendment the Commission shall give great weight to the agreement in its final determination of the city's SOI; and

WHEREAS, said application for an SOI revision was deemed complete and accepted for filing by the Interim Executive Officer and a Certificate of Filing was issued pursuant to California Government Code Sections 56651 and 56658(g), and accordingly Commission proceedings were deemed initiated; and

WHEREAS, the Executive Officer set this matter for hearing on April, 12, 2006, at the hour of 1:30 p.m., and caused notice of said hearing to be published in accordance with California Government Code Section 56153 in a newspaper of general circulation which is circulated within the territory affected by the sphere of influence proposed to be amended; and

WHEREAS, pursuant to Government Code Section 56665 the Executive Officer reviewed said application and all supporting materials and prepared a report to this Commission, including a recommendation for approval with specified conditions, said report having been mailed to the Commission, the officers or persons designated in the application, each local agency whose boundaries or sphere of influence would be changed by the Proposal, and each affected local

agency that has filed a request for a report with the executive officer, at least five days before said hearing; and

WHEREAS, this Commission reviewed the Executive Officer's report and recommendation and all supporting materials, including Initial Study No. SOI-05-01, Finding of Conformity to the 2025 Fresno General Plan Master Environmental Impact Report (MEIR 10130) dated September 29, 2005, the Master Environmental Impact Report, and all other documents that were incorporated by reference into said report, pursuant to Government Code Section 56665(d), which report was duly considered by this Commission pursuant to State law; and

WHEREAS, said Proposal was considered by this Commission at said hearing on the 12th day of April, 2006, at which the Executive Officer presented staff's report and recommended approval of the Proposal with specified conditions, and testimony was presented in favor and against the Proposal; and

WHEREAS, this Commission considered all relevant factors and evidence and heard all affected agencies and interested parties wishing to speak on said application; and

WHEREAS, as Responsible Agency, this Commission independently reviewed and considered the information in the Draft and Final MEIR for the Fresno 2025 General Plan and the City's subsequent "Environmental Assessment / Initial Study" and the City's "Finding of Conformity" issued pursuant to Section 21157.1 of the California Public Resources Code (California Environmental Quality Act "CEQA") prior to taking its action, and determined that the City's finding is appropriate, pursuant to State law, and that the Proposal is consistent with these documents and that these documents are sufficient on which to make a determination on the proposed sphere of influence revision.

NOW, THEREFORE, BE IT RESOLVED that the Fresno Local Agency Formation Commission does HEREBY STATE, FIND, RESOLVE, DETERMINE, AND ORDER as follows:

SECTION #1 – This Commission hereby adopts the findings required by the California Environmental Quality Act (CEQA) listed below:

1. Acting as a Responsible Agency under CEQA Guidelines, the Final Master Environmental Impact Report prepared for the 2025 Fresno General Plan by the Lead Agency, the City of Fresno, has been prepared in accordance with the requirements of CEQA Guidelines (Public Resources Code, Section 21000 *et seq.*) and the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines – California Code of Regulations, Title 14, Section 15000 *et seq.*).
2. This Commission considered the information in the Final Master Environmental Impact Report and the Initial Study upon which the Lead Agency determined said project to be within the scope of the "Master Environmental Impact Report (MEIR) No. 10130" prepared and certified for the 2025 Fresno General Plan, prior to making a determination about the Proposal, together with any and all comments received during the public review process pursuant to the California Environmental Quality Act (CEQA), and finds on the basis of the whole public record before the Commission, including the Final Master Environmental Impact Report and the Initial Study and any comments received, that there is no substantial evidence that the project will have a significant effect on the environment, and that the Lead Agency's determination pursuant to Section 21151.1 of the California Public Resources

Code (California Environmental Quality Act "CEQA") reflects the Lead Agency's independent judgment and analysis pursuant to CEQA Section 15074, *et seq.* (Public Resources Code Sections 21083 and 21087).

3. Acting as Responsible Agency pursuant to California Environmental Quality Act (CEQA) Guidelines, the Commission hereby finds that the Lead Agency's determination is appropriate, pursuant to Section 21151.1 of the California Public Resources Code (California Environmental Quality Act "CEQA"), and finds that that Final Master Environmental Impact Report and the subsequent Initial Study are sufficient on which to make a determination on the proposed change of organization.

SECTION #2 – This Commission hereby finds that the proposed change of organization is consistent with LAFCo Policies, Standards and Procedures Section 330, "Sphere of Influence Updates and Revisions," and the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

SECTION #3 – This Commission hereby finds that the April 12, 2006 public hearing and consideration of the proposed SOI revision were legally noticed pursuant to California Government Code sections 56427 and 56153, and that all notices related to this matter were duly given in accordance with State law, including, but not limited to, the Act and CEQA Guidelines and governing laws.

SECTION #4 – This Commission finds that, pursuant to California Government Code section 56426.5(b)(1)(2) the proposed SOI revision will facilitate planned, orderly, and efficient patterns of land use and provision of services. The public interest in the change of organization substantially outweighs the public interest in the continuation of existing Williamson Act Contracts in the affected territory beyond the current expiration date of said Contracts. Additionally, the change of organization is not likely to adversely affect the continuation of said Contracts beyond their current expiration date. In making this determination, the Commission considered all relevant factors pursuant to California Government Code section 56426.5(b)(2)(A-C).

SECTION #5 - This Commission Determines that the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN dated December 2005 prepared by the City of Fresno conforms to the requirements of Section 56430 of the California Government Code, and hereby adopts the proposed Written Determinations contained therein with the following addition:

Government Structure Options (Page 61) – Add: 4. As the provider of a full range of urban services the City is the logical agency to provide these services in the subject area.

SECTION #6 – This Commission hereby makes the following determinations pursuant to Government Code Section 56425(e):

1. The proposed Sphere of Influence expansion will accommodate anticipated growth needs of the City of Fresno in the affected area, and, with certain recommended conditions for future annexations therein, will provide for all existing and planned uses.
2. The present and probable needs for public facilities and services in the area will be provided for as identified in the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN

prepared by the City of Fresno. The need for additional facilities will be identified and addressed during the preparation and adoption of the Community or Specific plan for the Southeast Growth Area as required in conditions 1 and 2 of Section 8, below.

3. The present capacity of public facilities and adequacy of public services that the City provides or is authorized to provide have been adequately identified in the MUNICIPAL SERVICE REVIEW AND SERVICES PLAN prepared by the City of Fresno, and additional facilities needs will be identified and addressed during the preparation and adoption of the Community or Specific Plan for the Southeast Growth Area as required in conditions 1 and 2 of Section 8, below.
4. No social or economic communities of interest have been identified in the subject area that are deemed relevant to the Commission.

SECTION #7 – This Commission hereby approves the proposed revision to the City of Fresno Sphere of Influence to include the "Southeast Growth Area" (approximately 8,863 acres) within the City's adopted sphere of influence (LAFCo File No. USOI -144), as depicted in Exhibit "A".

SECTION #8 – If and when the City submits an application for annexation for any affected parcels within the amended SOI, the City shall complete the following plans and programs prior to the Commission's approval of such an application:

1. Prepare and adopt a Community or Specific Plan for the Southeast Growth Area, including the preparation, public review, and certification of environmental documents and findings pursuant to CEQA. This plan shall include, but not be limited to, policies to address the requirements of Section 56426.5 of the California Government Code for lands subject to Williamson Act contracts.
2. Prepare and adopt a Master Service Delivery Plan for the Southeast Growth Area.
3. Prepare, adopt and begin to implement a program for annexing the designated open space areas in the approach corridor of the Fresno Air Terminal (areas designated with an "R" on the 2025 General Plan map), and for rural residential neighborhoods within the City's existing Sphere of Influence in the vicinity of the Southeast Growth Area. This program shall provide for logical and reasonable development, discourage urban sprawl, preserve open-space and prime agricultural lands, efficiently provide for government services, and encourage orderly development.

The rural residential neighborhood annexation program should emphasize the retention of characteristics that make the neighborhoods desirable places to live, while making provisions for appropriate improvements needed to incorporate such characteristics into the urban landscape. The program should include an outreach effort demonstrating to residents that annexation into the City would provide for an enhanced living environment preferable to staying in an unincorporated enclave, surrounded or substantially surrounded by the City. This program shall also be applicable within the Southeast Growth Area, and shall be reflected in the Specific Plan prepared by the City as required by condition 1, above.

The annexation program for the designated Open Space areas in the Fresno Air Terminal approach corridor should be undertaken as a means to preserving open space lands that would otherwise not be proposed for annexation; thereby providing for the efficient extension of government services to areas beyond the approach corridor, and providing for orderly boundaries that will facilitate annexation of other properties proposed for urban development.

SECTION #9 - The Executive Officer is hereby authorized and directed to mail certified copies of this resolution as provided in Government Code Section 56882 and to file, as appropriate, in the office of the Fresno County Clerk all environmental documents, if any, pertaining to the approval of this Proposal, as required by state law.

* * * * *

ADOPTED THIS 12th DAY OF APRIL, 2006, BY THE FOLLOWING VOTE:

AYES: Commissioners Lopez, Rodriguez, Fortune, Alternate County Commissioner Larson, and Waterston.

NOES: None

ABSENT: Anderson

STATE OF CALIFORNIA)
COUNTY OF FRESNO)

CERTIFICATION OF CHAIRMAN

I, Bob Waterston, Chairman of the Fresno Local Agency Formation Commission, Fresno County, State of California, certify that the foregoing resolution was adopted by the Commission at a regular meeting held on the 12th day of April, 2006.



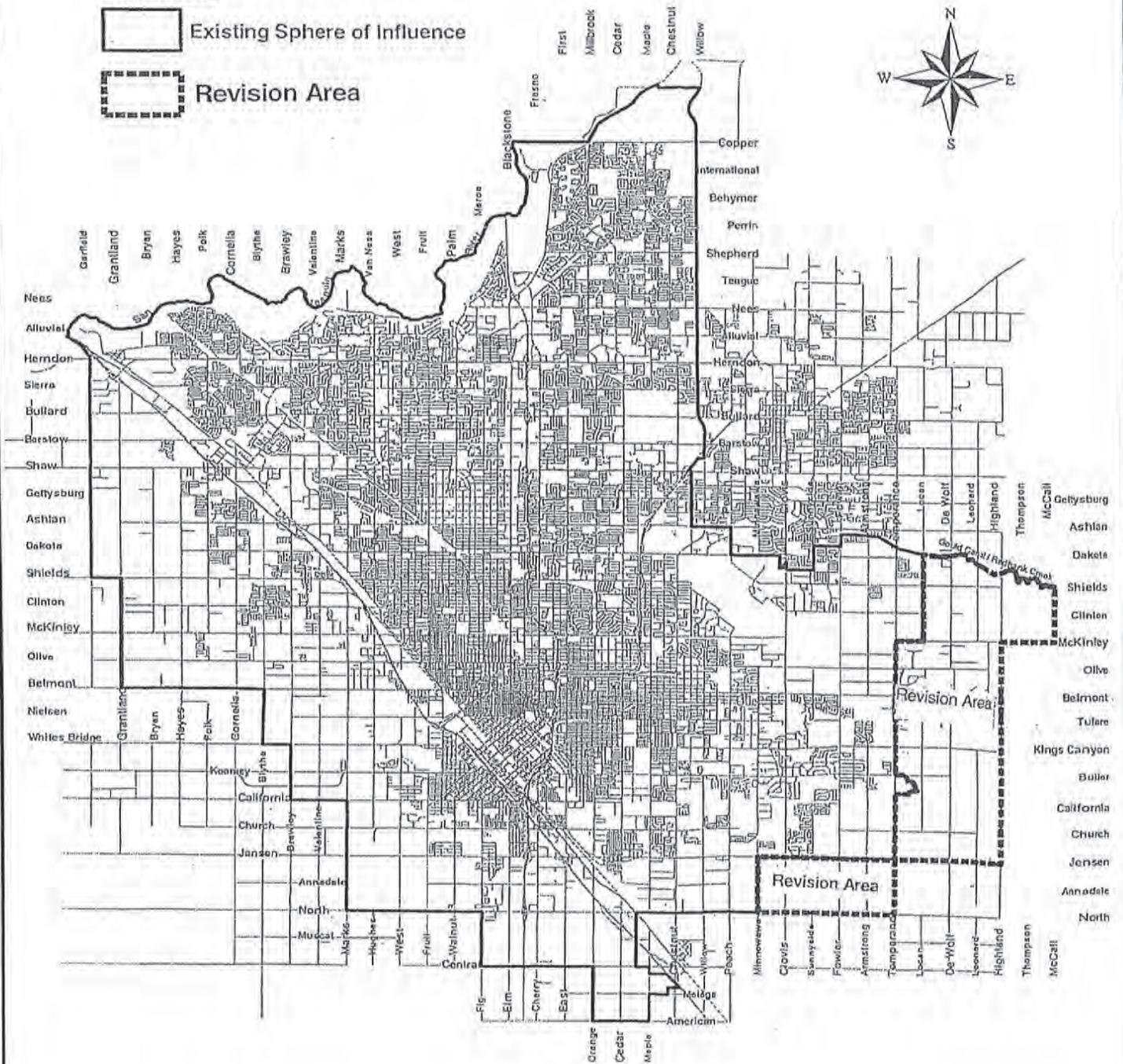
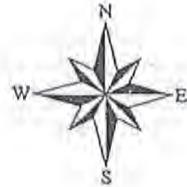
Bob Waterston, Chairman
Fresno Local Agency Formation Commission

EXHIBIT "A"

RESOLUTION NO. USOI-144

LEGEND

- Existing Sphere of Influence
- Revision Area





Fresno Metropolitan Flood Control District
Capturing Stormwater since 1956

File 310. "BG", "BL", "BM",
"BS", "CS", "DS", "DV"
410.214

August 28, 2023

Ms. Adrienne Asadoorian, Planner
City of Fresno Planning and Development Department
2600 Fresno Street, Rm. 3065
Fresno, CA 93721

Dear Ms. Asadoorian,

Fresno Metropolitan Flood Control District (FMFCD) Comments on the Notice of Availability of a Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project, Fresno, California

**Adopted Drainage Areas "BG", "BL", "BM", "BS", "CS", "DS", "DV"
and Proposed Drainage Areas "DT", "DU", "DW", "DX", "DY", "DZ"**

The Fresno Metropolitan Flood Control District (FMFCD) has reviewed the adopted and proposed Master Plan storm drainage systems for the areas located within the Southeast Development Area Specific Plan (SEDA Plan). The adopted Master Plan drainage systems were designed using the previously adopted General Plan land uses and the proposed Master Plan drainage systems are based on the SEDA Plan land uses as shown on Exhibits 1-1 and 2-2 of the DPEIR.

As noted in FMFCD's prior letter dated March 25, 2022, in Master Plan areas where no drainage facilities have been constructed, the Master Plan can be planned to accommodate the new land uses and pipe alignments within the SEDA Plan. FMFCD has located the proposed basin locations, as shown on Exhibit No. 1, needed to serve the SEDA Plan and recommends that the City incorporate the proposed basin locations into the SEDA Plan Proposed Land Use Map. Additional language to provide for an alternate land use designation for the proposed basins should be included in the SEDA Plan. FMFCD previously requested that the proposed basins, not yet acquired by FMFCD, be shown in its tentative location, but may be relocated within a mile of the proposed site. This will allow FMFCD to purchase land in the general vicinity of the proposed site without a Specific Plan update should the proposed basins not be located exactly on the parcel as shown on the SEDA Plan. The proposed basin locations are an essential element to the proposed Master Plan drainage systems as they take into consideration topography, land use, existing/proposed street alignments, pipeline collection system layout, and other planimetric features. This is an important element that must be addressed in the SEDA Plan.

k:\letters\environmental impact report letters\dpeir seda specific plan.docx

5469 E. Olive Avenue • Fresno, CA 93727 • (559) 456-3292 • FAX (559) 456-3194
www.fresnofloodcontrol.org

Ms. Adrienne Asadoorian, Planner
City of Fresno Planning and Development Department
Notice of Availability of a Draft Program Environmental Impact Report
for the Proposed Southeast Development Area Specific Plan Project
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Upon review of the SEDA Plan land uses for the areas within the adopted Master Plan drainage systems it is determined that the Master Plan can accommodate the new land uses with revisions to the existing drainage system. Approximately 55 acres located northwest of McKinley and McCall Avenues is located within the SEDA Plan but not within an adopted drainage area. This area currently drains to the FMFCD Fancher Creek Basin. FMFCD has identified 94 acres outside of the SEDA Plan, located southeast of Temperance and Jensen Avenues that is planned to be served by a proposed Master Plan drainage system. This area is bounded by the Briggs Canal and does not have an alternate solution to be served due to the topographic constraints.

FMFCD shall be notified of any revisions to the SEDA Plan Proposed Land Use as changes may effect the existing and proposed Master Plan drainage systems.

Upon adoption of the SEDA Plan and EIR by the City of Fresno, FMFCD will prepare an update to its Municipal Services Review (MSR), for Fresno LAFCO consideration. The MSR is a LAFCO requirement and will demonstrate that FMFCD has the ability to extend flood control and drainage services into the SEDA Plan, as development occurs. Once the District's MSR update (covering all of the SEDA Plan) has been approved by LAFCO, FMFCD can proceed with a Sphere of Influence (SOI) Amendment designed to fold SEDA into the FMFCD SOI.

LAFCO is the CEQA Lead Agency for the Sphere of Influence Amendment, and FMFCD is the CEQA Lead Agency for subsequent annexation into SEDA, which is why it is critical that the SEDA EIR evaluate actions and impacts specific to the extension of flood control and drainage services into the SEDA Plan. Should the EIR fail to address extending FMFCD services into the SEDA Plan and fail to extend tax sharing services to FMFCD, the City/County will be required to fund the design and implementation of the Master Plan storm drainage system. LAFCO and FMFCD will rely on the City's analysis and treatment of environmental impacts in formulating their own CEQA responses to the demands of SEDA.

FMFCD may request that it's progressive annexation into SEDA take the form of LAFCO reorganizations, where our annexations mirror the sequence and configuration of City annexation. In this case, in the course of City pursuit of each annexation into SEDA, the City would present LAFCO with a reorganization proposal, where one LAFCO action simultaneously authorizes the City annexation, the FMFCD annexation, annexation by other urban service providers, and detachment from the County and special districts providing services to the unincorporated area (e.g. rural fire protection districts).

Ms. Adrienne Asadoorian, Planner
City of Fresno Planning and Development Department
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Comments specific to the Southeast Development Area Specific Plan

FMFCD offers the following comments specific to the review of the SEDA Plan (The individual pages are included, and the section or sentence has been highlighted for your reference):

1. In all references to proposed basins located within the SEDA Plan, FMFCD suggests the proposed basin locations be identified on Exhibits 1-1 and 2-2 of the Specific Plan Map as previously outlined on Exhibit No. 1 of FMFCD prior letter dated March 25, 2022. Identifying the proposed basins within the SEDA Plan is essential to the available land use acreages prior to approval of the Specific Plan.
2. Page 2-6, 2.3.2 – Proposed Specific Plan Buildout Table 2-1: Flood Control Basin are included in the proposed specific plan acreages. FMFCD suggests the proposed basin locations be identified on Exhibits 1-1 and 2-2.
3. Page 2-14: Replace the word Municipal with Metropolitan.
4. Page 3.2-19, Impact AG-2 and Exhibit 3.2-2: Informational purposes only, FMFCD has identified one (1) proposed basin site, Basin “DY” is located on properties within the Williamson Act Contract.
5. Page 3.10-11, Hydrology and Water Quality Paragraph 2: Correct 164 to 165. Replace “...of 2-year storms and for at least” with “...not less than”. Replace “...rainfall” with “...annual runoff”. Delete “...or relocated”.
6. Page 3.10-12, Hydrology and Water Quality Paragraph 3: Replace “...a 2-year storm and for at least” with “...not less than”. Replace “...rainfall” with “...annual runoff”.
7. Page 3.10-12 and 13, Table 3.10-1: FMFCD was not given the opportunity to review the SEDA Specific Plan Storm Drain Technical Study dated June 10, 2022. We are therefore providing the most current information available and suggest revisions be made to Table 3.10-1 to most accurately address the Drainage Area summaries.
8. Page 3.10-34, Hydrology and Water Quality, Paragraph 1 and 2: Replace the word Municipal with Metropolitan.

Ms. Adrienne Asadoorian, Planner
City of Fresno Planning and Development Department
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9. Page 3.10-37, Hydrology and Water Quality, Paragraph 6: Replace "...a 2-year storm and for at least" with "...not less than". Replace "...rainfall" with "...annual runoff".
10. Exhibit 3-17.1 Proposed Major Street Circulation: FMFCD's Basin "DS", located at the northwest corner of Clinton and Leonard Avenues, was acquired in anticipation of Clinton Avenue not going through between Leonard and DeWolf Avenues. FMFCD requests the SEDA plan remove this circulation plan for Clinton Avenue based on the proposed vacation documents to be submitted by CUSD to the County.
11. Page 3.18-19, Utilities and Service Systems, Paragraph 3: Replace "...of two year storms and for at least" with "...not less than". Replace "...rainfall" with "...annual runoff".
12. Page 3.18-19, Utilities and Service Systems, Paragraph 5: Delete "...Community Block" and add "...from the Federal and State governments".
13. Page 3.18-20, Utilities and Service Systems, Paragraph 5: Replace "...a 2-year storm and for at least" with "...not less than". Replace "...rainfall" with "...annual runoff".

Thank you for the opportunity to comment. If you have any questions or concerns regarding our comments, please feel free to contact the District at (559) 456-3292.

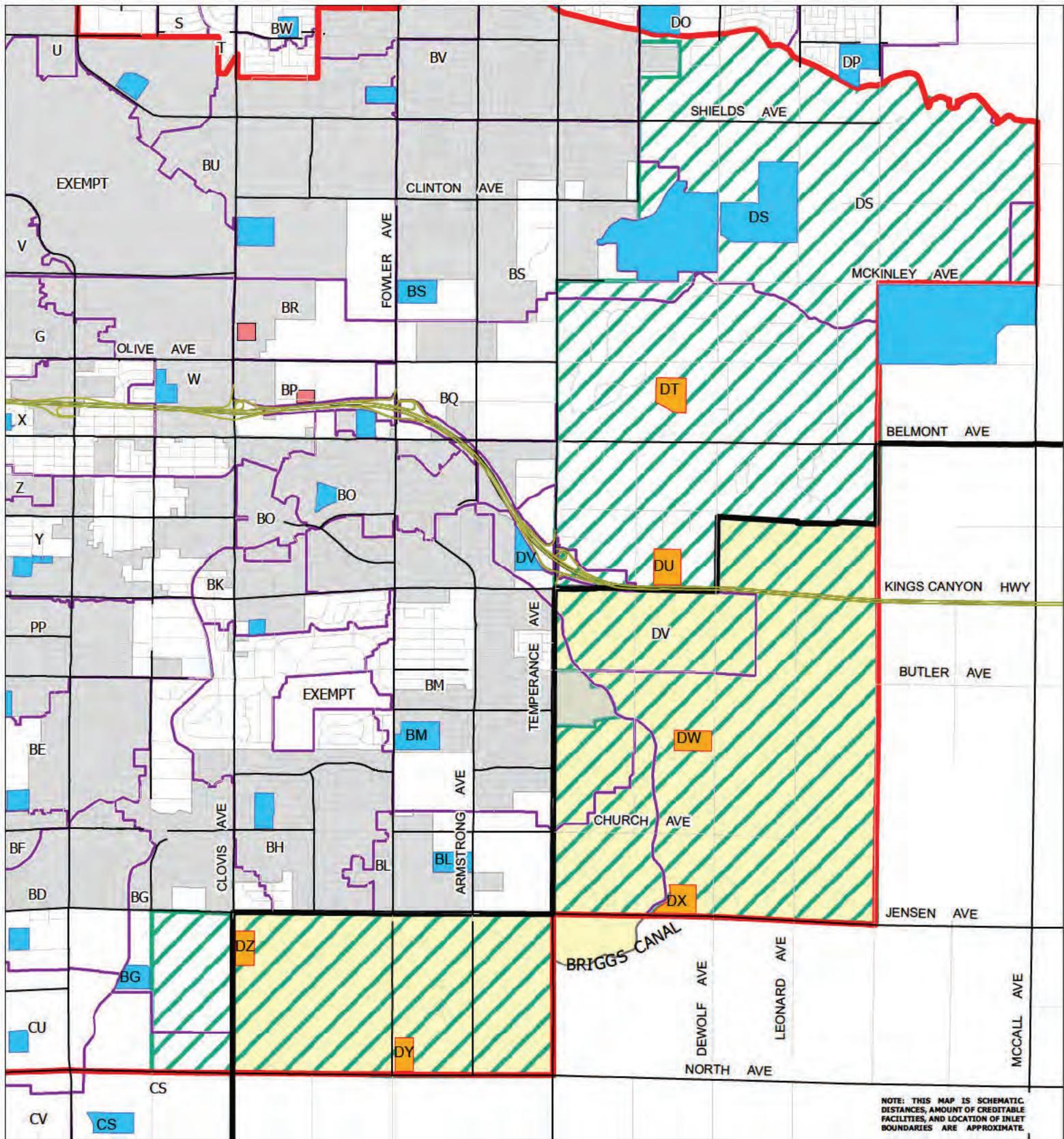
Respectfully,



Denise Wade
Master Plan Special Projects Manager

DW/lrl

Attachment(s)



NOTE: THIS MAP IS SCHEMATIC. DISTANCES, AMOUNT OF CREDITABLE FACILITIES, AND LOCATION OF INLET BOUNDARIES ARE APPROXIMATE.

- | | |
|--|---|
|  FMFCD BOUNDARY |  EXISTING |
|  CITY OF FRESNO SPHERE OF INFLUENCE |  PROPOSED |
|  DRAINAGE AREA |  PROPOSED SEDA |
|  CITY LIMITS | |
|  SOUTHEAST DEVELOPMENT AREA | |
|  FMFCD ANNEXATION AREA | |

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

EXHIBIT NO. 1

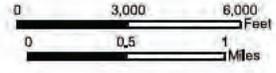


SEDA PROPOSED LAND USE MAP

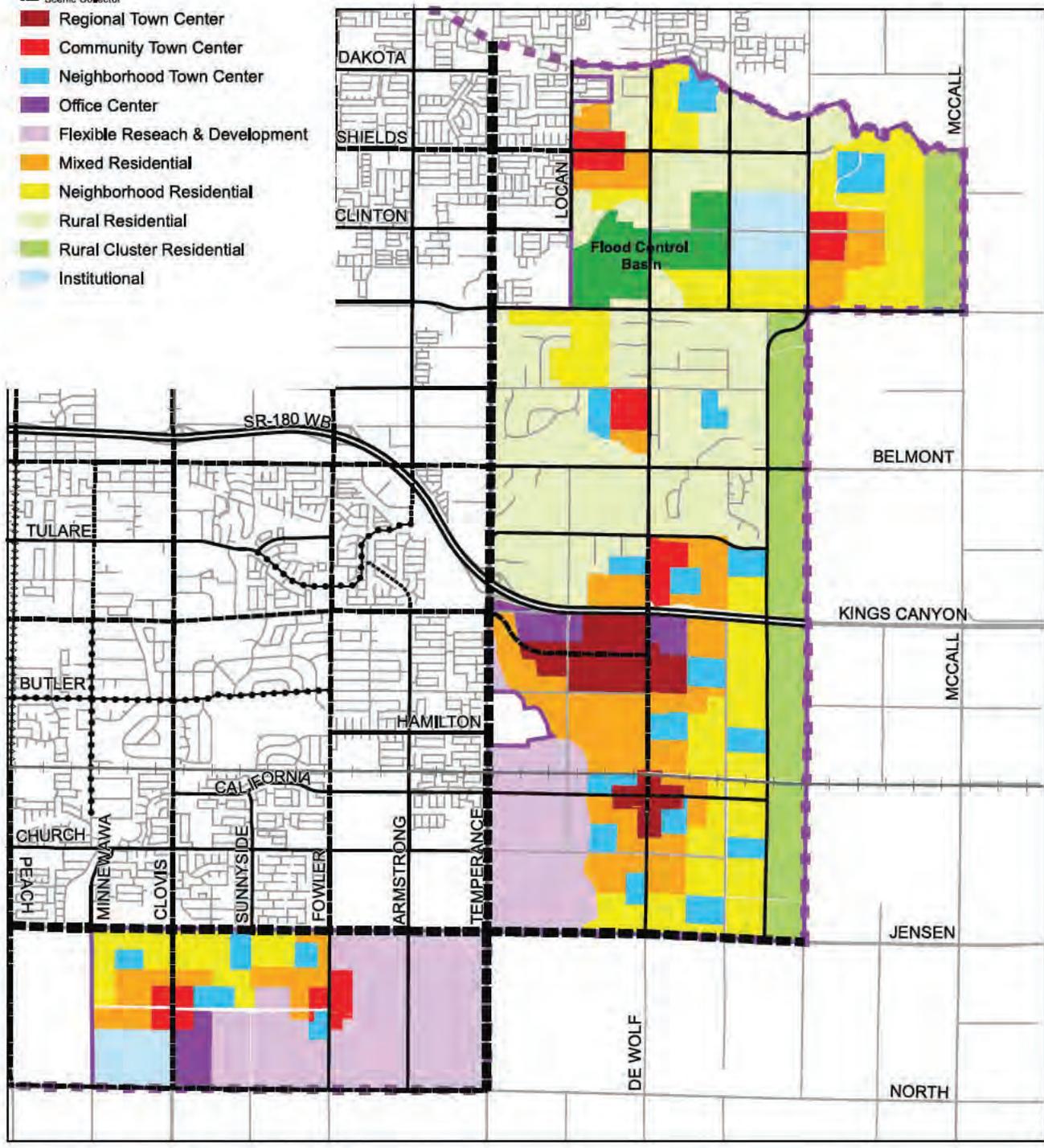
Southeast Development Area

- Freeway
- Expressway
- Scenic Expressway
- Super Arterial
- Arterial
- Scenic Arterial
- Scenic Drive
- Collector
- Scenic Collector
- Regional Town Center
- Community Town Center
- Neighborhood Town Center
- Office Center
- Flexible Research & Development
- Mixed Residential
- Neighborhood Residential
- Rural Residential
- Rural Cluster Residential
- Institutional

- Southeast Development Area
- Fresno Sphere of Influence
- Major & Local Roads
- Railroads



Source: City of Fresno, SEDA Illustrative Plan derived from community and stakeholder meetings.



Source: City of Fresno, SEDA Regulating Districts, 07/2023.

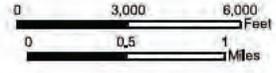


Exhibit 1-1
Specific Plan Map

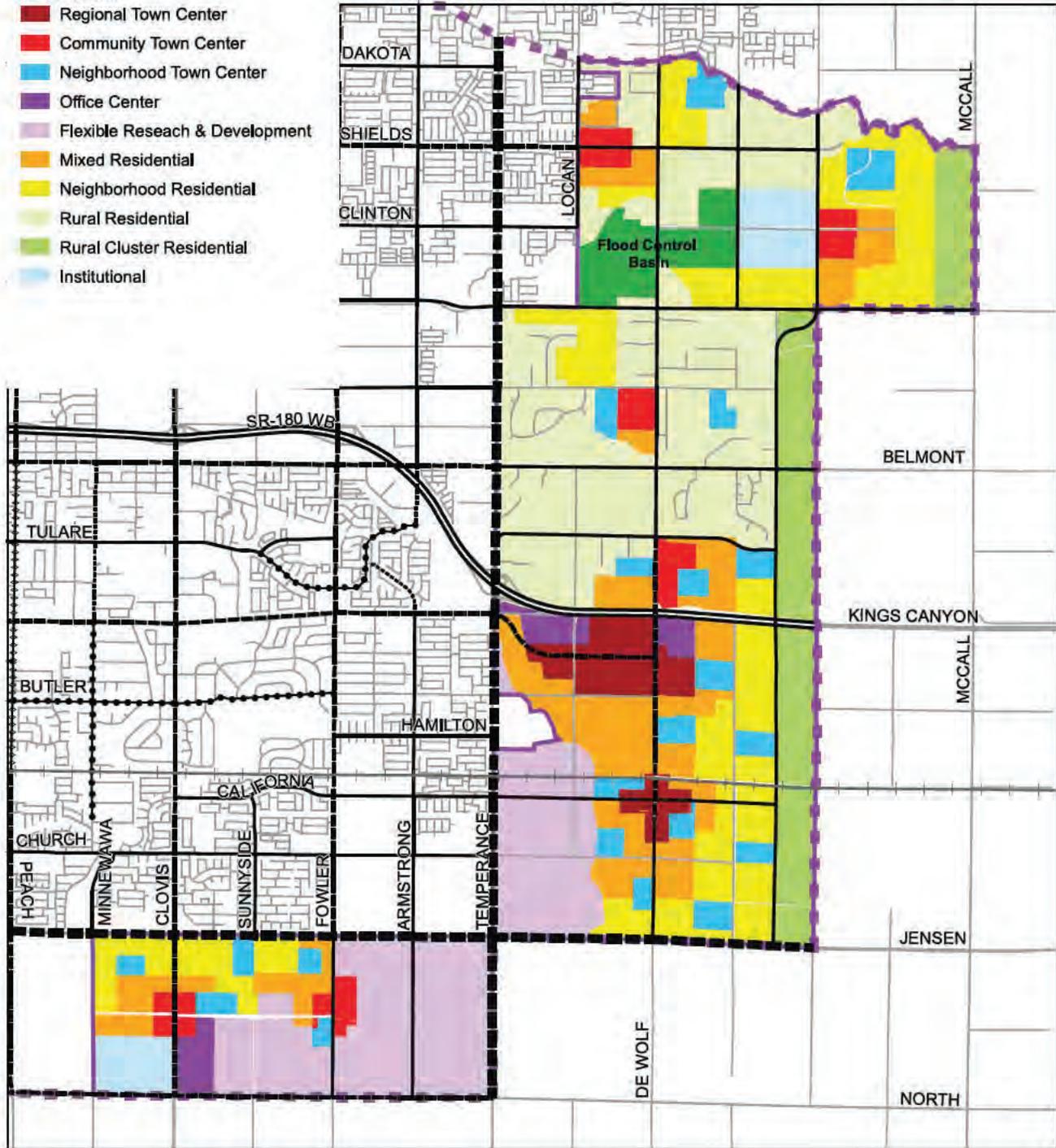
SEDA PROPOSED LAND USE MAP

Southeast Development Area

- Freeway
- Expressway
- Scenic Expressway
- Super Arterial
- Arterial
- Scenic Arterial
- Scenic Drive
- Collector
- Scenic Collector
- Southeast Development Area
- Fresno Sphere of Influence
- Major & Local Roads
- Railroads



Source: City of Fresno, SEDA Illustrative Plan derived from community and stakeholder meetings.



Source: City of Fresno, SEDA Regulating Districts, 07/2023.



Exhibit 2-2
Specific Plan Map

would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure.

2.3.2 - Proposed Specific Plan Buildout

The Land Use Map defines the physical extent of Land Use Districts, as well as major roadway alignments which constitute the buildout of the proposed project as shown in Exhibit 2-2. It also identifies potential locations for certain open space and institutional features. These locations, as well as certain roadway configurations and specific transit alignments, are more closely specified in the Infrastructure Plan. The implementation of the Land Use Map is administered through the application of Land Use District Standards and Street and Circulation Standards. The proposed project land use categories by district are shown in Table 2-1 along with the total proposed acreage. Descriptions of each of the associated land use categories are further discussed below.

Table 2-1: Proposed Specific Plan Acreages

Land Use	Proposed Plan Acres	Percentages
Mixed-Use Land Uses		
Regional Town Center	310	3.5%
Community Town Center	290	3.3%
Neighborhood Town Center	520	5.9%
Mixed-Use Land Uses Total	1,120	12.7%
Residential Land Uses		
Mixed Residential	1,090	12.4%
Neighborhood Residential	1,520	17.3%
Rural Residential	2,160	24.5%
Rural Cluster Residential	810	9.2%
Residential Land Uses Total	5,580	63.4%
Employment Land Uses		
Office Center	160	1.8%
Flexible Research and Development	1,380	15.7%
Institutional	280	3.2%
Employment Land Uses Total	1,820	20.7%
Other Land Uses		
Flood Control Basin	280	3.2%
Total	8,800	100%

Source: City of Fresno 2022.

the proposed project. This Draft PEIR will provide environmental information to these agencies and other public agencies, which may be coordinated with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- California Department of Transportation
- California State Water Resources Control Board (State Water Board)
- California Department of Fish and Wildlife (CDFW)
- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)
- Fresno Local Agency Formation Commission
- San Joaquin Valley Air Pollution Control District (Valley Air District)
- Fresno Municipal Flood Control District
- Fresno Irrigation District

Level of Significance After Mitigation

Significant and unavoidable impact.

Conflict with Existing Zoning or Williamson Act Contract

Impact AG-2: **The proposed project would not conflict with existing zoning for agricultural use, or a Williamson Act Contract.**

According to the General Plan, the City and its SOI includes lands under Williamson Act Contract, and the majority of these lands are located within the Plan Area. Exhibit 3.2-2 shows the locations of the Williamson Act Contract parcels within the Plan Area. Comparing these parcels to Exhibit 2-2, the majority of land within the Plan Area that is under Williamson Act Contract would be designated for non-agricultural land uses (such as various types of residential, regional and community center land uses) with implementation of the Specific Plan. The General Plan PEIR identifies that implementation of the approved General Plan would conflict with land under Williamson Act Contracts, which would result in a significant and unavoidable impact.

Therefore, the continued implementation of the approved General Plan as well as implementation of the proposed Specific Plan could conflict with existing Williamson Act Contracts because non-agricultural uses would be allowed on lands under a Williamson Act Contract. As a result, the continued implementation proposed Specific Plan could result in a significant impact on existing Williamson Act Contract land.

Therefore, project impacts would remain significant and unavoidable. No feasible mitigation measures are available.

Level of Significance Before Mitigation

Potentially significant impact.

Fresno General Plan PEIR Mitigation Measures

None.

Project Specific Mitigation Measures

No feasible mitigation measures are available.

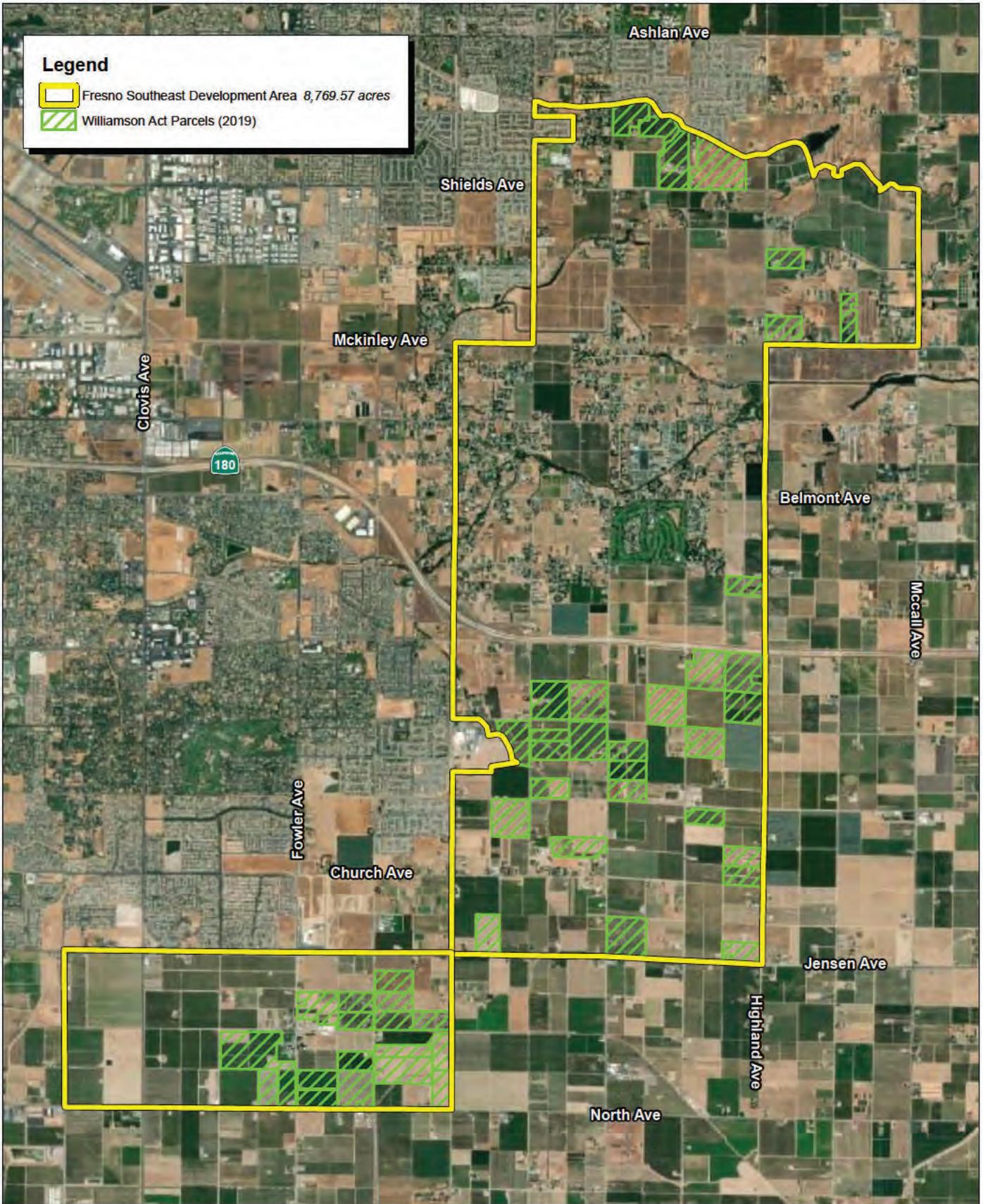
Level of Significance After Mitigation

Significant and unavoidable impact.

Forest Land and Timberland

Impact AG-3: **The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).**

As identified in the General Plan, no land within the City or SOI is used for forestry purposes and no land within the City or SOI is designated or zoned for forestry resources. Therefore, the Plan Area



Source: ESRI Aerial Imagery. City of Fresno (2019). LSA

FIRSTCARBON
SOLUTIONS™

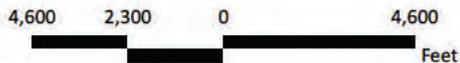


Exhibit 3.2-2
Williamson Act Contract Parcels

the Storm Drainage and Flood Control Master Plan (Storm Drain Master Plan), which is developed and updated by FMFCD. FMFCD's Storm Drain Master Plan divides the service area into many local drainage areas of 1–2 square miles throughout Fresno. Drainage area boundaries are determined by geographic and topographic features and the economics of providing storm drainage service to the watershed. Storm drainage facilities within a drainage area typically consist of storm drain inlets, pipelines, retention basins, urban detention (water quality) basins, and stormwater pump stations. Surface grading improvements such as streets, curbs, gutters, and valley gutters are part of the City of Fresno infrastructure, but the general grading of these features is governed by the Storm Drain Master Plan to provide a coherent implementation of drainage within Fresno.

All inlets, pipes, and pump stations within each drainage area are maintained by the FMFCD. The gutters, along with public streets and sidewalks, are maintained by the City's Street Maintenance Division. It is assumed that this maintenance agreement will remain in place for the foreseeable future. The FMFCD's Storm Drain Master Plan includes 164 adopted or proposed drainage areas, most served by a retention or detention facility.³⁰ FMFCD basins have been sized for capacities of 2-year storms and for at least 60 percent of average rainfall;³¹ FMFCD allows a 20 percent change in volume before basins need to be resized or relocated.

Stormwater collection in the City begins with street gutters that collect and convey stormwater runoff to storm drain inlets. The runoff is collected in these inlets and delivered to FMFCD's pipe networks, pump stations, and infiltration basins for groundwater recharge. Most runoff is discharged into recharge basins, but during heavy rainfall events, excess runoff overflows into a system of relief channels and canals that discharge to the San Joaquin River, its tributary streams, local agricultural canals, and FID facilities.

Storm drain inlets are located at low points in the topography as determined by the Storm Drain Master Plan. Pipeline alignments and sizes are also shown on the Storm Drain Master Plan. Pipeline alignments are subject to change as development proposals are put forward by development projects. Retention basin and urban detention basin locations and sizes are part of the Storm Drain Master Plan as well. Basins are sited in the topographic low point of the drainage area. All of the storm drainage pipelines within the drainage area are directed to the basin for that area. Retention basins store and percolate stormwater from the drainage area if time between storms permits; otherwise, the water is pumped to designated irrigation canals. Urban detention basins provide quiescent (still) conditions for the removal or settling out of suspended solids prior to discharge of the stormwater to the San Joaquin River.

The Fresno-Clovis Metropolitan area consists of drainage areas that are completed (e.g., all Master Planned facilities are constructed and functional) or in the process of being completed (e.g., portions of the retention basin, pipelines, and inlets are constructed and other portions are not). For the drainage areas that are in the planning stage, the planning area may be planned and documented and the retention basin land may be purchased, but no construction has occurred; other areas may not have the land purchased for the basins yet. Implementation of the Storm Drain Master Plan

³⁰ Fresno Metropolitan Flood Control District (FMFCD). 2016. 2016 District Services Plan.

³¹ Ibid.

occurs in response to development activity in newly developing areas and through Capital Improvement Projects (CIPs) in previously developed areas.

Plan Area

In accordance with the Storm Drain Master Plan and other planning documents, the FMFCD is developing improvements for the Plan Area for storm drain facilities. The Plan Area encompasses all or part of the following existing drainage areas: BG, BL, BM, BS, CS, DS and, DV. Proposed drainage areas for SEDA include DT, DU, DW, DX, DY, and DZ. Most of the existing drainage areas include existing storm drain collection facilities, but the proposed drainage areas generally have no existing storm drain facilities. Areas DS and DV are the exceptions in that they are existing drainage areas with basins but have not been built out to Master Plan conditions. FMFCD improvements include storm drain inlets and piping, which are being analyzed and developed in conjunction with the proposed land uses for the Plan Area. Those portions of the Plan Area encompassed in existing drainage areas include Master Planned utilities designed by FMFCD.

There are seven existing basins contributing to stormwater collection for the Plan Area and six proposed basins within the Plan Area. There are also two existing basins outside of the Plan Area that are not part of existing drainage areas, including the Redbank Basin and the Fancher Creek Basin, which may contribute to additional drainage capacity; however, these two basins were not considered in the analyses completed as part of the Storm Drain Technical Study prepared for this Draft PEIR (Appendix I). FMFCD basins are designed for a capacity of a 2-year storm and for at least 60 percent of average rainfall. Per the FMFCD, the proposed drainage areas for SEDA have not been adopted yet, and the basin locations have not been finalized. Table 3.10-1 shows the capacities of both existing basins that serve the Plan Area and proposed basins that will serve the Plan Area.

Table 3.10-1 Drainage Areas and Basin Capacities

Drainage Area Designation	Drainage Area Size ^A (acres)	Basin Volume ^B (AF)	Basin Design Use	Basin Type	Relief Line to FID Facility
Existing Drainage Areas/Basins					
BG	755	232.1	Nonresidential	Recharge	Yes; Washington Colony Canal
BL	782	301.1	Residential	Recharge	No; relief line to Basin BH
BM	1,519	390.4	Residential	Dual Use	No; relief line to Basin BH
BS	1,341	396.7	Nonresidential	Recharge	Yes; Mill Ditch
CS	854	346.5	Nonresidential	Recharge	Yes; Washington Canal
DS ^C	1,960	1,383.3	Residential	Undetermined ^D	Yes; Mill Ditch and Redbank Basin
DV ^C	505	230.0	Nonresidential	Undetermined ^D	Yes; Briggs Canal and Fancher Creek

Drainage Area Designation	Drainage Area Size ^A (acres)	Basin Volume ^B (AF)	Basin Design Use	Basin Type	Relief Line to FID Facility
Proposed Drainage Area/Basins					
DT	983 975.46	232.4	Residential	Undetermined ^D	Yes; Fancher Creek
DU	1,307 1268.94	323.8	Residential	Undetermined ^D	No; relief line to Basin DV
DW	756 749.99	233.9	Residential	Undetermined ^D	Undetermined
DX	879 877.9	304.5	Residential	Undetermined ^D	Yes; Briggs Canal
DY	749 771	295.2	Nonresidential	Undetermined ^D	No; relief line to Basin DZ
DZ	698 694.5	263.6	Nonresidential	Undetermined ^D	No; relief line to Basin BG
<p>Notes: AF = acre-feet FID = Fresno Irrigation District FMFCD = Fresno Metropolitan Flood Control District GIS = Geographic Information System ^A Drainage area sizes obtained from GIS Shape Files provided by FMFCD. ^B Basin volumes obtained from H&H calculation sheets provided by FMFCD. ^C Existing drainage area and basin but not yet built out. ^D Approved use of proposed basins will be determined via coordination between FMFCD and City. Source: Blair, Church & Flynn Consulting Engineers. SEDA Specific Plan Storm Drain Technical Study. June 10, 2022.</p>					

Flooding and Inundation

The City of Fresno is located in the alluvial fans of numerous foothill stream sand creeks that drain the western slope of the Sierra Nevada foothills. These streams include Big Dry Creek, Alluvial Drain, Pup Creek, Dog Creek, Redbank Creek, Mud Creek, and Fancher Creek. Numerous smaller, unnamed drainage courses also drain into the City from the rural areas east of Fresno.

Based on a review of the FEMA Flood Insurance Rate Maps (FIRMs) for the City of Fresno,³² there are areas that are subject to the 100-year flood frequency flood zone as shown in Exhibit 3.10-1. The primary area that is subject to the 100-year flood zone is along the San Joaquin River below the bluffs. There are additional areas in the vicinity of the Fresno International Airport, the SEDA Specific Plan Area in the vicinity of the Redbank Creek Dam, adjacent to SR-180 east of Clovis Avenue, and within an industrial area east of SR-99, south of California Avenue and north of Jensen Avenue. In addition, various detention basins are subject to the 100-year flood zone.

Project Site

According to the FIRMs that include SEDA, a majority of the SEDA Specific Plan Area is outside the 100-year flood zones; most areas are located within Zone X (unshaded) (outside the 500-year floodplain with minimal risk of flooding) as shown in Exhibit 3.10-1.

³² Federal Emergency Management Agency (FEMA). 2021. National Flood Hazard Layer. Website: <https://www.fema.gov/flood-maps/national-flood-hazard-layer>. Accessed June 13, 2022.

Fresno Municipal Flood Control District Post-Development Standards Technical Manual

The FMFCD published a Post-Development Standards Technical Manual³⁷ in 2014 to provide development and redevelopment standards to address stormwater quality requirements for projects in areas that do not drain to the Regional Stormwater Management Basin System. Per the manual, five drainage areas in the FMFCD service area do not drain into a stormwater management basin and two areas outside the service area do not drain into a regional stormwater management basin. These post-development requirements were developed to comply with the MS4 Permit maintained for stormwater and non-stormwater discharges from MS4 to waters of the United States. The manual provides guidance and recommendations for implementing stormwater quality BMPs with the intention of improving water quality and mitigating potential water quality impacts from stormwater and non-stormwater discharges.

Fresno Municipal Flood Control District Standard Plans and Specifications

The FMFCD maintains a set of standard specifications and plans intended to serve as requirements for FMFCD improvements and projects. The specifications and plans are maintained and published by FMFCD for use by designers and contractors.

3.10.4 - Methodology

The potential project-related impacts related to hydrology and water quality were evaluated on a qualitative basis due to the programmatic nature of this Draft PEIR. Qualitative impacts were assessed by evaluating the project's potential for impacting hydrology and water quality within the Plan Area based on information regarding the current service commitments and capacities of public service providers within the Plan Area.

Technical studies were developed to analyze the impacts of development under the proposed Specific Plan versus the approved General Plan; the Storm Drain and Water Technical Studies are applicable to this section. General Plan land use classifications and Specific Plan land use classifications were provided by the City of Fresno Planning and Development Department in the form of Geographic Information System (GIS) and Shape files. GIS and Shape files were also obtained from the City of Fresno Department of Public Utilities for the existing facilities in Fresno, including the Plan Area.

The Water Technical Study (Appendix F) focused on the analysis of water demand in the Plan Area and how it may change based on Specific Plan development. For the General Plan land use case, the technical memorandum prepared by West Yost Associates for the City of Fresno General Plan Update Master EIR³⁸ was used in obtaining projected water demand data for SEDA. For the Specific Plan analysis, the water demand factors used were prepared by Akel Engineering as part of the Metro Plan Update.³⁹ The GIS files for the General and Specific Plan land uses were used to determine the total areas of each land use classification. The water demand factors were then used with the area of the corresponding land use classification to determine a total water demand for the Plan Area based

³⁷ Fresno Metropolitan Flood Control District (FMFCD). Post-Development Standards Technical Manual. June 2014.

³⁸ West Yost Associates. Hydraulic Evaluation of the Proposed 2035 General Plan Land Use Update for the Master Environmental Impact Report. Table 2. Water Demand Comparison for General Land Use Plan Land Changes. January 21, 2013.

³⁹ Akel Engineering Group Inc. Water and Wastewater Unit Factor Update for Metropolitan Water Resources Management Plan Update. October 2020.

waters or groundwater. Additionally, construction materials such as fuels, solvents, and paints may result in contamination of stormwater and present a risk to surface water quality.

New projects that are 1 acre or larger in size will be required to comply with the General Construction Permit, Order No. 2012-0006-DWQ, issued by the State Water Board, and will need to develop and implement a SWPPP to estimate sediment risk from construction activities to receiving waters, and specify BMPs that would be used by the project to minimize pollution of stormwater.

Future development would be required to prepare, implement, and be consistent with the Construction General Permit, including the SWPPP and BMPs, which would reduce project construction impacts on water quality to less than significant. Therefore, construction impacts associated with water quality standards and WDRs would be less than significant.

Operation

The Plan Area will eventually be under the jurisdiction of the FMFCD for stormwater and flood control management. (Portions of the Plan Area are currently within FMFCD boundaries, with the rest actively being developed and annexed.) Stormwater runoff is collected by FMFCD facilities and will typically end up in retention basins. These basins will sometimes be forced to discharge water to surface waters during periods of heavy or consistent rain. These discharges may increase the concentration of sediment and pollution found in stormwater.

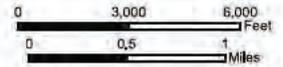
Typically, stormwater runoff from urban development contains an array of constituents, such as automotive fluids (e.g., fuels, oils, antifreeze), combustion and exhaust byproducts (e.g., lead, cadmium, nickel), sediments, fertilizers, pesticides, herbicides, and nutrients and bacteria pollutants from domestic and agricultural animal waste. These constituents are expelled into the environment throughout the year, where they settle onto the ground surface. During the wet season, stormwater runoff conveys these pollutants downstream, resulting in polluted stormwater runoff, especially during the first storm events of the season.

Water quality treatment for post-construction discharges to stormwater in the FMFCD urban flood control system area is provided by retention basins. Development in the FMFCD Master Plan area is exempt from further water quality requirements as long as the FMFCD's Storm Water Quality Management Plan is implemented. Storm drainage improvements are funded by local drainage fees paid by developments and constructed by either FMFCD, developers, or both. Basins are effective at reducing average concentrations of a broad range of contaminants via filtration through soil and are built to design criteria exceeding Statewide Standard Urban Stormwater Mitigation Plan standards. There are seven existing basins contributing to stormwater collection for the Plan Area and six proposed basins within the Plan Area. FMFCD basins are designed for a capacity of a 2-year storm and for at least 60 percent of average rainfall.

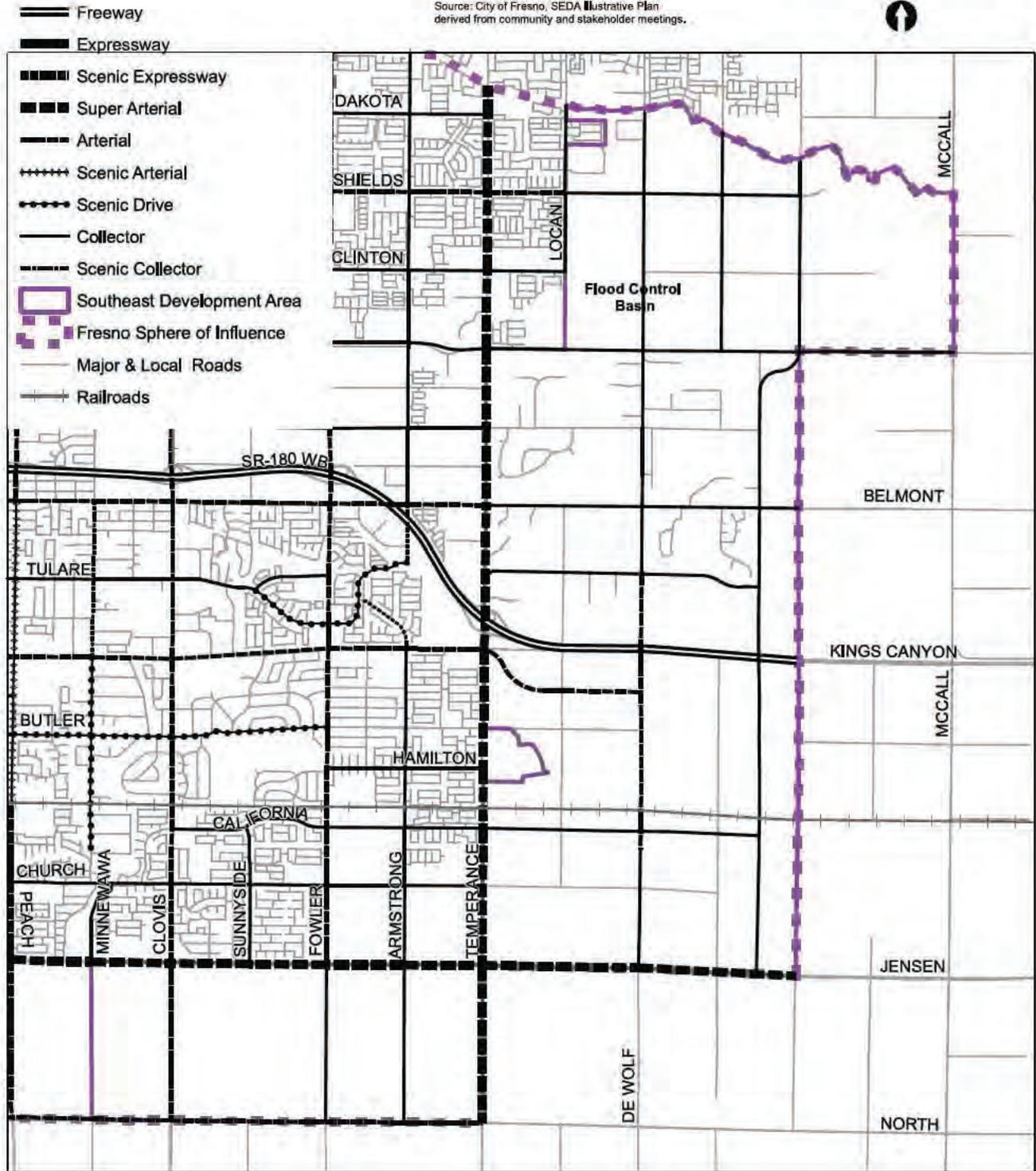
The City is a co-permittee with the FMFCD, the County of Fresno, the City of Clovis, and California State University Fresno in the Phase 1 NPDES Permit for Stormwater Discharges from MS4s. This Phase 1 MS4 Permit requires that the City and its co-permittees implement water quality and watershed protection measures for all development projects. The WDRs contained in the NPDES Permit have been designed to be consistent with the water quality standards and goals established

PROPOSED MAJOR STREET CIRCULATION

Southeast Development Area



Source: City of Fresno, SEDA Illustrative Plan derived from community and stakeholder meetings.



Source: City of Fresno



Exhibit 3-17.1 Proposed Major Street Circulation Network

rural streams management, local stormwater drainage, stormwater quality management, water conservation, recreation, and related wildlife management. The FMFCD coordinates with cities and the County of Fresno via a framework provided in the Storm Drainage and Flood Control Master Plan (Storm Drain Master Plan), which is prepared by the FMFCD as a specific element within the general plan of each agency. The Storm Drain Master Plan identifies urban and rural drainage area boundaries, computes runoff flows based on planned land use, identifies facility size and location, establishes street grades necessary to accomplish drainage of the runoff from the point of origin to the nearest collector facility, and identifies natural channels requiring preservation.

Stormwater collection in the City is typically completed via FMFCD facilities. It begins with street gutters that collect and convey stormwater runoff to storm drain inlets. The runoff is collected in these inlets and delivered to FMFCD's pipe networks, pump stations, and infiltration basins for groundwater recharge. Most runoff is discharged into recharge basins, but during heavy rainfall events, excess runoff overflows into a system of relief channels and canals that discharge to the San Joaquin River, its tributary streams, local agricultural canals, and FID facilities.

The Storm Drain Master Plan divides FMFCD's service area into many local drainage areas of one to two square miles throughout the City. All inlets, pipes, and pump stations within each drainage area are maintained by the FMFCD. The gutters, along with public streets and sidewalks, are maintained by the City's Street Maintenance Division. It is assumed that this maintenance agreement will remain in place for the foreseeable future. The FMFCD's Storm Drain Master Plan includes 164 adopted or proposed drainage areas, with all but five areas served by a retention or detention facility. FMFCD basins have been sized for capacities of two-year storms and for at least 60 percent of average rainfall;⁴⁵ FMFCD allows a 20 percent change in volume before basins need to be resized or relocated.⁴⁶ Retention basins are designed to provide storage for up to 6 inches of rainfall on the drainage area watershed given typical runoff to rainfall ratios used for urban drainage design.

FMFCD pipes range in size from 15 to 108 inches, and basins range in size from 5 to 25 acres. The drainage areas are delineated along topographic boundaries and are limited in size from 200 to 600 acres. This size limitation helps reduce the size requirements of the collection and disposal facilities.

FMFCD utilizes three means to implement drainage systems for the Metropolitan Area. One method is the use of Community Block Grants and low interest infrastructure loans from the State of California to construct drainage facilities in the older, previously developed areas of the City. A second method is to form assessment districts under the provisions of the 1915 Bond Act; assessment districts were formed based on drainage area boundaries, the parcels within the assessment districts were assessed a proportional share of the cost of the collection and disposal system, and the drainage system for the drainage area was constructed. The third and currently employed method is to collect drainage fees from parcels as they develop based on their prorated share of the cost of the drainage area collection and disposal systems. The implementing ordinance for the drainage fee structure is adopted by the City, and the drainage fees are collected by the City when entitlements are granted or building permits are issued.

⁴⁵ Fresno Metropolitan Flood Control District. 2016. District Services Plan.

⁴⁶ Placeworks. 2017. Southwest Fresno Specific Plan Environmental Impact Report. August.

FMFCD is also a primary participant in groundwater recharge for the City. Unlined retention basins provide recharge of both stormwater runoff and imported water from the San Joaquin River and Kings River. Through a cooperative agreement, the City uses FID canals to deliver allocated water from the San Joaquin and Kings Rivers to these basins for groundwater recharge.

Flood Control

FMFCD provides flood control measures on major creeks and waterways that drain to the City; these waterways include Big Dry Creek, Alluvial Drain, Pup Creek, Dog Creek, Redbank Creek, Mud Creek, and Fancher Creek. The flood control measures maintained are designed for the 0.5 percent exceedance interval (i.e., 200-year-return frequency) flood flow event, which include a series of dams and detention basins. These include the Big Dry Creek Dam, Fancher Creek Dam, Redbank Dam, Friant Dam, Alluvial Drainage Detention Basin, Pup Creek Detention Basin, Redbank Creek Detention Basin, Fancher Creek Detention Basin, and Big Dry Creek Detention Basin.

Project Site

In accordance with the Storm Drain Master Plan and other planning documents, the FMFCD is developing improvements for the Specific Plan Area for storm drain facilities. The Specific Plan Area encompasses all or part of the following existing drainage areas: BG, BL, BM, BS, CS, DS and, DV. Proposed drainage areas for SEDA include DT, DU, DW, DX, DY, and DZ. Most of the existing drainage areas include existing storm drain collection facilities, while the proposed drainage areas generally have no existing storm drain facilities. Areas DS and DV are the exceptions in that they are existing drainage areas with basins but have not yet been built out to Master Plan conditions.

FMFCD improvements include storm drain inlets and piping, which are being analyzed and developed in conjunction with the proposed land uses within the Plan Area. Those portions of the Plan Area encompassed in existing drainage areas include master planned utilities designed by FMFCD.

There are seven existing basins contributing to stormwater collection for the Plan Area, and six proposed basins within the Plan Area. There are also two existing basins outside of the Plan Area that are not part of existing drainage areas, including the Redbank Basin and the Fancher Creek Basin, that may contribute to additional drainage capacity; however, these two basins were not considered in the analyses completed as part of the Storm Drain Technical Study (Appendix I). FMFCD basins are designed for a capacity of a 2-year storm and for at least 60 percent of average rainfall. Per the FMFCD, the proposed drainage areas for SEDA have not been adopted yet and the basin locations have not been finalized; those presented here have been placed by FMFCD staff.⁴⁷ The Specific Plan must be analyzed and evaluated for impacts on the aggregate area and each planned basin area.

An area's runoff rate and volume are heavily affected by the amount of impervious surfaces within the area. Imperviousness is directly related to the type of land use and can either positively or negatively affect an area's drainage capabilities with a change in impervious surfaces. A common characteristic that can define an area's imperviousness, i.e., its ability to handle drainage during

⁴⁷ Wade, Denise. FMFCD Master Plan Special Projects Manager, FMFCD. Personal communication: email. February 22, 2022.

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Planning

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Pedestrian
Planning

Jennifer Clark (Jennifer.Clark@fresno.gov)

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

21 August 2023

Re: Southeast Development Area Plan Impact Analysis

Dear Ms. Clark,

I am writing as a planning consultant who specializes in transportation impact evaluation concerning the Southeast Development Area Plan transportation impact analysis as described in the 14 July 2023 SEDA's *Draft Program Environmental Impact Report* and related documents.

This plan's predictions of vehicle miles traveled (VMT) are significantly flawed because it assumes an unrealistic internal trip capture rate that would reduce per capita VMT from 46 to 5 daily VMT, which is much lower than typical new developments.

The analysis assumes that the SEDA would be developed based on Smart Growth principles to create complete, multimodal neighborhoods where residents walk, bike and use public transit for most trips. These assumptions are unrealistic and not supported by the current proposal. For example, although the plan includes some mitigation strategies (p. 3.17-31-32), these are modest and unlikely to reduce vehicle travel 90% – significant VMT reductions require financial incentives such as cost-recovery pricing applied to all parking, plus grade-separated transit services – and complete communities typically take decades to fully develop and achieve their potential vehicle travel reductions.

New analysis tools and guidance documents are available that could provide more accurate predictions and guidance for achieving VMT reduction targets:

Caltrans (2020), *Vehicle Miles Traveled-Focused Transportation Impact Study Guide*, California Department of Transportation (<https://dot.ca.gov>); at <https://bit.ly/3DDSm5H>.

Also see *SB 743 Implementation Resources* (<https://dot.ca.gov/programs/sustainability/sb-743/sb743-resources>).

CAPCOA (2021), *Handbook for Analyzing Greenhouse Gas Emission Reductions*, California Air Pollution Control Association (www.caleemod.com); at www.caleemod.com/handbook/index.html.

F&P (2022), *Providing VMT: Getting Beyond LOS*, Fehr & Peers (www.fehrandpeers.com); at www.fehrandpeers.com/vmt-impacts.

ITE SB 743 Task Force (2021), *ITE Guide to SB 743: Transition from Level of Service to Vehicle Miles Traveled*, Northern California ITE (www.norcalite.org); at <https://bit.ly/3CU1DIe>.

Todd Litman (2018), *Land Use Impacts on Transportation*, Victoria Transport Policy Institute (www.vtpi.org); at www.vtpi.org/landtravel.pdf.

Deborah Salon (2014), *Quantifying the Effect of Local Government Actions on VMT*, Institute of Transportation Studies (<https://its.ucdavis.edu>); at ww3.arb.ca.gov/research/apr/past/09-343.pdf.

Robert J. Schneider, Susan L. Handy and Kevan Shafizadeh (2014), "Trip Generation for Smart Growth Projects," *ACCESS 45*, pp. 10-15; at <http://tinyurl.com/oye8aqj>. Also see the *Smart Growth Trip-Generation Adjustment Tool* (<https://tinyurl.com/mtuhz4j8>).

Most experts recommend that North American communities start growing upward instead of outward. Fresno is currently not very dense and most existing housing stock is moderate-density single-family. To implement Smart Growth and maximize sustainability and transportation efficiency, Fresno should support infill development within the existing urban boundaries rather than expand to new areas.

In my opinion, the Plan's current analysis significantly underestimates vehicle traffic congestion, crash, emission and resulting air quality impacts. Until more accurate travel modeling can be completed, and air quality impacts adjusted, this PEIR fails to predict the project's significant social and environmental impacts, and so fails to provide the information that policy makers, practitioners and the general public need to make informed decisions.

Thank you for your consideration.

Best wishes,

A handwritten signature in blue ink that reads "Todd Litman". The signature is written in a cursive, flowing style.

Todd Litman



August 22, 2023

Ms. Georgeanne White
City Manager
City of Fresno
Georgeanne.White@fresno.gov

Subject: Concerns Regarding City of Fresno's Southeast Development Area Specific Plan

Dear Ms. White,

I am writing on behalf of Granville Homes to express our concerns about the City of Fresno's Specific Plan for the Southeast Development Area. While we support the City's commitment to responsible development, we believe that certain aspects of the plan require careful consideration to ensure a balanced and successful outcome. Below are several Specific Plan items that raise significant concerns for us.

Policy UF-8.1

Cul-de-Sacs

Policy UF-8.1 appears to largely disallow cul-de-sacs. Cul-de-sacs very often improve traffic flow, safety and community interaction. Adding restrictions with respect to the amount of lots located in cul-de-sacs will drive away many potential homebuyers and will also lower the integrity of neighborhoods.

Alleys

While alleyways may offer limited benefits, they also introduce challenges related to aesthetics, accessibility, and overall functionality within neighborhoods. Most importantly, alleyways will greatly reduce backyard space at a time when many homebuyers are demanding to have more backyard. Inclusion of alleyways will also diminish the variety of product available to homebuyers due to constraints on buildable area. We hope the resulting policy will encourage, but certainly not require, alley-loaded products in developments.

Gated Neighborhoods

We are opposed to the suggested elimination of fully-gated neighborhoods. Gated communities provide security and exclusivity, attracting homeowners seeking a certain level of privacy. The City will lose out on a significant number of potential homeowners by eliminating gated neighborhoods in such a large section of the City. With unrestricted pedestrian access, gated vehicular access would become little more than an annoyance, especially for seniors.

Home Building • Land Development & Urban Infill • Property Management • Philanthropy

Address: 1306 West Herndon Avenue, Suite 101 Fresno, CA 93711

Corporate: 559.436.0900 Established: 1977 Websites: gvhomes.com • rentgranville.com¹⁴²

Block Length

We are also concerned about the proposed reduction in neighborhood block lengths to 500 feet. I disagree with the assumption that shorter block lengths necessarily increase walkability and pedestrian accessibility. Shorter block lengths will disrupt the organic flow of neighborhoods and can lead to frequent street crossings. While short block lengths may be ideal for a downtown district, that does not mean it would add the same value for residential development.

Policy OS-14.2 - Infrastructure Requirements

Policy OS-14.2's requirement for complete infrastructure installation before residential development will result in significant delays and challenges. While we understand the need for comprehensive infrastructure, a more flexible approach would allow for smoother construction progression. We believe procedures and safeguards are already in place to ensure timely completion of infrastructure improvements.

We believe that a collaborative effort involving developers, City officials, and community members will lead to a comprehensive plan that addresses these concerns while aligning with the City's vision. We are eager to engage in further discussions to find balanced solutions that benefit the development and the community.

Thank you for your time and consideration. We look forward to the opportunity to contribute positively to the Southeast Development Area's success.

Sincerely,



Darius Assemi
President
Granville Homes, Inc.

Home Building • Land Development & Urban Infill • Property Management • Philanthropy



Address: 1306 West Herndon Avenue, Suite 101 Fresno, CA 93711
Corporate: 559.436.0900 Websites: gvhomes.com • rentgranville.com

From: [Arakel Arisian](#)
To: [Adrienne Asadoorian](#)
Cc: [\[REDACTED\]@gmail.com](#); [Mel Kazarian](#); [\[REDACTED\]@att.net](#); [Menas Arisian](#)
Subject: SEDA Comments on EIR and Specific Plan
Date: Friday, August 25, 2023 6:17:00 PM

External Email: Use caution with links and attachments

Hello Adrienne –

I wanted to share comments on the SEDA EIR and Specific Plan on behalf of my clients, Harrison Farms. These comments were submitted through the Survey Monkey link, but I also wanted to provide them to you via email in case there was a technical issue with the online submittal. Below are their comments. Have a nice weekend!

“To Whom It May Concern,

Thank you for the opportunity to comment on the Southeast Growth Development Area Program Environmental Impact Report (EIR). Harrison Farms owns approximately 159 acres within the SEDA Specific Plan area (APN: 310-063-05 & 310-143-27), located just south of McKinley Avenue to the Fancher Creek, between Temperance and DeWolf Avenues. Given the opportunity afforded to us collectively with size of these properties, our intention is to master plan the parcels for future development. We are eager to begin that process in conjunction with the City’s planning efforts. With that in mind, we want to provide the following comments:

1. Potential Phasing Plan – the current SEDA Policy Draft does not explicitly provide a development phasing plan, although previous versions of the plan and correspondence referred to four distinct phases. We are in support of having no phasing for the SEDA area. If the City decides to phase the project, we request that the Harrison Farms properties be included in phase 1 and that the EIR sufficiently analyzes an alternative that allows for that option. Related to phasing, we would like to provide the following comments:
 - a. **Infrastructure** – major facilities for SEDA (e.g. sewer and water) will be installed in Temperance Avenue and the properties are between one-half mile and one-quarter mile from where that infrastructure will be available. In the past, several public meeting attendees have suggested a west-to-east phasing in order to leverage the significant infrastructure investment that is being made to allow development in SEDA.
 - b. **Proximity to the Bradley Center** – our property is less than a mile from the future Clovis Unified Bradley Center, which expected to be a major hub for SEDA. Allowing our property to develop with other properties in the first phase, to which we are immediately adjacent, will bring needed housing and other land uses within close proximity to the Bradley Center. Related to 1a, it is recommended that the infrastructure needed for the school is coordinated and installed with the needed infrastructure for development.

- c. **Circulation within SEDA** – one of the major challenges to developing SEDA is traffic and circulation. Currently De Wolf Avenue, which is planned to be an important north-south roadway does not connect between Olive and Belmont Avenues, along the east side of our property. Developing this area as part of phase 1 would allow the planning and potentially earlier construction of that needed connection. Completing DeWolf Avenue would alleviate traffic congestion on Temperance Avenue and other roadways in SEDA, particularly when infrastructure is being constructed in Temperance. It is recommended that the EIR traffic study examine the timing of the DeWolf Avenue connection as a part of the traffic mitigation timing.
2. Land Use Density – the proposed residential land use densities do not include an important range from .5 dwelling units per acre to 6 dwelling units per acre. We are requesting the City either to include that missing density range and/or allow for it through plan policies, as doing so would provide for a wider range and variety of housing types. It would also allow for a transitional increase in density for any project adjacent to existing rural residential. It is recommended that the EIR analyze and contemplate a scenario where future projects are developed at less than 6 units per acre. There are also other land use requirements that should be discussed further prior to the adoption of the plan.

We look forward to continuing to participate in the public engagement process and thank you for this opportunity to comment.”

Thanks,
Arakel

Arakel A. Arisian
AICP, LEED AP
Arisian Group
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August 27, 2023

Ms. Sophia Pagoulatos, Planning Manager
Ms. Adrienne Asadoorian, Planner
City of Fresno
2600 Fresno Street, Third Floor, Room 3065
Fresno, CA 93721

Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486.

Dear Ms. Sophia Pagoulatos,
Ms. Adrienne Asadoorian,

Comment in General: This plan is basically a "blank check" plan. No mitigation is allowed in the controversial areas. Also, over and over again, it is stated that once the plan is adopted, the various areas of contention would then be worked out. This reminds me what has happened at the Federal level when Congressmen stated we must pass the legislation and afterwards analyze it to see what it says. THIS IS WRONG and so very unfair to property owners as well as tax payers who will have to cover the expenses of a blank check! I find it very hard to understand how your department can endorse something that is so blatantly wrong.

I also find it difficult to understand why you promote a plan that you do not have concrete answers for. At the Town Hall meetings we were given answers that were vague, indirect, seemingly deceptive, or contradictory. Considering how massive this plan is, how disruptive this is to hundreds of lives, how intrusive this is, and how it will ultimately change the dynamics of Fresno, residents should be entitled to clear answers from those who want to implement this plan. To be so unprepared with a project of this magnitude is inexcusable and offensive.

The first three words of the Constitution are "We the People". The way your organization is handling this portrays an abusive City Government with the "Almighty Dollar" taking priority. It is very disheartening, especially knowing that there are options besides taking the most fertile farmland.

The EIR is inadequate as it is based on ad hoc decisions to be made in the future and not on a set plan. Therefore, it cannot be properly evaluated and should be abandoned.

I contest the following areas of the EIR for the following reasons:

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Question: With the loss of the Ag land, please site the studies done to accommodate the loss of income for the Hmong Farmers. Hurting a minority is unacceptable and needs to be addressed and must be corrected.

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Question: How is the increase in the electrical grid going to affect Fresno? Not knowing the impact is unacceptable and needs to be addressed.

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Question: It is our understanding that the Greenhouse Gas Footprint will increase by 25% with this mega development. This plan is inconsistent with Fresno's climate change progress. What is the Greenhouse Gas Emissions goal of the City in this area and how will it be implemented in the SEDA development? The current plan is a "blank check" concerning climate change and is unacceptable until this is addressed in detail

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Section 3.11 Land Use and Planning

Impact LAND-2

Question: This plan contradicts Fresno's written policy of preserving prime farm land. Please explain how this plan is not in conflict with the preservation of prime farm land. Over riding signed documents of preserving Prime Farmland is unacceptable and must be corrected.

Section 3.14 Housing

Question: How much of the 45,000 homes will be affordable housing? Jennifer Clark has been reported as saying this detail would be worked out after the City Council approves the project. This is a "blank check" and is unacceptable. This should be corrected and addressed prior to approval.

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Question: In the high density areas, how are firefighters, police and first responders going to be able to help people without roads within the areas? Public safety is the number one concern. This plan is unacceptable and needs to be corrected.

Question: Who is going to pay for the massive bill to build schools to accommodate the high density population located in the Sanger School District? Since Sanger Unified has replied to this Project with great concern, please document the projected costs involved with the School district and the plan to fund these schools. Why have no estimated costs been given? Are you concerned that that truth would be detrimental to the Project? Going forward with no plan to implement school growth is unacceptable and needs to be corrected. Asking taxpayers to fund a "blank check" is unacceptable and needs to be corrected.

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Question: We have been told at the Town Hall Meetings that Eminent Domain is not involved with the Project Plan. Please clarify. Does Eminent Domain occur only after the area is rezoned? Please state facts concerning the plans for Eminent Domain and Rezoning. The indirect answers we have been given are unacceptable. If Eminent Domain and rezoning will not occur, please give us a signed document stating such information.

Section 3.17 Transportation and Traffic

Question: What transportation will be available for the residents in the high density areas to obtain high paying jobs in other areas of town? If the 15 minute cities are designed to confine residents to the area without opportunities to pursue jobs on the North side of town, this is unacceptable and needs to be corrected.

Question: How is the City of Fresno planning to pay for the infrastructure cost? It has been reported that this will be ironed out after the council approves the massive project. This "blank check" is unacceptable and needs to be addressed prior to any approval.

Section 3.18 Utilities and Service Systems

Impact UTIL – 2

Question 1: What are the significant environmental effects of constructing new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities? Please site the studies made and the data concerning the results of the studies. To accept this Plan without detailed information is endorsing a "blank check". This is unacceptable and needs to be corrected. Information and projected costs need to be published.

MMUTIL-1a

Question: What is the plan for additional water capacity? In the Town Hall Meetings we have not received any definite answers.

Comment: A definite plan should be in place prior to adopting the EIR as the water issue will be huge with the mega increase in the amount of people. The water issue will have a major impact on the city as a whole. To adopt the EIR without any plan in place is like giving someone a blank check to do whatever they want even if it was detrimental to the environment. The plan is unacceptable as is and needs to be corrected.

MMUTIL – 1b

Comment: The water supply system needs to be evaluated prior to the adoption of the plan. There is enough information in the plan to be able to evaluate proposed water supply improvements as well as evaluate the environmental impact. To move forward without this information is unacceptable and needs to be addressed. Tax payers should not be endorsing a "blank check".

MMUTIL – 1d

Question: When you expand the wastewater system, are current property owners paying for hooking up to City Sewer? What will be the cost?

Comment: We have not received a clear answer at the Town Hall Meetings. However, we were told that the property owners were to pay for sewer hookup, the cost is around \$30,000, a loan would be available, and if the owner were to sell a lien would be placed on the home to cover the costs. Please give us exact information as to what it will mean for connecting to the City Sewer System and site your source of information. Keeping information from the property owners is unacceptable and needs to be corrected.

MMUTIL – 1f

Question: What will the long term impact on the environment be when expanding or relocating electric, natural gas, or telecommunication facilities for a project of this magnitude. Please site your studies. No information concerning this is unacceptable and needs to be addressed.

Impact UTIL – 2

Question: The EIR states there are sufficient water supplies for this project and foreseeable future development. Please state your source and details to support this statement. Considering the water levels, the years of drought and the projected number of people you plan to accommodate, this is one of the most important issues that needs to be addressed. Stating that there are "sufficient water supplies" is totally unacceptable. This needs to be corrected and addressed in detail as the ramifications of a limited water supply are huge! Allowing the Plan to address this after the Plan is adopted is endorsing a "blank check" for major problems ahead.

Questions:

1. Where are you drawing your water source from?
2. Is the Kings River considered a source even though it is already low?

This project is huge and the lack of information is unacceptable.

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1. Once our wells run dry, we are not allowed to drill lower. How can you tell us that this will not impact our wells?
2. We have been told that if we are annexed into the City we have 5 years to hook up to City Water.

Our questions have been evaded and the answers given have been contradictory. This is unacceptable! This needs to be addressed and corrected!

Questions:

1. Is the property owner responsible for the cost of connecting to City water? If so, is the cost between \$30,000 - \$50,000? If the property owner doesn't have the money, is a loan required and is a lien put on the house if the owner intends to sell?

We have not been given definite answers. This is unacceptable. A plan of this magnitude should have answers for the property owners.

2. We have also been told that if a property is on a corner, the owner is responsible for hooking up to water in two directions. Please clarify. If this is the case, this is unacceptable! Since when should the property owners be penalized for the developers' benefit?

MM UTIL-2a

Question: The summary refers to the refined measures and standards that the city plans to use to reduce the per capita water use and implement water saving and conservation standards. What are they? Please give details. Without details this plan is unacceptable. Again, this is endorsing a "blank check". Please address and correct.

Section 3.19 Wildfire

Impact WILD-1

Question 1: With the proposed high density housing plan, what is the emergency response plan? If there is no plan, there needs to be one prior to the development of the project for the safety of human life. Without an emergency response plan in place, this plan is unacceptable. This needs to be corrected.

Question 2: What is the emergency evacuation plan in the high density housing area?

Comment: If there is no plan, there needs to be one prior to the development of the project for the safety of human life. Without an emergency evacuation plan in the high density housing area, this plan is unacceptable and needs to be corrected.

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Question: Due to the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, what is the plan to protect the occupants from pollutant concentrations? Without a plan in place, this plan is unacceptable and needs to be corrected.

Question: Due to the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, what is the plan to prevent rapid spreading? Without a plan in place preventing rapid spreading of fire, this plan is unacceptable and needs to be corrected.

Impact – WILD 3

Question 1: Without the infrastructure of roads, fuel breaks, etc., what plans will be implemented to protect the safety of occupants in the high density areas during an emergency?

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Impact – WILD 4

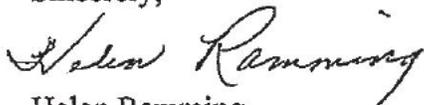
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Sincerely,



Helen Ramming

SEDA area property owner

Member of Southeast Property Owner's Association



Karen Musson

August 26, 2023

Ms. Jennifer Clark, Director
Ms. Adrienne Asadoorian, Planner
City of Fresno Planning & Development
2600 Fresno Street, Ste. 3065
Fresno, California 93721

Dear Ms. Clark and Ms. Asadoorian,

RE: FRESNO SOUTH EAST DEVELOPMENT AREA SPECIFIC PLAN AND EIR - COMMENT

This letter of comment on the City of Fresno's EIR and proposed South East annexation plan (SEDA) of 8,700 acres is to voice my opposition to the unnecessary taking of more Prime Farmland to promote urban sprawl.

SEDA's proposed plan for consideration will consume 7,700 acres of currently productive agricultural land in Fresno County. Prime Farmland is limited and cannot be mitigated/replaced by preservation trusts, conservation easements or fees/policies. Ag farmland is in serious jeopardy - not from drought or climate change - but from indifference, urban sprawl, burdensome regulations, and a lack of understanding on the critical role of food production to our freedom, jobs, and health. Agriculture is essential and its destruction should be avoided at all risk.

Urban sprawl fuels flight and blight - and redirects city financial investments to focus on additional costly infrastructure and provide public services for fire and police protection. **Extending the sphere and encompassing more land is not the solution.** The Greenfield Coalition report on Urban Decay points to inefficient utilization of land, decay, deferred maintenance, outdated infrastructure, revenue loss and negative neighborhood effects. <https://storymaps.arcgis.com/stories/eb1233cfb60048df8a02ba8b83998da7>

In 2019, the [City of Fresno used GIS](#) to calculate more than 8,200 acres (or 14%) of vacant land within its existing city boundaries and identified the current zoning of these parcels to determine that this undeveloped land has the capacity to hold over 134,000 housing units. More than enough land and housing for the next 40 years!

Further, the State predicts continued slow to no growth in the Valley over the next 40 years. The City has not grown and population figures show continuing decline, lower birth rates and relocations north and out-of-state locales. It's time for a new vision and investments to revitalize older parts of Fresno and in-fill parcels. <https://thesungazette.com/article/news/2023/08/08/state-predicts-population-plateau-for-valley-future/#:~:text=California%20now%20stands%20at%20about,to%208.3%20million%20by%202060>.

Again, thank you for the opportunity to comment on the City's Draft EIR. It is my hope that LAFCo will vote to deny the SEDA Specific Plan, rescind the 2006 Sphere of Influence and allow Fresno County to preserve Prime Farmland and avoid the sizeable impacts and costs outlined in the project's EIR.

Respectfully,

Karen Musson

cc: Mayor Jerry Dyer
Fresno County Board of Supervisors
Councilmembers Bredefeld, Karbassi and Chavez
LAFCo

8-27-2023

To whom it may concern:

The Southeast Development Area consists of 9,000 acres located roughly West to East, between Temperance Ave. and McCall Ave. and, South to North, between Jensen Ave. and the Gould Cannel. Also South of Jensen Ave. to North Ave. and from Temperance Ave. to Miniwawa.

This 9,000 acres is made up of dense housing to the North and more rural housing and farmland to the South. About 7,000 acres of the 9,000 acres is prime farmland and has been for over 100 years.

Many of the rural homes properties are of 1 acres or more up to about 40 acres. The farmland is from 2.5 acres going up to 500 acres and more.

My concern is that many of the property owners who have held their property for 50 years and longer and have done their long range planning with the intent of passing their homestead, ranch, orchard or farm onto a family member to continue their planned estates for years to come, have not been treated fairly.

Many of these older property owners do not understand why the City of Fresno thinks that it can disregard everything the property owners have planned for years and threaten them with plans that show the City taking away their property just to build more and more housing.

I have talked to a great many of these 80-year olds and what the City, SEDA, has done and is still doing is nothing short of 'elder abuse'. Many of these people were not notified by the SEDA group and when they were notified by the SEPO group were greatly disturbed and in some cases upset, threatened and confused to the point of being life threatening.

So the SEDA group continued on with its planned takeover by following plans laid out by the 'Long Range Planning Department' and checking off their checklist.

1. Notification of Property Owners, 'CHECK'. (Poorly Done).
2. Meetings to inform property owners and residents in the affect area, 'CHECK'. ('Very Poorly Done).
3. Postponing the EIR to be released in the hottest time of the year and when families are in their vacation cycle or harvest season and not thinking of what lies ahead for them.
4. Planning 'Drop in' meetings (3) which proved not to be 'Informational' meetings but merely required items to be 'Checked' off and be able to say "Yes we did all the required items to inform the public'.

But the public has NOT all been informed.

At the last 'Drop in' meeting at Long Elementary School in Clovis, I met and had the privilege of informing and bringing up to speed two separate property owners from the affected area who had never been notified of the SEDA plan. These both were hard working family men who just the day before were informed by their neighbors that they needed to contact someone in the SEPO group and find out what was going on. They contacted the SEPO group and were advised to come to the Long Elementary School in Clovis and to talk to the people in the RED shirts.

Again, I go back to the elders that live in the area. The 80+ bunch. I am one of this group. I am 84 and my wife of 63 years and I have lived on our property for approximately 50 years. When we pass on, the property it will automatically belong to our son. Being in the County we have our own well and septic system. I am an engineer and have been building, living with and taking care of wells and septic systems all my life. The only real danger to our well and septic system is the City of Fresno and the SEDA plan. They are the only and greatest danger to everyone living in the SEPO area.

I/we are very aware of the comments by the SEDA group and the City that no one is going to be forced or removed from their property and that 'you can live there as long as you like'. BUT all the literature and maps that the SEDA group displayed prove that to be a lie. Each and every one of the maps presented show and display in great detail all of the planned usage for the area and they all are missing one thing. They are missing the people that live there now. Today.

You must remember that 'elder abuse' is a real threat to many of the elder population's lives today. ARE YOU GUILTY?

Lyle R Nelson, President,
SEPO Group, Southeast Property Owners



November 28, 2008

TO: City of Fresno
Planning & Development Department
2600 Fresno Street Room 3065
Fresno CA 93721-3604

FROM: Michael & Marilyn Mathew
[REDACTED]
[REDACTED]
[REDACTED]

RE: Comments/Concerns To The
Environmental Impact Report (EIR)
Pursuant To The Requirement Of The
California Environmental Quality Act
(CEQA) For South East Growth Area
(SEGA) Specific Plan

Dear Sirs:

Our first concern is with the SEGA plan in general. It has been stated during this planning process that a primary goal is "to preserve the rural/ag way of life" within the SEGA. It is impossible for us to envision anything other than a major impact, not only to the current population's "way of life" but also to the environment and landscape of the area, particularly with the addition of 45,000 dwelling units and 120,000 people.

If the concepts used to formulate the SEGA plan are valid, why are they not being implemented on the undeveloped land that lies between the city and western borders of the SEGA? Similarly, we have inquired (without response) as to the plans for the land use to the north, south, and west of Fresno. It appears that no similar plans are available or being considered for these areas.

It has been impossible for us to formulate opposition to the "Open Space/Green Belt" concept of the plan. Our inquiries as to specifics have been met with replies of, "this is conceptual in nature," or "the plans are only tentative". Nevertheless, areas have been designated on the "approved" general plan along Fresno Irrigation District (FID) canals that appear to be parkways which include multiuse trails.

The previously mentioned canals, many of which are not "natural waterways," exist for the sole purpose of conveying water to various agricultural parcels via the FID system. Some of them are strictly man made with banks that exceed natural grade by 4+ feet: they hardly qualify as a natural waterway by any stretch of the imagination.

The use of these areas as greenbelt/parkways with multiuse trails should be avoided for a wide variety of reasons. During the 15 years we have lived at our current

location, we have acquired an intimate knowledge of the flora and fauna that inhabit our land. Multiple species of mammals and fowl are present; thriving and reproducing in the area. Some are permanent residents and others are migratory. We are also painfully aware of the ill effects to the environment when people encroach into this area. Some of these effects are immediate such as shooting or stoning the wildlife, trashing the landscape, and contaminating the water with liquid products. One of the worst effects, the displacement of the wildlife, is much longer lasting (days, weeks, months). This occurs simply from the presence of humans. It is unfortunate, but people do stupid things, and the vast majority of these infractions are committed by "outsiders" who we assume are ignorant or just do not care. We refer to these individuals as having an "urban mindset". One thing we know for sure, the wildlife must be afforded room to live and reproduce. Even the most benign encroachment into their "space" results in these species immediately leaving the area.

The canal systems we are describing are on privately owned land, with the FID enjoying a non-exclusive right-of-way for their operations. Both the land owners and the FID prohibit or at the very least strongly discourage people from entering the vicinity of these canals. The reasons for restricting access are varied and we have only mentioned a few, but the no trespassing signs and gates erected along these canals are not in place because the present owners lack anything else to do with their time.

If the purpose of the greenbelt/parkway areas is in fact to "preserve" an open space and the flora and fauna contained therein, we have limited objections. However, if these areas are used to mitigate the stark changes that will occur in the high density areas, designate them as an "open space" on the specific plan, and the present land owners will in fact preserve them. The city need not acquire any land, but rather leave all of the current zoning and restrictions in place. The way the plan has evolved, it appears the city really is not interested in having an open space at all, but rather a recreational area with multiuse trails. This plan of action changes these areas from open spaces with restricted human encroachment, to areas that encourage the 120,000 new residents to transiently occupy and thereby permanently change the environment. Make no mistake, the 120,000 people that this plan invites into these canal areas are a population with the afore mentioned "urban mind set". What places this type of individual in the area, is the "high density" life style that the current general SEGA plan promotes and provides for, not the "rural" life style it claims to preserve.

The adoption of the proposed plan, without modification, will present a non-inclusive array of problems to the environment and public such as:

- Increased air pollution
- Increased noise pollution
- Degradation of water quality (surface water in particular)
- Displacement of wildlife (including migratory birds)
- Permanent alteration of the natural landscape
- Devaluation of land to adjoining parcels
- Public safety (from cold and swift water flow during the season, to steep and dangerous rip rap and concrete lined embankment during the off season)
- Vandalism and destruction of existing privately owned infrastructure within the greenbelt areas

- Vandalism and destruction of private property on adjoining land
- Increased criminal activity due to the remoteness of the trails
- Light pollution if trails are illuminated for night use

Occasionally, there are times when less is more. The specific SEGA plan may be the opportunity for one of these moments. As mentioned before, the city could leave these areas alone and retain current zoning for the greenbelt areas. No land would be acquired by the city and the city's resources could be applied to other infrastructure within the SEGA. Current land owners would not be faced with a major change in their properties or its valuation. The open areas would truly mitigate some of the undesirable effects caused by the "high density" development. The multiuse trails could be moved to the vehicular traffic corridors that are going to require improvements anyway. The public would use these bike/pedestrian trails not only for recreation, but also as a means to safely travel within the SEGA between high density areas by other than vehicular use. The proposed greenbelt trails do not afford this possibility as they start from nowhere and end the same.

Respectfully,



Michael Mathew



Marilyn Mathew



COMMENT CARD

Name:

MICHAEL MATHEW

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

OS-4, OS4.1 → 4.6
ON 8/25/22, AT A "POP-UP"
MEETING ON THE MILL 36 CANAL,
ANDREW BENEVELLI STATED THAT
A SMOOTH TOPPED 4' HIGH WROUGHT
IRON FENCE WOULD BE CONSTRUCTED
TO PROVIDE A SAFETY BARRIER
FOR THE PUBLIC. IT'S INTENT WOULD
BE TO PROHIBIT THE PUBLIC FROM
GAINING ACCESS TO THE CANAL.
DOES THE CITY ^{STILL} BELIEVE SUCH
A BARRIER IS ADEQUATE PROTECTION
FOR THE PUBLIC?



COMMENT CARD

Name:

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Address and Nearest Cross Streets:

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHAT DATA ~~≠~~ OR EVIDENCE
DOES THE CITY HAVE THAT THIS
TYPE OF STRUCTURE IS ADEQUATE?
IF SO WHAT MAINTAINANCE (≠
BY WHOM) WILL INSURE THE BARRIER
CONTINUES TO FUNCTION AS
DESIGNED?

29mm



COMMENT CARD

Name:

MICHAEL MATHEW

Phone Number:

[REDACTED]

Email:

[REDACTED]

Address and Nearest Cross Streets:

[REDACTED]

For more information

(559) 621-8339 [REDACTED]

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

OS-4, OS 4.1 → 4.6

WHAT MEASURES WILL THE CITY EMPLOY TO PROHIBIT TRAIL TRAFFIC FROM WANDERING ONTO ADJACENT PRIVATE PROPERTY LITTERING & VANDALIZING THE ADJACENT LANDSCAPE?

WHAT MEASURES WILL BE UTILIZED TO PROTECT PROPERTY OWNERS PRIVACY? WILL THESE MEASURES CONFORM TO THE EXISTING COVENANTS, CONDITIONS & RESTRICTIONS



COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

THAT APPLY TO PARCEL?

WHAT MEASURES WILL KEEP HOMELESS ENCAMPMENTS FROM BEING CONSTRUCTED?

30 MM



COMMENT CARD

Name:

MICHAEL MATHEW

Phone Number:

[REDACTED]

Email:

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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

OS-4, OS4.1 → 4.6

THE PLACEMENT OF ANY TYPE OF CANALSIDE TRAIL WITHIN A GREENWAY BELT IS IN DIRECT CONFLICT WITH POSTED ~~US~~ PUBLISHED EPA STANDARDS ~~REGARDING~~ SUGGESTIONS REGARDING INTERACTIONS WITH WILDLIFE IN SANCTUARY SETTINGS. QUOTE FROM MORRO BAY NATURAL ESTUARY PUBLICATIONS: "AS YOU ENJOY MORRO BAY AND THE SURROUNDING AREAS, PLEASE KEEP A RESPECTFUL DISTANCE FROM BIRDS, MARINE MAMMALS,



COMMENT CARD

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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

~~OTHER WILDLIFE~~ REPEATED DISTURBANCES BY PEOPLE & PETS AND UP. USE BINOCULARS TO GET A CLOSER LOOK." WHAT PROVISIONS DOES THE PLAN PROVIDE THAT ENSURES WILDLIFE REMAINS UNMOLESTED? WHAT PROVISIONS GUARANTEE THAT NO VIOLATIONS OF MIGRATORY BIRD ACTS WILL OCCUR? ESP. WITH EXISTING NESTING SITES FOR WATER FOWL, SWALLOWS ET. AL.

24MM



COMMENT CARD

Name:

Michael Mathew

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

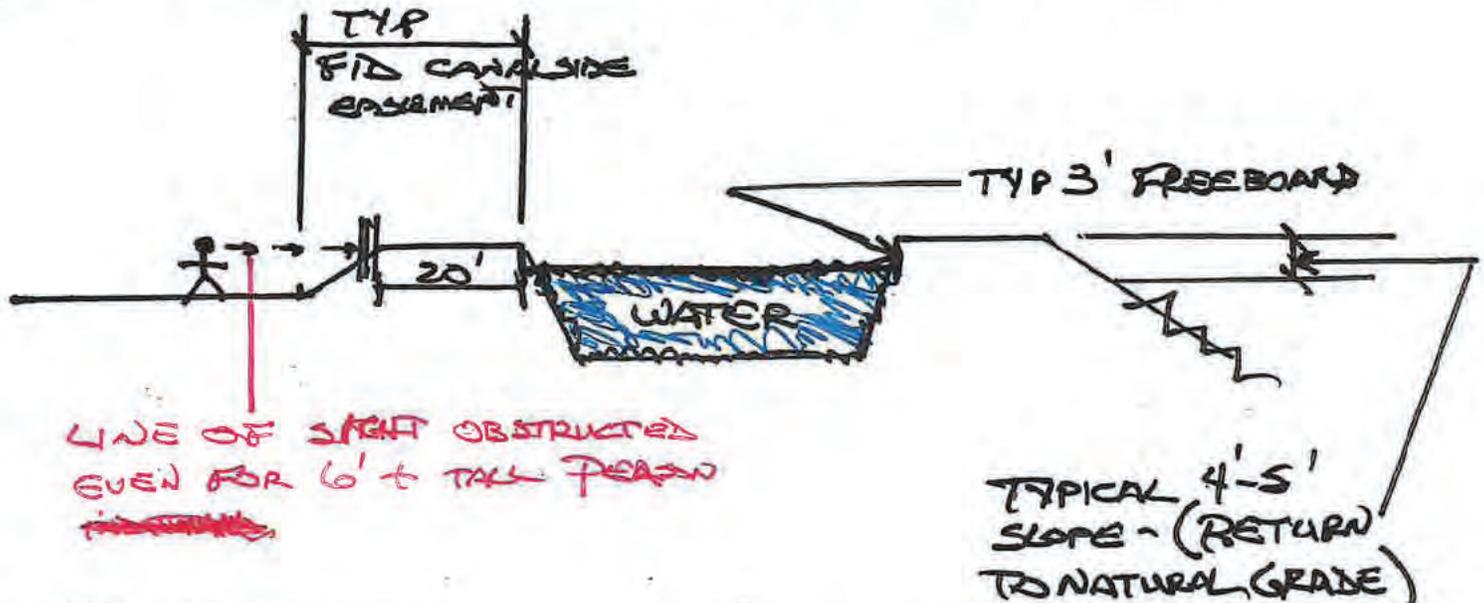
OS-4, OS-4.1 → OS-4.6
 I've been told repeatedly by planning staff that they know where people want trails located. Provide documentation that these locations include canal side trails. It's also stated repeatedly that the waterways are the primary location to provide a view of the water. Please explain how that can be accomplished considering the typical topography.



COMMENT CARD

Name:

EVEN IF IT WERE POSSIBLE THE CANAL IS EMPTY APPROXIMATELY 60% OF THE TIME ON AN AVERAGE YEAR.
 Please tell us your comments on the SEDA Draft EIR and Specific Plan
 NOTE: CANALS EXIST IN FLOOD PLANS & DISTURBING GRADE CAN BE RESTRICTED.



25mm



COMMENT CARD

Name:

Michael Mathew

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

THE ORIGINAL SEGA/SEDA PREMISE WAS THIS GROWTH WOULD PRESERVE THE "RURAL WAY OF LIFE" IN THE AREA. HOWEVER, NUMEROUS IMPACTS ARE NOTED IN THE EIR THAT ARE LISTED AS "SIGNIFICANT & UNAVOIDABLE IMPACT" EVEN AFTER MITIGATION EFFORTS ARE WANTED I.E. SE-3.1: AES-1 AES-2, AES-3 AES-4, CUMULATIVE IMPACT. SECTION 3.2: AG-1, AG-2, CUMULATIVE IMPACT. SECTION 3.3: AIR-1, AIR-2, AIR-3, CUMULATIVE IMPACT. SECTION 3.8: CHG-1, CHG-2, CUMULATIVE IMPACT. SECTION 3.9: HAS BEEN LISTED AS "LESS THAN SIGNIFICANT IMPACT"

Please tell us your comments on the SEDA Draft EIR and Specific Plan

BUT THIS IS ~~NOT~~ WITHOUT DISCOVERY AS OF THIS DATE WHEN HAZARDOUS WASTE SITES ARE PRESENT IN THE AREA SECTION 3.13: NO1-1 a & b, NO1-2 NO1-3 CUMULATIVE MANY OTHER SECTIONS ARE LISTED AS NO MITIGATION MEASURES REQUIRED & LEVEL OF SIGNIFICANCE AFTER MITIGATION AS N/A WHICH IS HIGHLY SUSPECT.

WITH THIS MANY ITEMS LISTED AS N/A OR "SIGNIFICANT & UNAVOIDABLE IMPACT", HOW CAN THIS PLAN PROCEED?



COMMENT CARD

Name:

Michael Mathew

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

From: [Nancy Nelson](#)
To: [Adrienne Asadoorian](#)
Cc: [Nancy Nelson](#)
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 7:48:41 PM

External Email: Use caution with links and attachments

Section 3.1 Aesthetics, Light and Glare

Impact AES-3 and 4 Project will degrade existing character of public views.... (Significant and unavoidable impact)

Concern: This proposes too much – more than necessary - light for the area. Current residents moved to the country to avoid such things as light and glare.

From: [Nancy Nelson](#)
To: [Adrienne Asadoorian](#)
Cc: [Nancy Nelson](#)
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 7:50:25 PM

External Email: Use caution with links and attachments

Section 3.1 Aesthetics, Light and Glare

-

Impact AG-1 Project will convert Prime and unique Farmland and Farmland of Statewide Importance. (Significant and unavoidable impact)

Concern: The proposed Farmland Preservation Program reads like a riddle.

“Restrictive Covenants or Deeds, In Lieu Fees, Mitigation Banks, Fee Title Acquisition, Conservation Easements, Land Use Regulation.”

Deeds, Fees, Regulations are not going to help lost Farmland. So they'll analyze on a project-by- project basis – the land will still be used for Non-Farm purposes. It is destruction and a waste of Prime Farmland! Current residents strongly object to this.

From: [Nancy Nelson](#)
To: [Adrienne Asadoorian](#)
Cc: [Nancy Nelson](#)
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 7:56:52 PM

External Email: Use caution with links and attachments

Section 3.7 Geology and soils

Impact Geo-2 (N/A Significance after Mitigation.) The proposed project would not result in substantial soil erosion or the loss of topsoil. (N/A - level of significance...)

Comment: Top soil certainly will be lost when project builds on top of it! Unless they scrape the top soil off before building on it – with a plan to sell it back to us later.

From: [Nancy Nelson](#)
To: [Adrienne Asadoorian](#)
Cc: [Nancy Nelson](#)
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 7:58:56 PM

External Email: Use caution with links and attachments

Section 3.9 Hazard and Hazardous Materials Impact Haz-2 MM HAZ-2b(3) Geographic surveys to ascertain the presence or absence of subsurface features of concern such as underground storage tanks, drywells. drain, plumbing, and septic systems.

-

Concern: While people representing the City of Fresno verbally tell us, on one hand, that property owners can stay in their homes as long as they want to stay, here is the threat of disrupting our septic systems. A good septic system can serve homeowners 50 years or longer without problems. Disruption or removal would cause residents to not be able to stay in their homes another minute!

Connecting to the city's sewer would be an expense many property owners could not afford. We don't want to be forced to pay these expenses when our current *conditions* are serving us well.

From: [Nancy Nelson](#)
To: [Adrienne Asadoorian](#)
Cc: [Nancy Nelson](#)
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 8:01:27 PM

External Email: Use caution with links and attachments

Section 3.9 Hazard and hazardous Materials Impact Haz-2 MM HAZ-2c
.... If findings and conclusions of the Phase II Environmental Site Assessment...demonstrates the presence of concentrations of hazardous materials exceeding regulatory threshold level,...property owners and/or developers of properties shall complete site remediation..... Potential remediation could include the removal or treatment of water and or soil.

-

Concern: While people representing the City of Fresno verbally tell us, on one hand, that property owners can stay in their homes as long as they want to stay. While, on the other hand, here is the threat of disrupting our wells. That disruption would cause residents to not be able to stay in their homes another minute!

Connecting to the city's water systems would be an expenses many property owners can not afford. We don't want to be forced to pay those expenses when our current *conditions* are serving us well.

From: [Nancy Nelson](#)
To: [Adrienne Asadoorian](#)
Cc: [Nancy Nelson](#)
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 8:02:41 PM

External Email: Use caution with links and attachments

Section 3.9 Hazard and Hazardous Materials Impact Haz 3 - Project could emit hazardous emissions or acutely hazardous materials, substances or waste within one quarter mile of an existing or proposed school

Concern: It irresponsible to consider exposing students in an existing school to hazardous emissions or materials. It's important for students to have outdoor activities and critical for their air to be clean at all times. A quarter of a mile is only about 1300 feet. During outdoor activities students could be exposed to the project's hazardous air. It's wreckless to propose situations where their clean air would be compromised.

From: [Nancy Nelson](#)
To: [Adrienne Asadoorian](#)
Cc: [Nancy Nelson](#)
Subject: SEDA EIR COMMENTS
Date: Sunday, August 27, 2023 8:25:47 PM

External Email: Use caution with links and attachments

Section 3.1 Aesthetics, Light and Glare

Impact AG-2. The proposed project will not conflict with existing zoning for agricultural use or a Williamson Act Contract. (Significant and unavoidable impact.)

Question: Using SEDA's "suggested" project map – and using the intersection of Butler and DeWolf as one example - how can the City build their planned '*Regional Center*' with all of the planned residential and commercial projects in that area when most of the land is protected under the Williamson Act? (Reference: attached most current map available – Fresno County Williamson Act map - 2015).

<https://databasin.org/datasets/6871c77c876d421b985b1b70ee1640f5/>

August 24, 2023

Adrienne Asadoorian, Planner
City of Fresno, City Clerk
Fresno City Council, Chairman and Council Members
2600 Fresno Street, Third Floor
Fresno, CA 93721

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OPPOSE LETTER – EIR AND EDA/PROPOSED LAND USE/ANNEXATION/ BY THE CITY OF FRESNO

Dear Chairman, Council Members, City Clerk, and Ms. Asadoorian:

Please accept this letter as our **opposition** to the City of Fresno’s EIR report and the SEDA development, annexation, proposed land use and the map thereto, which is an item that is expected to go before the City Council in or about October 2023.

Our specific property/land sits next to what is known as the Briggs Canal. It is our understanding that water in the Briggs comes from the Kings River. This water is what irrigates properties for the food that you and I to eat and serves a greater purpose. It is serviced and maintained by Fresno Irrigation District (FID). The District’s web page, under About Us, states as follows: The FID is a leader in California water, serving over 200,000 acres of prime agricultural farmland ... Farmland sitting next to or that abuts a water structure such as ours is rare in Fresno County and not easily attainable. With our property adjacent to Briggs, it is irrecoverable and we would suffer a great loss. Therefore, we oppose the redevelopment and conversion of prime farmland to serve a purpose as Flexible Research and Development, which by the City’s definition means no residential uses will not be allowed. That would therefore leave eminent domain which the City has stated would not be used however if I do not sell and my neighbor does not sell then there is no other recourse but for the city to use eminent domain. We have all seen what has occurred with the Reedley lab and as stated by many of you councilmembers the public is placed at risk and so many other factors such as disease, groundwater contamination were common concerns. If we in this area “Flexible Research and Development” please explain with specificity what occurs to the property/land/farm owners the process and procedures and confirm if our property will be taken from us through eminent domain?

The City’s project and plan area consists of Prime Farmland. We own 2.49 acres of farmland in the proposed SEDA plan area. We house two tractors, chickens, apricot trees, as well as house pets on our land. We are current fosters for the county animal shelter and we are able to assist with fostering of

more than one animal primarily due to the land we have. We work our land like most, if not all of the residents in this project area. Removing farmers who grow their own food; and/or who commercially feed this Community, County and State is reckless and negligent so that the City can expand. The City's proposed land use map reflects for our parcel "Flexible Research & Development." You want to take irrecoverable prime farmland for Flexible Research & Development when you can place Flexible Research & Development in the vacant Orchard Supply building (vacant for more than 5 years). Does that mean a lab such as that most recently found in Reedley, CA will go here. What does "Mixed Residential" mean on the City's map? I specifically asked if that meant low income housing, please explain. Again, there are so many other vacant buildings within the City of Fresno that would allow you to do this that we do not need to remove, redevelop and destroy Prime Farmland or Farmland in general.

We have been told on numerous occasions that we would not be required to hook up to City services (water, sewage). We believe that to be incorrect. We were told that the City would not require us to; if not the City then who? If I am the only house that does not hook up, will I be forced to hook up? What will the cost be? Is there the potential for placement of a lien on my home due to the cost of these services? Please also confirm with past projects in this area or within the City (i.e. the area in and around north Jensen and Fowler to Kings Canyon etc.) how that land development was handled and if the landowners that were pre-existing were required to hook up to City of Fresno services (water/sewage). If so, what were the services, what was the process, the cost, who was responsible to pay those charges or for those services; how many complaints did you receive from the landowners verbal and in writing, what was the remedy of said complaints; and if any of these homes resulted in liens being placed on landowners property/homes. Please also provide on current and past projects when property owners choose to stay and not sell, the city is therefore developed around their property, how many wells have gone dry due to the new development? Does this map become the zoning map for this area?

Property owners were also told by the City representatives that eminent domain is not allowed or can or will not be used on property owners and their land located on the Land Use Map for this project, please confirm if this is an accurate statement? When I spoke to Jennifer Clark at the last in-person Drop In meeting she stated that should one homeowner decide not to sell or annex, they (property owner) will not be forced to annex; however, later she stated that they (City) cannot have one house one way while the rest of the area is annexed. Please clarify this statement by Ms. Clark. How will her stated change occur if one home cannot be different from the rest? Please explain who will impose and force the annexation of the land/property owners unwilling and opposing to said annexation? Please explain the process and the impacts to the landowners as well as the changes to zoning affecting the homeowner who did not willingly annex their land. Will I still be able to farm with all these houses around me?

As you know, there is vacant land and buildings in or around Kings Canyon and Clovis Avenue; you have the Orchard Supply building that currently sits empty littered with homeless people. You have vacant land and buildings all throughout the City of Fresno and other cities within Fresno County and your plan is to destroy the Prime farmland of the SEPO (Fresno Southeast Property Owners). Destroy our farmland to build more homes, which thus creates more traffic, more congestion, more land and air pollution, more crime, and homelessness. With the Briggs Canal, if that waterway remains, with the increase in population and homelessness, our canals will turn into bathing facilities and used as restrooms. Please ask your homeless task force if that is a possibility that the homeless population uses waterways as bathing facilities and toilets? If this water is intended to feed the community, is it possible

for fecal matter, urine and other forms of illness to be in said water. Furthermore, take a drive around the City of Fresno, look at their canals and waterways, you currently have homelessness on your canal banks, tents, littered with trash (e.g. McKinley and Chestnut; in front of the Social Services building Phillip and Kings Canyon, the canal located east of Clovis Avenue--north of Kings Canyon by Orchard Supply). The City is unable to handle the demands of the current crisis and you want to spread it out. Your intent is to make a 15 minute city. We have seen the destruction of Paradise, Maui, when you began to impact the rural areas which are not intended to be within the city limits. We have water issues, we were just in a drought and there is no guarantee that we will be blessed with rain in the future. How will you control air pollution? Where will you get water from? How will you get the needed money to build the infrastructure for this plan?

The City of Fresno needs a boundary, do not grow it out here destroying the aesthetic rural southeast farmland.

The EIR REPORT:

Paragraph 1.2.1 lists the potential significant environmental issues that require further analysis. Therefore, this is incomplete. In light of this statement, we oppose this EIR and request that you vote to deny/oppose/reject.

Paragraph located on PDF page number 762 titled (Wild-2) ... Pollutant Concentrations from Wildfire impacts under this topic would be less than significant and there is no substantial change. However, we disagree and oppose that statement in that the City has a wide-ranging homeless population. What factors were considered as it relates to the ongoing homeless population within city limits when addressing this issue? We see many fires started due to homelessness. City streets are littered with trash, drugs and/or paraphernalia, and the homeless population utilizing fire in order to cook or stay warm during the winter months. Therefore, we disagree with this report and believe further studies should be done. As a reminder and as stated in paragraph 3.19.7, you would be converting prime ag land to residential and mixed-use land uses. Significant and unavoidable.

Chapter 4 Other CEQA Considerations – Bulletpoint AG-1 (... Conversion of Farmland to Non-ag Uses) states 2,475 acres of land designated as Prime Farmland, 1,352 acres of Farmland of Statewide Importance, approximately 1,189 acres of land designated as Farmland of Local Importance, and 1,725 acres of land designated as Unique Farmland “**scattered**” **throughout the plan area**. The impact is significant. Based on this information contained in the EIR, we oppose and request that you vote to reject/deny/oppose and that this plan does not move forward. We further request that all maps be amended to identify the land properly in full transparency. Significant and unavoidable.

Bullet Ag-2 (... Conflict with Existing Zoning or Williamson Act Contract) – This paragraph states in part that according to the Williamson Act Property map, the majority of the Williamson Act properties within the SOI and City are located within the Plan Area. It further states that there is a significant impact on existing Williamson Act Contract land. Ultimately, you are still converting Williamson Act land to non-ag land. For this reason, we strongly oppose and request that you vote to oppose and/or deny on this basis. We further request that all maps be amended to identify the land properly in full transparency. Significant and unavoidable.

Bullet Cumulative Ag Resources and Forestry Resources Impacts states and acknowledges that there is a loss of Prime Farmland within the plan area. Under your plan, you destroy existing Prime Farmland, Unique Farmland and small farms to build or develop community farming and small farms. The EIR states that it will be a significant impact on Ag zoning and the Williams Act Contracts and there would be land use changes resulting in the conversion of farmland to non-ag uses and is unavoidable. We were told by the City at Drop-In meeting #1 on July 24 2023 that we would not be rezoned should property owners choose not to sell. However, Jennifer Clark at the last in person drop-in meeting stated that we cannot have just one home not similarly zoned or annexed; therefore, please confirm what occurs based on Clark's statement. Rezoning would only occur if a neighbor complained, which thus alters my land use. The City's statement clearly is misleading and misrepresents what is occurring. I believe the impacts would be more than significant in that you are displacing property owners who are generational farmers, and farmers of their own land; how many of us current property owners would be physically displaced, and harmed financially. Based on this information we request that you strongly oppose and/or deny based on this statement.

Impact Air-1 paragraph states this projects exceeds the San Joaquin Valley Air Pollution Control District another significant and unavoidable impact. Based on this paragraph we request you vote to oppose and/or deny based on this paragraph. Please note that we asked at the drop-in meetings why the Air Pollution District was not a part of these meetings to share in on the added pollution due to this development.

Air-3 states that since it cannot be foreseen the amount of construction occurring nor the exact location it cannot be determined if the emissions could be adequately controlled or reduced. Based on this statement, we believe the study is not complete as it must be looked at, precise and discussed. We are opposed based on this statement and request that you vote to oppose/deny.

Greenhouse Gas Emissions cumulative impacts are significant and unavoidable. Based on this statement we oppose and request that you vote to oppose/deny.

Impact NOI-1 – This statement states that impacts are significant and unavoidable. It also states that they are unable to quantify therefore there is no true, accurate impact identified and said report is incomplete. Based on this statement we oppose and request that you vote to oppose/deny. The Cumulative Noise impact is again noted as significant and unavoidable.

Exhibit 5-2 of the EIR shows just under 2,500 acres of Prime Farmland, and Farmland of Statewide and Local Importance, Unique Farmland of Importance, etc.

The EIR Table 5-1 under paragraph 5.7 states there is no location in the City where 45,000 homes (yes the Plan calls for 45,000) could be constructed while avoiding environmental impacts to ag land. Ag land would be impacted regardless. However, the land is not your basic ag land, it is Prime Farmland, it is land that sits next to the Briggs Irrigation Ditch which is rare, it's farmland with statewide and local importance, it's my backyard, small farming, however, we the property owners choose to define it, its our land that you want to dismantle, convert, and take so that you can build 45,000 homes, parks, and research and development.

The Orchard Supply Building on Clovis and Kings Canyon has sat empty for a number of years, that can be your research and development. You want to take our farmland, our livelihood, what feeds our

families, our communities, for a bike trail, a park, a residential development to teach people to have a garden (who will teach them there is no guarantee that they will use it for such) all the while destroying the Prime Farmland we landowners have created destroying our way of life and country life. You will add 45,000 homes during a recession, a time when most cannot afford, thereby creating more empty houses. You want to disrupt our way of life and destroy the farmland that we have just to build more homes that most cannot afford. You want to help this community have your builders or developers lower the prices of their homes to sell those existing homes already built. Convert some of these developments/homes already in progress into mixed residential. Ag land should be the last thing we convert, land that currently feeds us. That salad you had for lunch, fruit, etc. came from one of us most likely.

We oppose the alternatives set forth in the EIR due to the type of land we are looking at as referred to in this report: Prime Farmland, Farmland of Statewide and Local Importance, Unique Farmland. Based on the impacts as listed above and based on viable alternatives, we request that you deny/oppose the EIR. Furthermore, we oppose as this EIR shows that the plan is fiscally irresponsible and environmentally irresponsible. Finally, we request that the SEDA Plan be opposed and denied. If you review the Level of Significance as outlined in the EIR, we have listed below just a few that are classified as Significant and Unavoidable; therefore, for these reasons request you oppose and deny the City's Plan and find another area or location in the City of Fresno for said projects. The impacts are significant and unavoidable.

Finally, we were informed and received in the mail, on July 21, 2023, the City's flyer for the "Drop-In" meeting; the first meeting set for July 24, 2023, hosted by the City of Fresno. As you can see from the dates, this was three days before the first scheduled meeting. As I verbally stated and inquired about with the City during the July 24th meeting, what is the meaning of a Drop-in meeting? Who decided to title this meeting as a Drop-In? To title it as such, is misleading and misrepresenting the intent of the City and purposes of said meeting. This title lacks transparency and is intended to misstate and mislead the purpose of an extremely important topic of discussion. It does little to ensure community/public attendance, involvement, participation and is a sure way to prevent and limit public input. This is an extremely important meeting that impacts the community of southeast Fresno, specifically the Fresno Southeast Property Owners (SEPO) and therefore, I believe was titled as such to limit the number of attendees and silence the opposition. Furthermore, Sontaya Rose from the Mayor's office was in attendance and can confirm as well as other City representatives, the location picked for the first important meeting on July 24th lacked the capacity to hold the number of attendees, safely and comfortably, and posed a safety hazard in that it was about 105 degrees outside and there was no working AC inside said building thereby making it 110 degrees most likely inside with all the people in the building. As I stated on that date, I believe that was a safety hazard and put citizens at risk and compromised their health and well-being. Not one representative spoke to that and acknowledged that the first meeting should be rescheduled or some other remedy. The temperature inside the building added to the frustration felt by most of the members of the community. As I stated, this meeting labeled by the City is misleading, and a calculated manner in which to misrepresent, misstate, and divert the public's attention to what it is in actuality and that is to take and change or convert land from the property owners. Should the meeting have been labeled annexation, eminent domain, town hall, any one of those trigger words the public at large would have a true understanding of what is occurring in the southeast area of Fresno and would understand the true discussions and importance of what is happening thereby enhancing attendance and opposition. Furthermore, I see no link for those to participate virtually due to a disability, medical necessity or some other personal reason. It was stated that the City would have one day assigned to a webinar. As you know, the topics of discussion can be

convoluted and we the community would need time to research the Q&A dialogue that is provided to us therefore one day for those unable to physically attend is not enough. The public should not be limited to one day; we should all be afforded the same the ability to attend all meetings. Quite frankly, the information changes so frequently it would be in the best interest of the public to attend all meetings. As such, in this regard, **we strongly oppose**. Furthermore, the meeting by the City on 7/24/23 was very unorganized and lacked structure and foundation as to the discussions and topics and the City ran out of comment cards in English—the space allowed for comments was minimal on such an important topic of discussion.

I would also like to know why no representative of the County was in attendance at these meetings? A representative of the City was asked about annexing property and the City representative responded with the City would not annex. Please confirm the process for annexation and if not the City of Fresno, then please confirm the responsible agency. Please provide details on what grounds for annexation, the criteria or guidelines that must be met to annex property/land? If this response requires information from the County, I would ask that you direct City representatives to coordinate their response and work with the County of Fresno or any other agencies involved to get said information. I believe the City of Fresno when asked these types of questions it is their responsibility to answer in detail and they are required to be fully transparent and should be able to intelligently communicate if not their agency the appropriate agency involved and that would handle. To leave the response as simple as it's not the City, is vague and intended to mislead the public. The City knows the answer to the question and to not provide a full response is intentional. It may not be the City's responsibility to annex but if they know that it is the responsibility of another agency they should state as such.

I believe the SEDA homeowners/property owners have a right to know the following information. If there are costs associated with any of these requests, please confirm the amount or charges, in writing, prior to providing said information.

- Please provide the number of EIR's that are submitted to the City of Fresno per calendar year; and how many are rejected or voted as unapproved; how many are submitted to LAFCo per calendar year, voted as unapproved or rejected and the bases/reason for said vote.
- On April 25, 2023, an item went to the Fresno County Board of Supervisors, Agenda Item #8 regarding a variance application that falls within SEDA. During Mr. Assemi's comments to the Board, he referred to having received a timeline from the Mayor on the project. Please confirm what that timeline was and if a copy can be provided electronically to the property owners should they wish to received; and please explain why a developer would have that information but not the property owners who would be negatively impacted by SEDA? When was the timeline (Assemi refers to in his comments) provided to him by the Mayor? When was this timeline provide to the property owners (SEPO) who will be impacted? If it has not been provided to the property owners, why? My household has not received a timeline from the Mayor nor was one provided to property owners at any drop-in meeting and to my knowledge a timeline has not been provided to property owners in any meeting thus far by the City of Fresno. Please confirm how many variances in the SEDA project area have gone through the process, what that process is, including how many have gone to the County of Fresno Board of Supervisors for vote and the vote result from the start of the project(s)/plan to present?
- Please identify the land parcels, land and farmland in the SEDA project area that have been purchased by developers, date of purchase, names of builders, corporations, school district, water districts, and any other business organization, corporation or entity from the start of SEDA

to present that have purchased. Please include the names, cross-streets, parcel numbers and any other identify factors of the land pending a sale, owned, purchased or sold.

- Please provide the information on when the property sold or was purchased and include land, property that is pending sale/purchase.
- Please provide the members of our community, SEPO (Southeast Property Owners), with information on how much farmland/land is currently owned in Fresno County, CA by Darrius Assemi and/or Granville Homes and any other developers, builders or business organizations.

If this type of development continues, the lack of farmland to our community as well as the substantial loss of prime farmland is irrecoverable and factor in good farmland with irrigation resources such as ours, it is irrecoverable. Therefore, **we strongly oppose** the EIR and the SEDA development and ask that you deny and reject both in order to protect and preserve our homes and land.

The City of Fresno needs a boundary, do not grow it out here destroying the aesthetic rural southeast farmland.

Thank you.

Respectfully,

Natalie Ortiz & Family



SANGER UNIFIED SCHOOL DISTRICT

1905 SEVENTH STREET • SANGER, CA 93657

(559) 524-6521

FAX (559) 875-0311

DENNIS WIECHMANN, ED.D
SUPERINTENDENT

August 25, 2023

City of Fresno
Planning and Development Department
c/o Adrienne Asadoorian, Planner III
2600 Fresno Street, Room 3065
Fresno, CA 93721

Subject: Draft Program EIR for SEDA Specific Plan

Dear Ms. Asadoorian:

This letter includes the comments of the Sanger Unified School District on the Draft Program Environmental Impact Report (DPEIR) for the Southeast Development Area (SEDA) Specific Plan EIR. The Sanger Unified School District (District) encompasses most of the territory within SEDA (all land south of Tulare Avenue) and approximately 30,000 of the potential 45,000 new housing units.

The proposed plan shows 16 neighborhood centers within the Sanger Unified portion of SEDA, each of which would include an elementary school integrated with a park and other neighborhood center functions. High school and middle school facilities would also be needed. The District's March 25, 2022, letter in response to the Notice of Preparation indicated that the Draft Program EIR should analyze whether the number of schools shown is appropriate to serve the buildout population of the SEDA Specific Plan based on anticipated student generation rates for the various types of planned housing units. It does not appear that the information requested was provided in the DPEIR or Specific Plan. Only a very generalized estimate of the total number of students generated was provided and this is likely substantially inaccurate based on the information in the following paragraph.

On page 3.15-9, under the Student Generation Rates heading, the DPEIR cites a statewide K-12 student generation rate (0.7) and multiplies it by the total number of units anticipated in the SEDA Specific Plan area (45,000) to estimate the number of students generated at buildout of the plan (31,500 students). Since about two-thirds of the housing units would be within Sanger Unified, approximately 21,000 students would be generated in Sanger Unified. It is important to note, however, that student generation rates for individual school districts can vary greatly from the 0.7 statewide average, and there are also substantial variations in student generation rates depending on the type of unit constructed. The most recent student generation rates for Sanger Unified are .679 for single family units and .127 for multiple family units per the District's May 2022 Development Fee Justification Study.

~~~~~ *Every Child, Every Day, Whatever it Takes!* ~~~~~

Trustees: Peter R. Filippi Va Her Ismael Hernandez  
Jesse Solorio G. Brandon Vang Jesse Vasquez Tammy Wolfe

(Note: Clovis Unified student generation rates are also less than the 0.7 statewide figure.) While the .679 student generation rate for single family units approaches the 0.7 statewide figure, the .127 multiple family unit rate is much lower than the single family rate, which is typical for most school districts. The SEDA plan provides for a large number of multiple family units to be built and the lower generation rate for such units is not accounted for in the estimate of students generated by the plan. Therefore, the estimated number of students resulting from development of the plan area would likely be substantially less than that stated on page 3.15-9. If this is the case, the number of planned schools needed might be less than that shown in the proposed land use plan.

On page 3.15-9, under the School Impact Fee heading, the discussion is oriented to street facilities fees rather than school impact fees. Shouldn't this section include information on the impact fees that the District charges for new residential and commercial/industrial development?

On page 3.15-13, under the heading of California Government Code, Section 65995(b) and Education Code, Section 17620, the fee information provided is substantially out of date. It mentions the statutory fees approved by the State as of January 24, 2014 (\$3.36 per square foot for residential development and \$0.54 per square foot for commercial/industrial development). The current fees as of the last time they were adjusted by the State allocation Board in January 2022, are \$4.79 per square foot for residential development and \$0.78 per square foot for commercial/industrial development.

The various objectives and policies related to schools on pages 3.15-24 through 3.15-27 are well thought out and laudable. Schools are essential to the fabric and success of neighborhoods and although the District has the primary legal responsibility for the location, design and operation of schools, the District wants to work closely with the City so that the objectives and policies of the plan can be realized to the extent possible.

On page 3.15-36, the second paragraph (continuation of Impact Analysis under Impact PUB-3), indicates that:

“ . . . as the City receives development applications for subsequent development under the proposed project, those applications will be reviewed by the City for compliance with the policies and objectives of the General Plan to ensure that school services keep pace with new development. In addition, the Municipal Code, which implements the General Plan would be reviewed when development applications are received. Therefore, future development under the proposed project would not result in significant adverse effects related to school services and impacts would be less than significant.”

Regarding the above statement, it is unclear how reviewing development applications will ensure that school services will keep pace with new development. The key to ensure that school services will keep pace with new development is having adequate financing to build the schools in a timely manner. Schools are funded by a combination of statewide bond measures, local bond measures and developer fees. State bond measures require voter approval and are anything but certain. When they are approved, the funds are often depleted quickly due to a backlog of unfunded projects. To get state funding, school districts must match with a local funding contribution that mostly comes from local bond measures which

must be approved by local voters. The amount of the bond measures are based on assessed valuation, and the measures require a supermajority vote of either a 55% or 66.6% vote depending on the amount requested. Developer fees are an important school funding component, but they are substantially inadequate for funding schools unless state and local bond measures are approved.

Obtaining the funding necessary for 16 new elementary schools and at least another high school and middle school will be a substantial challenge if left to the current funding methods for financing schools. As stated in the EIR Notice of Preparation, implementation of the Specific Plan would require a comprehensive infrastructure plan that "must be accompanied by a comprehensive and detailed financing and implementation strategy that includes the phasing and financing of development and all major infrastructure." We believe it will be very important for the District to engage with the City in the infrastructure planning process to determine how best to fund the school facilities needed and provide them in a manner to keep pace with new development. We recognize that development of the Sanger Unified portion of SEDA is not anticipated to occur until about 2035, but it will be very important to set up an infrastructure financing plan that includes schools before this happens.

Thank you for the opportunity to review and comment on the Draft Program EIR. We look forward to collaborating with the City of Fresno in the implementation of the SEDA Specific Plan to ensure that well-located and designed school facilities can be financed and constructed when needed to serve future new development in the Sanger Unified portion of the SEDA Specific Plan. Please let me know if you have any questions on this letter.

Sincerely,



Jimmy Robles  
Chief Operations Officer

From: [Joshua](#)  
To: [Adrienne Asadoorian](#)  
Subject: SEDA  
Date: Monday, July 31, 2023 2:39:31 PM

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

Hi Adrienne,

I am writing you because I was/ am unable to make any of the drop-in events to voice my opinion of the Southeast expansion.

I wanted to let made it be know as a property owner in the impacted area that I am very much against the annexation of our property to the city.

Not only will this forced annexation impact and diminish our rural lifestyle but It will force us to leave the area. In my opinion the City of Fresno should figure out how to effectively manage the land/area they already have, before adding more to the city limits. The city currently has many underserved and neglected neighborhoods that should be the focus rather than adding more into the city that will also, eventually, suffer the same fate. Between the homeless problem in the City and the trash/graffiti problem I don't understand how the City would even consider adding more onto an already impossibly full plate. Fix the current city before forcing us into this mess as well.

I speak for my entire family when I say I am strongly opposed to this annexation.

Please call me for any questions,

Joshua Palmer



City of Fresno  
Planning and Development Department  
Adrienne Asadoorian, Planner III  
2600 Fresno Street, Room 3065  
Fresno, CA 93721  
Email: [Adrienne.Asadoorian@Fresno.gov](mailto:Adrienne.Asadoorian@Fresno.gov)

August 19, 2023

Comments on Draft Program EIR for Fresno Southeast Development Area Specific Plan Project  
State Clearinghouse Number 2022020486 – Comments by Mark Reitz and Dale Reitz

We would like to congratulate and thank the city of Fresno for their work in preparing this significant document and moving towards adoption of a Specific Plan for the Southeast Development Area that has been discussed and anticipated since 2007. As long-time property owners of a family home and farm within this area for over 100 years at 1080 S. Temperance (east of Temperance between the Railroad and Church Avenues), we and our neighbors welcome the opportunity to provide input to this Plan, and hopefully provide local perspective to responsible growth and for the benefit of the city of Fresno for years to come.

We have watched the city grow to the southeast over the past 50 years, and we are excited for a well-planned and responsible expansion of Fresno. Currently, there are three new major residential subdivisions directly across the street from our farm property on Temperance Ave.

We and our neighbors have attended numerous planning meetings and public presentations. We have offered our written recommendations and alternative maps regarding land use planning in our area going back to 2007. These documents have been passed on to various members of the Fresno Planning Department staff who have been very gracious in reviewing them and providing further direction for us on how we should submit our recommendations and input.

**Below are a few of the justifications we presented in our prior letters and documents for relocating a portion of the Land Use Plan Area bounded by Temperance Ave. to the west, Church Ave. to the south, the Briggs Canal to the east, and the Railroad to the north, from Flexible Research and Development/Regional Business Park to a mixture of Community Center, Mixed Residential, and Neighborhood Residential. We request this change or some version of it for the reasons outlined in the documents previously submitted and summarized below. Also, considering there is a serious shortage of housing in Fresno and California this change should be desirable.**

- The Sanger Unified School District has recently purchased and zoned a 15-acre parcel on the west side of Temperance about midway between the Railroad and Church Ave. This school as well as the new High School at Jensen and Fowler Avenue would benefit by having more residential homes and apartments closer to these schools to reduce car miles driven and allow walking to school.
- A community center, a small commercial center, and similar job-creating uses at this site will serve the proposed residential and mixed residential areas as well as the very large residential areas (4 square miles) to the west of Temperance between Kings Canyon Road and Jensen Avenue. Currently there are no shopping/commercial areas for over 3 driving miles to the Kings Canyon/Clovis Avenue center. Adding a small community center/office/commercial center and some mixed residential would greatly reduce trip miles, air pollution, and noise. These uses would not conflict with the large community center proposed at DeWolf and California Avenue and would complement it by reducing trip miles between shopping/office space needed in both areas. The proposed four-lane California Avenue would support both developments and conveniently connect the Temperance and DeWolf arterial streets for both bicycle and foot traffic.
- There is significant pressure/demand on this area to develop employing these land uses due to the SR 180 Freeway completion. Temperance Avenue will be a major connector between SR 180 and Jensen Avenue for communities to the south and east such as Sanger, Del Rey, Reedley, Parlier, and Selma. There are no services, such as gas stations, grocery stores, drug stores, restaurants, etc., to serve this traffic volume. The streets and large community centers proposed over a mile to the east will not develop for 15 to 20 years or more and will not be able to serve the immediate needs. This inconvenient situation will create more trip miles, air pollution, and noise.
- More jobs will be created by the uses we proposed compared to the Business Park/Flexible R&D land uses. If these proposed Business Park lands develop in this area in the distant future, it would be primarily warehouses, storage areas, or agricultural-related processing industries. There are already many large industrial areas in the Fresno area along Jensen Avenue to the west, at the Fresno airport only 5 miles away, and in Clovis. There is no demand in this area for such land use, and it would cause this area to develop last, if ever. **By making this area Flexible R&D, it will essentially stop or severely slow development of this area and cause development to leapfrog over to areas east of the Briggs Canal. This would cause an expensive and undesirable situation for City services, such as roads, water, sewer, storm drainage, gas, and electrical, to be extended far to the east without development west of the Briggs Canal. Stranded areas of land development are sure to cause unnecessary environmental impacts, future inconvenience, and wasted money.**
- The industrial area to the north of the railroad at Temperance up to Butler Avenue is primarily an agricultural/wet industry (La Destria, formerly Bonner Packing). This is a

significant industrial development that has existed for over 125 years at this large site. Zoning of Business R&D may not be consistent with this existing use due to significant odors, noise, rail (double rail spur), truck traffic, and similar environmental impacts. We suggest that this entire area north of the railroad up to Butler Avenue be kept as industrial only. The railroad would provide a good buffer and transition to the community center/office/Mixed Residential uses we are proposing.

- If it is necessary to have a certain number of Industrial or Business Park/Flexible R&D acres in the plan, we suggest moving this zoning to south of Jensen Avenue and west of Temperance Avenue. The present plan shows some residential in these areas, which would be an environmentally unsound choice due to the heavy traffic noise, and air quality impacts created by a future six-lane roadway such as Jensen Avenue. An example of this undesirable situation can now be found on the north side of Jensen between Clovis and Fowler Avenues, where homes are being built adjacent to this busy highway.
- **As evidenced by our previously proposed application in 2008 for this modification, over 70 percent of the property owners (17 parcels) in this area do not want the Industrial/Flex R&D zoning in this area.** These property owners have owned and paid taxes on these properties for many years, in some cases over 75 years. Many of the parcels are small (less than 10 acres) and are not conducive to developing the larger parcels necessary for Business Park/Flexible R&D, which would further hamper the sales and development of the area for these uses. This condition would promote further leapfrogging over this area.
- The Phasing of Development shown as Exhibit 6 provided at the May 3<sup>rd</sup> 2022, public meeting showed our area to be developed third of four phases. We disagree with this phasing order and feel the area shown as third should be second and the area shown as second moved to third. The area south of Jensen is entirely agricultural now with no major roads completed other than Jensen Ave. There are also no utilities extended near this area. Development of this area would be much more expensive and cause additional deleterious environmental impacts. The State Center Community College is no longer planned for this area, so there is no reason for the land to be developed before the area east of Temperance Avenue between SR 180 south to Jensen Ave. The latter area is already developing due to the new Freeway and the near future extension of Temperance Ave as a super arterial. Also, the new Southeast Fresno water treatment plant is just to the northwest, and can be used to bring water to this area more economically. We would appreciate your consideration in this logical and environmentally sound change if phasing of the SEDA area is proposed.

In reading Chapter 5 of the Draft Program EIR prepared by the City of Fresno, the city considered various Land Use Alternatives. One of these, listed as **Alternative 2, Consolidated Business Park Alternative**, is described as follows:

Under the **Consolidated Business Park Alternative (Alternative 2)**, the SEDA Specific Plan would occur as planned, but this alternative maintains the Flexible Research and Development land designations from the General Plan for the area south of Jensen Avenue. It would accommodate approximately 42,900 homes and 36,000 jobs within the 9,000-acre planning area. This is approximately 2,100 fewer homes and 1,000 fewer jobs, when compared with the proposed project. Alternative 2 would have slightly less density of development than the proposed project. The area identified in the SEDA Specific Plan as Flexible Research and Development to the east of Temperance Avenue and north of Jensen Avenue would be developed as Neighborhood Residential and Mixed Residential with two community centers and five neighborhood centers. Additionally, this alternative would change the land use designations for the planned Mixed Residential and Neighborhood Residential, along with the Community and Neighborhood Centers south of Jensen Avenue. Under Alternative 2, that area would be designated as Flexible Research and Development and Offices. **Please refer to Exhibit 5-1 for a visual representation of this alternative.**

The Exhibit 5-1 Land Use Map is enclosed with this letter as well as **Exhibit 1-1** which is the called the **“Proposed Project”** in this document. This “Proposed Project” is the same land use document that has been unchanged since the original work on SEGA plan was done in 2007.

The **Alternative 2, Consolidated Business Park Alternative**, essentially agrees with what we and our neighbors have been proposing since 2008 and we are extremely pleased that it was analyzed to the same degree as the “Proposed Project” in the Draft EIR. The results of this analysis, as described in detail in Chapter 5, were determined to be an **environmentally superior alternative** as compared to the “Proposed Project” when all aspects are considered. This determination was illustrated in **Table 5-1** of the Draft Program EIR and is enclosed with this letter. Below are excerpts from the Draft Program EIR that reflect this determination as well as the project objectives relative to new dwelling units and jobs.

## **5.2 - Project Objectives**

As stated in Chapter 2, Project Description, the objectives of the proposed project are to:

### **Quantified Objectives**

- Accommodate between 40,000 and 45,000 dwelling units of varying types, sizes, densities, and affordability levels.
- Accommodate between 30,000 and 37,000 jobs.

## **5.6 - Environmentally Superior Alternative**

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the “environmentally superior alternative other than the No Project Alternative” among the project and the alternatives evaluated. **The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 5-1.**

**Land Use and Planning**

Alternative 2 would have slightly less density than the proposed project. **Alternative 2 would not physically divide an established community. This alternative would allow for planned development and growth and would increase connectivity and support, strengthen, and connect new communities.** However, this alternative might reduce impacts to land use by consolidating Office Center and Flexible Research and Development land uses to the area south of Jensen Avenue. **Therefore, impacts to land use would be expected to be less than significant, similar to but slightly less than the proposed project.**

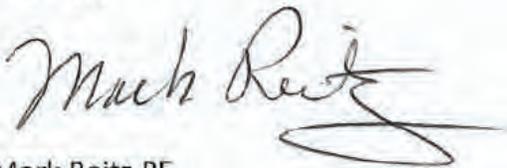
**5.6 - Environmentally Superior Alternative**

*“The Consolidated Business Park Alternative is the environmentally superior alternative because it has similar, but slightly less, impacts as compared to the proposed project and meets the project objectives.”*

Also enclosed as a separate attachment is a brief executive summary of the relevant discussions in Chapter 5 of the Draft Program EIR that reinforce our conclusions and recommendations.

In summary we wish to thank the city and city staff for allowing us and our neighbors to comment on the Draft Program EIR. For the reasons stated above and also as stated in your own Draft Program EIR, we request that the **Consolidated Business Park Alternative (Alternative 2)**, be adopted as the preferred land use plan and be adopted as such. We hope that the City Planning Department and the City Planning Commission will make this recommendation to the City Council for adoption based on the desires of the property owners in this area as well as the analysis performed by their EIR consultant in accordance with the CEQA process. If you have any questions, you may contact me at the address and contact information below.

Sincerely



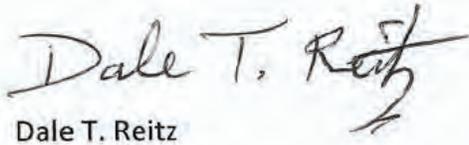
Mark Reitz PE

[Redacted]

[Redacted]

[Redacted]

[Redacted]



Dale T. Reitz



Enclosures

CC:

Annalisa Perez District 1 Council Member, [District1@fresno.gov](mailto:District1@fresno.gov)

Mike Karbassi District 2 Council Member, [District2@fresno.gov](mailto:District2@fresno.gov)

Miguel Arias District 3 Council Member, [District3@fresno.gov](mailto:District3@fresno.gov)

Tyler Maxwell District 4 Council Member, [District4@fresno.gov](mailto:District4@fresno.gov)

Luis Chavez District 5 Council Member, [District5@fresno.gov](mailto:District5@fresno.gov)

Gary Bredefeld District 6 Council Member, [District6@fresno.gov](mailto:District6@fresno.gov)

Nelson Esparaza District 7 Council Member, [District7@fresno.gov](mailto:District7@fresno.gov)

Buddy Mendes District 4 Supervisor, [District4@fresnocountyca.gov](mailto:District4@fresnocountyca.gov)

Nathan Magsig District 5 Supervisor, [District5@fresnocountyca.gov](mailto:District5@fresnocountyca.gov)

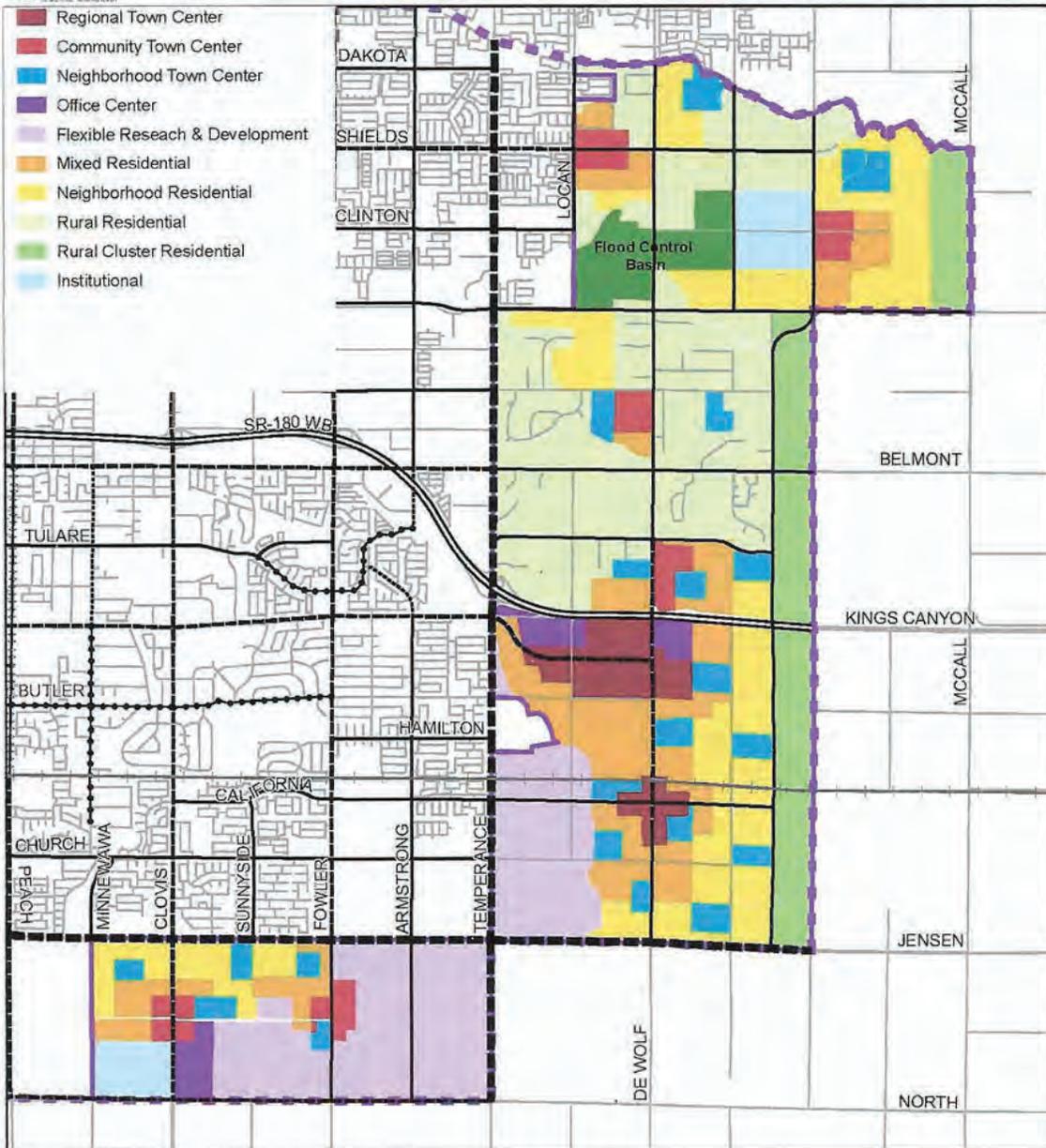
# SEDA PROPOSED LAND USE MAP

Southeast Development Area

- Freeway
- Expressway
- Scenic Expressway
- Super Arterial
- Arterial
- Scenic Arterial
- Scenic Drive
- Collector
- Scenic Collector
- Southeast Development Area
- Fresno Sphere of Influence
- Major & Local Roads
- Railroads



Source: City of Fresno, SEDA Illustrative Plan derived from community and stakeholder meetings.

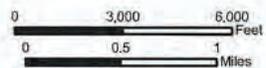


Map 2.5 SEDA Proposed Land Use

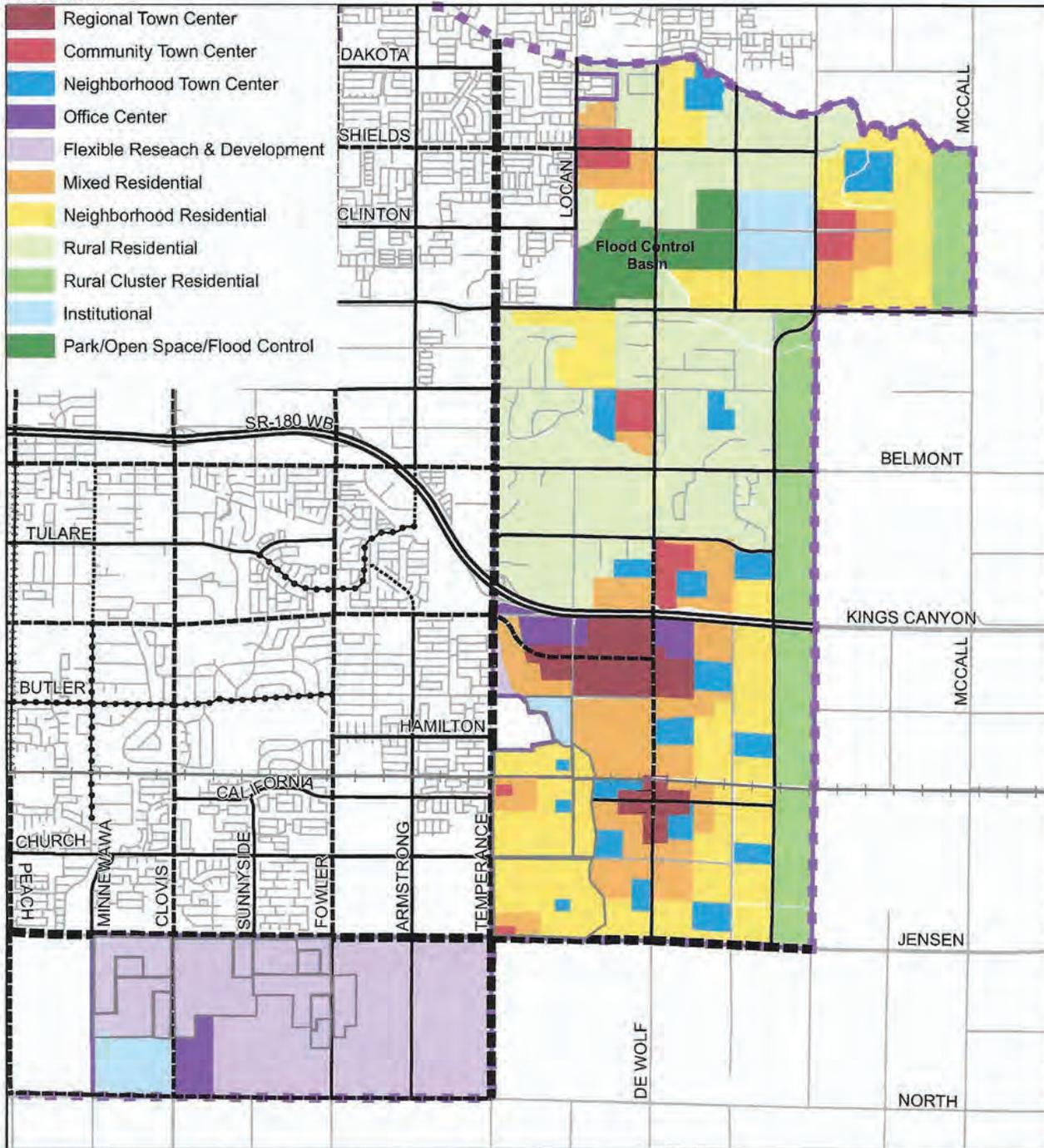
# CONSOLIDATED BUSINESS PARK ALTERNATIVE

Southeast Development Area

- Freeway
- Expressway
- Scenic Expressway
- Super Arterial
- Arterial
- Scenic Arterial
- Scenic Drive
- Collector
- Scenic Collector
- Southeast Development Area
- Fresno Sphere of Influence
- Major & Local Roads
- Railroads



Source: City of Fresno, SEDA Illustrative Plan derived from community and stakeholder meetings.



Source: City of Fresno



## Exhibit 5-1 Consolidated Business Park Alternative

## 5.6 - Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the “environmentally superior alternative other than the No Project Alternative” among the project and the alternatives evaluated. The qualitative environmental effects of each alternative in relation to the proposed project are summarized in Table 5-1.

**Table 5-1: Summary of Alternatives**

| Environmental Topic Area                                                                                                                                                                                                                                                                                                                                                                                | Alternative 1: No Build Alternative | Alternative 2: Consolidated Business Park Alternative | Alternative 3: Farmland Conservation Alternative |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------------------------|--------------------------------------------------|
| Aesthetics, Light, and Glare                                                                                                                                                                                                                                                                                                                                                                            | <=                                  | <=                                                    | <=                                               |
| Agricultural Resources and Forestry Resources                                                                                                                                                                                                                                                                                                                                                           | <=                                  | <=                                                    | <=                                               |
| Air Quality                                                                                                                                                                                                                                                                                                                                                                                             | <=                                  | <=                                                    | <=                                               |
| Biological Resources                                                                                                                                                                                                                                                                                                                                                                                    | <=                                  | <=                                                    | <=                                               |
| Cultural Resources and Tribal Cultural Resources                                                                                                                                                                                                                                                                                                                                                        | <=                                  | <=                                                    | <=                                               |
| Geology, Soils, and Seismicity                                                                                                                                                                                                                                                                                                                                                                          | <=                                  | <=                                                    | <=                                               |
| Greenhouse Gas Emissions                                                                                                                                                                                                                                                                                                                                                                                | <=                                  | <=                                                    | <=                                               |
| Hazards and Hazardous Materials                                                                                                                                                                                                                                                                                                                                                                         | <=                                  | <=                                                    | <=                                               |
| Hydrology and Water Quality                                                                                                                                                                                                                                                                                                                                                                             | <=                                  | <=                                                    | <=                                               |
| Land Use and Planning                                                                                                                                                                                                                                                                                                                                                                                   | <=                                  | <=                                                    | >                                                |
| Mineral Resources                                                                                                                                                                                                                                                                                                                                                                                       | <=                                  | <=                                                    | <=                                               |
| Noise                                                                                                                                                                                                                                                                                                                                                                                                   | <=                                  | <=                                                    | <=                                               |
| Population and Housing                                                                                                                                                                                                                                                                                                                                                                                  | <=                                  | <=                                                    | <=                                               |
| Public Services                                                                                                                                                                                                                                                                                                                                                                                         | <=                                  | <=                                                    | <=                                               |
| Transportation and Traffic                                                                                                                                                                                                                                                                                                                                                                              | <=                                  | <=                                                    | <=                                               |
| Utilities and Service Systems                                                                                                                                                                                                                                                                                                                                                                           | <=                                  | <=                                                    | <=                                               |
| Wildfire                                                                                                                                                                                                                                                                                                                                                                                                | <=                                  | <=                                                    | <=                                               |
| Key:<br>Impact finding is the same as the proposed project: =<br>Impact finding is the same as the proposed project but slightly less impactful: <=<br>Impact finding is the same as the proposed project but slightly more impactful: >=<br>Impact finding is less than the proposed project: <<br>Impact finding is greater than the proposed project: ><br>Source: FirstCarbon Solutions (FCS) 2022. |                                     |                                                       |                                                  |

## Comments on Proposed Draft PEIR, SEDA Specific Plan Project #2022020486

After a review of the SEDA General Plan, Draft PEIR Specific Plan, and the three Alternatives, we believe the Consolidated Business Park Alternative 2 offers the best course of action to satisfy the PEIR Project objectives.

Alt 2 would maintain existing R&D land designations from the General Plan for the area south of Jensen Avenue, but allow the area east of Temperance Avenue to be developed at Neighborhood and Mixed Residential with two community centers and five neighborhood centers (p. 5-6). This scenario would permit proper organized and phased development on potentially stranded land east of Temperance and west of the Briggs Canal. Consolidation of Flexible R&D land south of Jensen Avenue would offer the opportunity for synergies of planning and phased development in one contiguous area instead of two separate tracts.

Alt 2 would accommodate 42,900 homes and provide 36,000 jobs within the 9,000 ac planning area (p. 5-14). These estimates are 95% of the maximum in the range outlined in the project objectives of the SEDA Specific Plan (p. 5-7) and 97% of the maximum jobs in the range outlined in Plan, while offering the benefit of slightly less development density and environmental impact.

Alt 2 would consolidate the proposed Office Center and Flexible R&D land uses to the area south of Jensen Avenue, thus preserving more undeveloped space (p. 5-15). Alt 2 would not physically divide an established community, allow planned development, and increase connectivity to support and strengthen new communities (p. 5-18).

Alt 2 would provide similar development to the proposed project, but with slightly less intense impacts to agricultural, forestry, and biological resources (p.5-15).

Alt 1, No Project Alternative, would use current land use and zoning maps from the General Plan. This alternative would include an estimated 17,900 homes and 29,600 jobs (p. 5-6). These numbers are below the range of homes and jobs identified as “quantified objectives” in the SEDA Specific Plan. Alt 1 would have similar, but slightly less, impacts than the proposed SEDA Specific Plan.

Alt 3, Farmland Conservation Alternative, envisions no future development or ground disturbing activities on specific farmland (648.61 ac) designated for conservation (p. 5-22). In addition, a Rural Cluster Residential Buffer (832 ac) on the east side of the Plan area would be excluded from development. Preserving this buffer farmland would reduce the transitional buffer and cause residential lands to be in closer contact with active agricultural land (p. 5-25). This unavoidable conflict of land use continuity would likely contradict the Specific Plan Policy UF-1.6 and create a significant environmental impact (Table 5-1). This land use conflict creates an incrementally greater environmental impact, rendering it inferior under CEQA Guidelines (p. 5-29).

“Alternative 1, the No Project Alternative, would not meet the project objectives. Alternatives 2 and 3 would meet many of the project objectives. The Consolidated Business Park Alternative is the environmentally superior alternative because it has similar, but slightly less, impacts as compared to the proposed project and meets the project objectives.” (p. 5-29).

Thank you for your thoughtful consideration.

Mark Reitz and Dale Reitz

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August 28, 2023

**City of Fresno**

c/o Adrienne Asadoorian, Planner  
2600 Fresno Street  
Third Floor, Room 3065  
Fresno, CA 93721

**Email:** [adrienne.asadoorian@fresno.gov](mailto:adrienne.asadoorian@fresno.gov)

**CC:** [Jennifer.Clark@fresno.gov](mailto:Jennifer.Clark@fresno.gov); [Sophia.Pagoulatos@fresno.gov](mailto:Sophia.Pagoulatos@fresno.gov); [andrew.janz@fresno.gov](mailto:andrew.janz@fresno.gov)

**Subject: Additional Comments on the SEDA EIR** from the Fresno, Madera, Tulare and Kings Counties Central Labor Council, Central Valley IAF, and Regenerate California Innovation, Inc. Please incorporate the following comments regarding the City's Southeast Development Area (SEDA) Specific Plan and draft Program Environmental Impact Report (EIR) into the record of this matter.

***COMMENT SUMMARY: The SEDA EIR is fatally flawed for many reasons, as noted in a separate comment letter submitted on our behalf to the City of Fresno by Patience Milrod, Lawyer. Certainly not the least of these SEDA EIR deficiencies is the assumption and employment of out-of-date and questionable population growth projections in the EIR document, which do not recognize the accelerating trends of dramatically declining population growth in California and Fresno County as recently published by the California Department of Finance in July 2023. As a result of this critical flaw, the SEDA EIR materially overstates demand factors and the need for the SEDA Specific Plan to be seriously considered any time before 2060. Proceeding now with proposed SEDA Plan/EIR approvals and debt obligations for costly, unnecessary, uneconomic and potentially stranded public infrastructure investments in SEDA, will create significant debt service risks and a potential disaster for the City's long-term fiscal sustainability. These negative fiscal consequences from prematurely approving and implementing SEDA will further negatively impact existing city residents, businesses, and institutions who have and will be forced to continue to bear the stress and cost burdens of decades of cumulative and increasing urban decay and blight not effectively addressed by the City. We recommend that the deficient draft SEDA Specific Plan and EIR be shelved until the City of Fresno General Plan can be updated to comprehensively and factually reflect all changing trends, impacts, and resource constraints, and that the City of Fresno focus on addressing cumulative and increasing urban decay, and meeting housing and public infrastructure and service needs within the current Fresno city limits.***

Questionable population growth projections in the SEDA EIR document are utilized to directly justify the extreme scale of new greenfield population and housing unit development proposed, and indirectly support the implied massive front-end public infrastructure costs required to

launch the scale of development suggested of SEDA Specific Plan. The SEDA Plan/EIR reference and apply out-of-date City of Fresno General Plan population estimates for 2035 (771,000 people) that reflected 1.5% annual population growth rates in the decade previous to General Plan adoption, and Fresno COG estimates for 2035 (621,540) and 2050 (COG: 728,200), that were apparently published pre-pandemic. Carrying these assumptions forward to current SEDA plan consideration is profoundly inconsistent with dramatically declining recent population growth trends for California and the central San Joaquin Valley. The California Department of Finance (DOF) released updated interim population projections in July 2023 that show no population growth for California as a whole over the next 37 years, and 3% net population growth for Fresno, Madera, Tulare and Kings Counties combined by 2060, which equates to an average annual compounded growth rate of barely 0.1% in Fresno's regional market area population and resulting related economic demand for Fresno.

The state of California Department of Finance (DOF) interim population projections issues in July 2023<sup>1</sup> indicate that in 2060, there will be 39,508,000 residents in the state, equating to 12,000 fewer residents than in 2020. This forecasts an actual long-term reduction in the Golden State's growth outlook, a dramatic decline in the population growth assumptions built into all California business demand and government funding models, which should cause all of us pause to reassess assumptions about major long-term investments and prospective returns on these investments throughout the state. The recent DOF projections come *"after accounting for factors including declining births, aging residents, and more people moving away in the years leading up to and during the pandemic, officials now project the population will hold steady at around 39.5 million. . . A stagnant population could mean a shrinking labor force as the state fails to replace retiring Baby Boomers, potentially resulting in a flagging economy mirroring the decades-long malaise from which some Rust Belt states are still struggling to emerge."*<sup>2</sup>

When population growth baselines were developed for the current City of Fresno General Plan in 2008-2010, referenced in the SEDA EIR published in July 2023 as relevant population growth data, Fresno County was projected to have about 1.9 million in population by 2050. Fresno County is now projected by the State DOF to have about 1,095,000 people by 2060, up from 1,016,000 today, a little over 800,000 fewer people than forecasted 13-15 years ago. This new State DOF projection represents marginal Fresno County population growth of 79,000 people net over nearly four decades, better than the whole state losing 12,000 people net over the

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<sup>1</sup> <https://dof.ca.gov/forecasting/demographics/projections/> (P-2: County Population Projections (2020-2060))

<sup>2</sup> <https://www.msn.com/en-us/travel/article/california-exodus-once-growing-rapidly-state-population-projected-to-remain-the-same-through-2060/ar-AA1eoT8j>

same period, but not much net growth demand when compared to the Golden State's and our local area growth history.

The SEDA draft EIR states on Page 3.14-13: *“The population potential for the Plan Area is within the population growth anticipated by the General Plan, which anticipates growth of up to 226,000 additional residents by 2035, consistent with the proposed project. Accordingly, implementation of the proposed project would not exceed the City’s anticipated population growth.”*

The statement above in the SEDA draft EIR as it relates to anticipated additional residents by 2035 is no longer realistic or supportable based on recent State of California Department of Finance (DOF) interim population projections that indicate Fresno County on the whole will only add 79,000 residents over 37 years— see breakdown and references below.

The planned population capacity proposed for the SEDA Plan Area now actually exceeds population growth forecasted by the State for all of Fresno County by 2060 by a factor of nearly 2 times. If city of Fresno population growth represents approximately 54% of County population growth as it has in the past, then planned SEDA population holding capacities now reflect nearly 3 times forecasted growth for all of Fresno County by 2060. These are serious and material growth area demand overestimates and miscalculations in the SEDA EIR with extremely negative potential fiscal and economic consequences. The SEDA draft EIR simply and dangerously reprises now stale references from Fresno COG as noted above and below, and population estimates contained in the Fresno General Plan (GP) approved in late 2014 that projected a Fresno SOI (Fresno’s Shere of Influence containing incorporated and unincorporated planning areas) population of 771,000 in 2035 (Table 1.5, Page 1-24, Fresno GP). See comparisons below.

**July 2023 State DOF Population Projection Numbers versus Those in SEDA EIR**

| <b>Year</b>                                                                                                                                               | <b>July 2023 State DOF for Fresno County</b> | <b>Fresno City/SOI as 54% of County</b> | <b>SEDA EIR Numbers</b>             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------|-------------------------------------|
| 2020                                                                                                                                                      | 1,007,344                                    | 543,965                                 |                                     |
| 2023                                                                                                                                                      | 1,015,793                                    | 548,528                                 |                                     |
| 2030                                                                                                                                                      | 1,047,382                                    | 565,586                                 |                                     |
| 2035                                                                                                                                                      | 1,065,641*                                   | 575,446*                                | COG: 621,540** /<br>City:771,000*** |
| 2040                                                                                                                                                      | 1,083,901                                    | 585,306                                 |                                     |
| 2050                                                                                                                                                      | 1,098,503                                    | 593,196                                 | COG: 728,200**                      |
| 2060                                                                                                                                                      | 1,095,205                                    | 591,410                                 |                                     |
| *2030+2040 divided 2 = estimate of 5-year interval growth to 2035<br>**SEDA EIR Page 3.14.2<br>*** SEDA EIR Page 3.14.13 – references Fresno GP Page 1-24 |                                              |                                         |                                     |

So, future population growth trends forecasted by the State of California have dramatically declined, but SEDA Plan/EIR numbers reflect a past era of faster growth applied to the future. If these out-of-date growth numbers for SEDA are used as the basis for current public finance decision making, such decisions would likely jeopardize the future fiscal sustainability of entire City enterprise if bond financing or other types of debt financing are used to advance massive front-end new growth area public infrastructure costs. Substantially less growth would equate to inadequate debt service revenue from new hoped for development, portending bond payment defaults or substituting other City funds for growth area debt service needed for other essential purposes. Not researching and employing up-to-date State population forecasts in the SEDA Plan and EIR are fatal flaws and critical misrepresentations of demand for SEDA plan area development with potentially perverse consequences for the municipality and all our city's existing and future residents, businesses, and institutions.

The SEDA Plan then, as currently conceived, is rendered an anachronism in terms of relevant population projections even before public hearings about the plan and infrastructure financing approvals, and a dangerous anachronism at that. If the SEDA plan is approved and piecemeal developed as proposed, with huge sums of money borrowed to finance the massive front-end public works and utility infrastructure required by the plan, Fresno's much slower growth now forecasted by the State DOF could end up stranding very expensive nonproductive public assets with little revenue for debt coverage at the best, or could be a bankruptcy in the making for our municipality at the worst. The SEDA Draft Plan and EIR also do not address urban decay and blight production linked to new growth area residential and retail commercial development, the costs of which should be mitigated by adoption of significantly expanded growth area development impact fees.

We recommend an economically prudent and fiscally sound alternative course for the City of Fresno related to SEDA. Do not take these unnecessary public resource risks by prematurely approving an already outdated SEDA plan and EIR with its current massive front-end public financing scheme. In light of recent State DOF projections, take SEDA off the table and shelve it until it can be properly assessed at a more relevant time, scale, and cost, as part of a comprehensively updated Fresno General Plan that fully considers how the world has changed and continues to change and disrupt old private and public business models since the last General Plan update, and properly assesses the many new risks to sound public financing in an era of specious growth prospects.

In the interests of existing city residents, businesses, and institutions who have and will be forced to continue to bear the stress and cost burdens of decades of cumulative and increasing urban decay and blight until effectively addressed by the City, we also recommend:

- The City of Fresno focus on addressing cumulative and increasing urban decay, and meeting housing and public infrastructure and service needs within the current Fresno city limits, which contain more than enough vacant and underutilized land

given the much slower growth anticipated for the state and our county and the Fresno market area region, and

- The City of Fresno work diligently with existing community, business and institutional leaders to investigate and genuinely consider expanded urban decay impact mitigation fees be applied to newly annexed residential and retail commercial development which is linked to urban decay and blight production.<sup>3</sup>

Submitted By:

Dated: 8/28/23



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Dillon Savory FRESNO MADERA TULARE and KINGS COUNTIES CENTRAL LABOR COUNCIL

Dated: 8/28/23



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Keith Ford CENTRAL VALLEY IAF + State Center federation of Teachers

Dated: 8-28-23



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Keith Bergthold REGENERATE CALIFORNIA INNOVATION (RCI)

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<sup>3</sup> Fresno Urban Decay Analysis: <https://www.greenfieldcoalition.org/urban-decay-data>

August 22, 2023

Via email to: Adrienne Asadoorian, Planner  
cc: Fresno County Board of Supervisors, Staff  
and Commissioners of the Fresno Local Agency Formation Commission (LAFCo)

We are writing to voice our opposition to the City of Fresno's Draft Specific Plan for its massive 8,700+ acre expansion into the re-branded Southeast Development Area (SEDA – formerly SEGA). We are property owners in the Sunnyside area near the SEDA plan area.

Fresno County's LAFCo Commission did the right thing in 2006 when it delayed allowing any annexations within the City's new SEGA Sphere of Influence (SOI) area until the City prepared not only a Specific Plan for the area, but also a full Environmental Impact Report (EIR).

Now, some 17 years later, according to the City's new EIR (Exhibit 3.4.1), we now know that more than 7,700 acres of currently productive Deciduous Orchard and Irrigated Row and Field Crops will be torn out to make way for urban residential and commercial development.

The loss of more than 7,700 acres of valuable San Joaquin Valley agricultural land represents a significant economic impact far beyond the mere value of the crops that cannot be mitigated. Our Valley is one of the most productive agricultural regions in the world and this land must be preserved for farming for our National Security. This impact is avoidable by LAFCo denying this Specific Plan.

Has the City of Fresno achieved its housing goal of 50/50 infill versus fringe development within its current (non-SEDA) boundaries under its current General Plan? Although some progress has certainly been made since the SEGA Sphere of Influence expansion in 2006, the City of Fresno still has more work to do to encourage infill development before proposing such a significant urban expansion as proposed in the SEDA Specific Plan.

Further, new 2023 data from California Department of Finance show that California's (-0.4%) and Fresno's (0.2%) population growth rate is much slower than was anticipated 17 years ago. The housing "crisis" described in the EIR is failing to materialize and there is simply no justification to push sprawl at this time when the need for more new housing has clearly slowed.

We appreciate the opportunity to comment on the City's Draft Specific Plan and hope Fresno LAFCo will vote to deny the SEDA Specific Plan, rescind the 2006 LAFCo Sphere of Influence expansion vote and return full control and jurisdiction of the 8,700+ acre area to Fresno County to avoid all the significant impacts that have now been outlined in the project's EIR.

Sincerely,



Tom and Aletha Lang



July 23, 2023

City of Fresno Council  
2600 Fresno Street  
Fresno, CA 93721  
Mayor Jerry Dyer  
Council President Tyler Maxwell, District 4  
Council Member Annalisa Perea, District 1  
Council Member Mike Karbassi, District 2  
Council Member Miguel Arias, District 3  
Council Member Luis Chavez, District 5  
Council Member Garry Bredefeld, District 6  
Council Member Nelson Esparza, District 7

City of Fresno Clerk Todd Stermer  
City of Fresno Planner Adrienne Asadoorian  
City of Fresno Planning Manager Sophia Pagoulatos

Fresno County Board of Supervisors  
2281 Tulare, Room 301  
Fresno, CA 93721  
Chairman Sal Quintero, District 3  
Brian Pacheco, District 1  
Steve Brandau, District 2  
Buddy Mendes, District 4  
Nathan Magsig, District 5  
Clerk of the Board of Supervisors

Dear Ms. Asadoorian

I am rather disappointed that The City of Fresno continues to spend money to coerce its residents to believe that annexation of the surrounding rural landscape is responsible land management. I feel that I must speak out against the proposed SEDA project. Its impacts that affect today are relatively small compared to the long term effects to Fresno's tomorrow.

I am a lifetime Fresnan. I have chosen to be educated in Fresno (Class of 1981 CSUFresno). I chose to stay in Fresno and to establish my career. I chose to raise my family in Fresno; I believe my children are "Fresno Proud." I have always thought that I am a part of the fabric that makes Fresno special. However, last week, I received in my mailbox the SEDA meeting notice flyer. It was addressed to "Occupant." I have lived at this address for over 35 years, and considering I pay property taxes, one would think the City might have my name on record. Is this the City's way of informing me that I am non-essential?

The purpose of this letter is to reference a few of my many concerns. I would prefer to voice these concerns in person. Unfortunately, I am attending personal, family business the week of July 24, and I am unable to attend the first two of the four SEDA meetings.

1) **Why have other growth plans been disregarded?** Please address why the City of Fresno chooses not to infill within the city's boundaries where infrastructure already exists. Based on the houses currently being approved and built near the proposed annexation area, it is apparent that residents have no problem living in multi-level homes with only a patio for yard space. These same houses could be constructed within Fresno's city limit.

2) **Why is the soil in Fresno County not agriculturally valuable enough to be protected?** Populations continue to grow. Northern and southern California residents are fleeing their overpriced and crowded

*continued on page 2*

properties and moving to the quiet spaces of the central valley. Many of these new residents do not even work locally – rather they “zoom” to work. This migration inflates the central valley’s property values thus making it more difficult for us “locals” to survive in the place we were born. The cycle is never ending. Please address how government officials can create innovative approaches to this growth other than paving over more agricultural land (AG-1). The soil in the project area is a natural resource. This soil produces food for millions of people worldwide, and once it is paved over it is gone. Much like California’s coast line protections, this soil should be protected as well. Current growers are already being pushed out and ag workers are being displaced. Please save our agricultural jewel. Don’t violate the Williamson Act.

**3) How does this growth outweigh the already growing health concerns surrounding air quality?** Please address why the City of Fresno chooses not to maintain air quality (AIR-1-2-3). This project clearly states the added growth “potentially” will exceed the air pollution thresholds with no mitigation plan offered. During a “regular” summer versus a summer laden with wildfire there is no clean air. Our children are suffocating from asthma. Per the American Lung Association, the central valley suffers from having some of the worst air in the world and is already a health risk. The air we breathe is yet another natural resource being attacked under this plan. Clean air is already gone, and this project ensures its non-existence.

**4) Is the avoidance of lowering greenhouse gas emissions purely a political maneuver for personal gain?** Please address why the City of Fresno chooses not to lower greenhouse gas emissions (GHG-1). The EIR clearly states the project will add to global warming. There is not much more to elaborate other than: It’s hot here — don’t add to it.

**5) How can the City of Fresno guarantee that the distribution of water will not be a repeat of the water crisis in the Madera Ranchos?** I know people who have been living in the Madera Ranchos with no water for over two years. This is a fact: there is not enough water for the SEDA expansion project’s population growth. Please address a permanent and safe solution that does not create a negative impact on our water supply.

The EIR is too long; it is over 800 pages in length. I admit: I live in the proposed project area on two acres that was an abandoned vineyard. I do my best to be a steward of this land and air. I plant a small garden and share the fruit from my trees with my neighbors. I couldn’t do this type of living within the City’s limits, which is why I chose to live in a rural setting in the County of Fresno. The SEDA plan will take away my privilege of living where I chose to live 35 years ago. I will no longer be able to afford to live in my home. This cost to be annexed will force me to leave.

To City of Fresno officials: **Stop the SEDA project.**  
To Fresno County Supervisors: **Stand up and protect the citizens who elected you.**  
To everyone: **Stop the unrelenting land grab and protect California’s unique central valley.**

**QUALITY OVER QUANTITY.**

Sincerely,  
  
Annette Paxton



August 23, 2023

Adrienne Asadoorian  
City of Fresno  
Planning and Development Department  
21600 Fresno Street, Room 3065  
Fresno, CA 93721

**Project: Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project**

**District CEQA Reference No: 20230643**

Dear Ms. Asadoorian:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the City of Fresno's (City) Draft Program Environmental Impact Report (DPEIR) for the Southeast Development Area Specific Plan (SEDA) (Project). The Project is a program level project and, while project-specific data may not be available until specific approvals are being granted, the DPEIR should include a discussion of policies, which when implemented, will reduce or mitigate impacts on air quality at the individual project level.

The District offers the following comments at this time regarding the Project:

**1) Land Use Planning**

Nearly all development projects within the San Joaquin Valley Air Basin, from specific plans to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality.

**Samir Sheikh**

Executive Director/Air Pollution Control Officer

---

**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
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**Central Region (Main Office)**  
1890 E. Gettysburg Avenue  
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Tel: (559) 230-6000 FAX: (559) 230-6061

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

District Reference No: 20230643  
August 23, 2023

More specifically, the DPEIR concludes Project air quality emission impacts will exceed District significance thresholds and thus result in significant and unavoidable impacts. As such, the District recommends the DPEIR incorporate strategies that reduce VMTs and require the cleanest available heavy duty truck vehicles, and off-road equipment, including zero and near-zero technologies. VMTs can be reduced through encouragement of walkable communities, electric vehicle charging infrastructure, etc. Additional design element options can be found at: <https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

## 2) Assembly Bill 617

Assembly Bill 617 requires CARB and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantage communities. The Project lies near one of the impacted communities (see Figure 1 below) in the State selected by the California Air Resources Board (CARB) under Assembly Bill (AB) 617 (2017, Garcia) and has the potential to expose sensitive receptors to increased air pollution within the nearby impacted community. The South Central Fresno CERP was adopted by the District's Governing Board in September of 2019 and identifies a wide range of measures designed to reduce air pollution exposure. Therefore, in an effort to reduce air pollution exposure to the impacted disadvantaged community, the District recommends the City incorporate mitigation measures outlined in the South Central Fresno CERP for the Project. For more information regarding the CERP approved for South Central Fresno, please visit the District's website at: <http://community.valleyair.org/selected-communities/south-central-fresno>

**Figure 1: Southeast Development Area Specific Plan**



District Reference No: 20230643  
August 23, 2023

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

The DPEIR specifically states on page 2-13 that “*The proposed project is a policy-level document and does not include any specific development proposals and may not fully evaluate the impacts of other future specific, individual development that may be approved under implementation of the proposed project*”.

The District recommends that the DPEIR require that future development projects that may be approved under implementation of the Project identify, assess and characterize project-level air emissions and require mitigation of air quality impacts at the individual project-specific level.

Environmental reviews of potential impacts on air quality should incorporate the following items:

#### **3a) Construction Emissions**

Future development projects should utilize the cleanest available off-road construction equipment.

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

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District’s significance thresholds are identified in the District’s Guidance for Assessing and Mitigating Air Quality Impacts:

<https://www.valleyair.org/transportation/GAMAQI.pdf>.

*Recommended Mitigation Measure:* At a minimum, project related impacts on air quality should be reduced to levels below the District’s significance thresholds through incorporation of design elements such as the use of cleaner Heavy Heavy-Duty (HHD) trucks and vehicles. More information on transportation mitigation measures can be found at:

<https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>.

#### **3c) Project Trip Length for HHD Truck Travel**

The DPEIR page 3.3-65 states, “*The proposed project would permit residential, office, commercial and industrial land uses. Development of land uses that are allowed under the proposed project may result in stationary sources of TAC emissions, including light industrial facilities, warehouses...etc.*” As a result, the City should include policies that require environmental review for future development projects (e.g. light industrial facilities/warehouses, commercial, etc.). Since the DPEIR acknowledges these types of development as part of the Project, these development projects have the potential to generate a high volume of HHD truck trips traveling further distances. As such, future

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environmental review should adequately characterize and justify an appropriate trip length distance for off-site HHD truck travel to and from the project site as well as the estimated number of trips supported by project-specific factors.

### **3d) Recommended Model for Quantifying Air Emissions**

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

### **3e) Allowed Uses Not Requiring Project-Specific Discretionary Approval**

In the event that the City determines that a project be approved as an allowed use not requiring a project-specific discretionary approval, the District recommends the DPEIR include language requiring such projects to prepare a technical assessment, in consultation with the District, to determine if additional analysis and/or mitigation is required.

## **4) Health Risk Screening/Assessment**

The City should incorporate a requirement for all future development projects that may be approved under implementation of the Project to evaluate the risk on sensitive receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) in the area and mitigate any potentially significant risk to help limit exposure of sensitive receptors to emissions.

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

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

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#### Prioritization (Screening Health Risk Assessment):

A “Prioritization” is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association’s (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

#### Health Risk Assessment:

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

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District’s established risk thresholds, which can be found here:

[http://www.valleyair.org/transportation/ceqa\\_idx.htm](http://www.valleyair.org/transportation/ceqa_idx.htm).

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District’s Technical Services Department:

- E-mail: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Phone: (559) 230-5900

*Recommended Measure:* Development projects resulting in TAC emissions should be located an adequate distance from residential areas and other sensitive receptors to prevent the creation of a significant health risk in accordance to CARB's Air Quality and Land Use Handbook: A Community Health Perspective located at <https://ww2.arb.ca.gov/our-work/programs/resource-center/strategy-development/land-use-resources>.

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## **5) Ambient Air Quality Analysis**

The District recommends an Ambient Air Quality Analysis (AAQA) be performed for any future development projects that may be approved under implementation of the Project with emissions that exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emissions increases from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:

[www.valleyair.org/ceqa](http://www.valleyair.org/ceqa).

## **6) Voluntary Emission Reduction Agreement**

The District recommends the DPEIR include a feasibility discussion on implementing a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for all future development projects that may be approved under implementation of the Project that are determined to exceed the District's CEQA significance thresholds.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is

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compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

## **7) Industrial/Warehouse Emission Reduction Strategies**

The Project is expected to result in the development of industrial uses. Additionally, the DPEIR specifically page 3.3-65 states “*The proposed project would permit residential, office, commercial and industrial land uses. Development of land uses that are allowed under the proposed project may result in stationary sources of TAC emissions, including light industrial facilities, warehouses...etc.*” Since the DPEIR acknowledges the potential development of industrial uses, the District recommends the City incorporate emission reduction strategies that can reduce potential harmful health impacts from industrial and warehouse developments, such as those listed below:

- Require cleanest available heavy-duty trucks and off-road equipment (see comment 9)
- Require HHD truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions (see comment 8)
- Require the minimization of heavy-duty truck idling (see comment 10)
- Require loading docks be oriented away from sensitive receptors
- Require loading docks be located a minimum of 300 feet away from the property line of sensitive receptor unless dock is exclusively used for electric trucks
- Require truck entries be located on streets of a higher commercial classification
- Require projects be designed to provide the necessary infrastructure to support use of zero-emissions on-road vehicles and off-road equipment (see comment 11)
- Ensure all building roofs are solar-ready
- Ensure all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Incorporate bicycle racks and electric bike plug-ins
- Require the use of low volatile organic compounds (VOC) architectural and industrial maintenance coatings
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Prohibit the use of non-emergency diesel-powered generators during construction
- Ensure all landscaping be drought tolerant

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- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project

## **8) Truck Routing**

The DPEIR, specifically pages 2-6 through 2-9, provides the various land-use development types that will be included into the Project. For example, light industrial, manufacturing, commercial, and mixed-use just to name a few. These land-use development types have the potential to generate HHD truck trips. As such, the District recommends the City evaluate HHD truck routing patterns, with the aim of limiting exposure of residential communities and sensitive receptors to emissions.

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

This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

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

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NO<sub>x</sub> emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The DPEIR, specifically pages 2-6 through 2-9, provides the various development types that will be included into the Project. For example, light industrial, manufacturing, commercial, and mixed-use just to name a few. These types of development have the potential to generate HHD truck trips. As such, the District recommends that the following measures be considered by the City to reduce Project-related operational emissions:

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

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## **10) Reduce Idling of Heavy-Duty Trucks**

The goal of this strategy is to limit the potential for localized PM<sub>2.5</sub> and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

The Project is expected to result in future development (e.g. commercial, industrial, etc.), that have the ability to result in HHD truck trips. The District recommends the DPEIR be revised to include a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

## **11) Electric Infrastructure For Future Development Projects**

The DPEIR specifically MM AIR 1C states *“All nonresidential buildings shall be designed to provide infrastructure to support use of electric-powered forklifts and/or other interior vehicles.... and all nonresidential buildings shall be designed to provide electric infrastructure to support use of exterior yard trucks and on-site vehicles.”*

The District recommends that the DPEIR be revised to expand MM AIR 1C to also require all nonresidential buildings be designed to provide electric infrastructure to support use of on-road zero-emissions vehicles, such as HHD trucks associated with a warehouse or commercial project.

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

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

## **12) Under-fired Charbroilers**

Future development projects (e.g. commercial) have the potential to include restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or near sensitive receptors.

Since the cooking of meat can release carcinogenic PM<sub>2.5</sub> species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is

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limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns. Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM<sub>2.5</sub> standards. Therefore, the District recommends that the DPEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information, or visit: <http://valleyair.org/grants/rctp.htm>

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

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

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

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

Gas-powered lawn and garden equipment have the potential to result in an increase of NO<sub>x</sub> and PM<sub>2.5</sub> emissions. Utilizing electric lawn care equipment can provide residents with immediate economic, environmental, and health benefits. The District recommends future development projects that may be approved under implementation of the Project consider the District's Zero-Emission Landscaping Equipment program, which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <http://valleyair.org/grants/cgym-commercial.htm>.

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## **15) On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for future development projects that may be approved under implementation of the Project .

## **16) District's Bikeway Incentive Program**

Incorporating design elements (e.g., installing bikeways) within the Project area that enhance walkability and connectivity can result in an overall reduction of vehicles miles traveled (VMT) and improve air quality within the area. The Project includes new bikeways and bikeways improvements, and may be eligible for funding through the District's Bikeway Incentive Program. The Bikeway Incentive Program provides funding for eligible Class 1 (Bicycle Path Construction), Class II (Bicycle Lane Striping), or Class III (Bicycle Route) projects. These incentives are designed to support the construction of new bikeway projects to promote clean air through the development of a widespread, interconnected network of bike paths, lanes, or routes and improving the general safety conditions for commuter bicyclists. Only municipalities, government agencies, or public educational institutions are eligible to apply. More information on the grant program can be found at:

<http://valleyair.org/grants/bikepaths.htm>

Guidelines and Project Eligibility for the grant program can be found at:

[http://valleyair.org/grants/documents/bikepaths/2015 Bikeway Guidelines.pdf](http://valleyair.org/grants/documents/bikepaths/2015_Bikeway_Guidelines.pdf)

## **17) District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II (Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm). To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to

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contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **17a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation, which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

Future development projects may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, project proponents shall obtain an ATC permit from the District for equipment/activities subject to District permitting requirements.

*Recommended Mitigation Measure:* For projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 (obtain ATC permit from the District) shall be provided to the City before issuance of the first building permit.

For further information or assistance, project proponents may contact the District's SBA Office at (559) 230-5888.

### **17b) District Rule 9510 - Indirect Source Review (ISR)**

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Accordingly, future development projects within the Project may be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the following applicability thresholds, depending on the type of development and public agency approval mechanism:

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**Table 1: ISR Applicability Thresholds**

| <b>Development Type</b> | <b>Discretionary Approval Threshold</b> | <b>Ministerial Approval / Allowed Use / By Right Thresholds</b> |
|-------------------------|-----------------------------------------|-----------------------------------------------------------------|
| Residential             | 50 dwelling units                       | 250 dwelling units                                              |
| Commercial              | 2,000 square feet                       | 10,000 square feet                                              |
| Light Industrial        | 25,000 square feet                      | 125,000 square feet                                             |
| Heavy Industrial        | 100,000 square feet                     | 500,000 square feet                                             |
| Medical Office          | 20,000 square feet                      | 100,000 square feet                                             |
| General Office          | 39,000 square feet                      | 195,000 square feet                                             |
| Educational Office      | 9,000 square feet                       | 45,000 square feet                                              |
| Government              | 10,00 square feet                       | 50,000 square feet                                              |
| Recreational            | 20,000 square feet                      | 100,000 square feet                                             |
| Other                   | 9,000 square feet                       | 45,000 square feet                                              |

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NO<sub>x</sub> or two tons of PM.

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

Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

The AIA application form can be found online at: <http://www.valleyair.org/ISR/ISRFormsAndApplications.htm>.

District staff is available to provide assistance [with determining if future development projects will be subject to Rule 9510](#), and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

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### **17c) District Rule 9410 (Employer Based Trip Reduction)**

Future development projects may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at:  
[www.valleyair.org/tripreduction.htm](http://www.valleyair.org/tripreduction.htm).

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

### **17d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

In the event an existing building will be renovated, partially demolished or removed, future development projects may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at:  
<http://www.valleyair.org/busind/comply/asbestosbultn.htm>.

### **17e) District Rule 4601 (Architectural Coatings)**

Future development projects may be subject to District Rule 4601 since they may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at:  
<http://www.valleyair.org/rules/currnrules/r4601.pdf>

### **17f) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII, specifically Rule 8021 - *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

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Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at:

<https://www.valleyair.org/busind/comply/PM10/forms/DCP-Form.docx>

Information about District Regulation VIII can be found online at:

[http://www.valleyair.org/busind/comply/pm10/compliance\\_pm10.htm](http://www.valleyair.org/busind/comply/pm10/compliance_pm10.htm)

### **17g) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at:

<http://valleyair.org/rule4901/>

### **17h) Other District Rules and Regulations**

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

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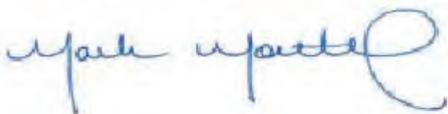
## **18) Future Projects / Land Use Agency Referral Documents**

Future development projects may require an environmental review and air emissions mitigation. A project's referral documents and environmental review documents provided to the District for review should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: <https://www.valleyair.org/transportation/GAMAQI.pdf>

If you have any questions or require further information, please contact Cherie Reed by e-mail at [Cherie.Reed@valleyair.org](mailto:Cherie.Reed@valleyair.org) or by phone at (559) 230-5940.

Sincerely,

Brian Clements  
Director of Permit Services

A handwritten signature in blue ink, appearing to read "Brian Clements", is positioned below the typed name and title.

Mark Montelongo  
Program Manager

Property Owners Association

August 25, 2023

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

ATT: Adrienne Asadoorian

RE: Draft Program Environmental Impact Report for the Proposed Southeast Development Area Specific Plan Project (State Clearinghouse [SCH] No. 2022020486)

The Board of Directors of the Sunnyside Property Owners Association (SPOA) appreciate the opportunity to provide comments regarding the above referenced Program Environmental Impact Report (EIA) for the proposed Southeast Development Area (SEDA) Specific Plan.

The plan area would accommodate 45,000 homes and 37,000 jobs within the nearly 9,000 acres by the year 2050 and provide for 31% of the total planned capacity of the City at General Plan Horizon buildout (2035).

While adoption of the SEDA Specific Plan will provide new opportunities for residents who want to move from blighted areas within the City, or for those who would prefer a Clovis or Sanger Unified School; it will unnecessarily remove large areas of prime farmland, transfer tax dollars from the inner City to newly annexed areas, and most importantly disincentivize quality development within the City core. In August of 2023, the Greenfield Coalition released an independent study by ECONorthwest to analyze the impacts of fringe development on the urban core. It outlines five causes of urban decay in the City of Fresno; Inefficient Land Use, Flight, Investment Patterns, Location/Relocation of Institutional Uses, and Location of Uses with Negative Neighborhood Effects. (More information can be found at [greenfieldcoalition.org](http://greenfieldcoalition.org).) While the State has promised an allocation of \$250,000 million for infrastructure repairs for downtown Fresno, developers have expressed concerns about the high cost of providing water and sewer lines in other legacy neighborhoods often preferring to build in locations outside the city center including land requiring annexation where they can accurately access infrastructure costs and receive public investment dollars to cover off-site and system wide infrastructure.

Fresno County's population is expected to peak at 1,098,725 in 2053 and then drop to 1,095,205, setting growth back to 2047's population of 1,095,984. 2023 data from the California Department of Finance shows only a 0.2% increase in the City of Fresno's growth, down from a peak of 1.06% in 2014.

Infrastructure costs for SEDA are estimated to be in the neighborhood of 400-600 million. This is above and beyond what developers are expected to pay for roads, sewer, water and street lights. Fresno Irrigation District will need to sign on to provide water, bus rapid transit will need to be expanded and most importantly, the Memorandum of Understanding between the City and County will need to be agreed upon.

Prior to adoption of the SEDA or annexation into the City of Fresno, we would strongly suggest that infrastructure and revitalization efforts within the City limits are explored, identified and

implemented. For without a concerted effort to improve what we have, we will only perpetuate further decay in the neighborhoods left behind.

We would offer the following comments on the PEIR:

Conversion of Prime Farmland: There are 6,741 acres of land in the plan area designated as Prime Farmland, Farmland of Statewide Importance, Farmland of Local Importance and Unique Farmland. The Southeast Development Area contains roughly fifty percent of the existing farming within the Planning Area of the General Plan, with approximately 5,000 acres currently farmed. While the proposed plan highlights compact and efficient development, most of the planned land use featuring intense development is proposed for the area around Kings Canyon Road and south of Jensen, where the majority of prime farmland and parcels covered under the Williamson Act are located. GP Policy RC-9-c requires the City of Fresno to adopt a Farmland Preservation Program when Prime, Unique and Farmland of Statewide Importance is converted to urban uses outside of city limits. GP MM AG-1.1 requires a program be established that would offset potential impacts from loss of farmland. **We would suggest that the Policy requirements of GP RC-9-c be implemented and include:**

- **Placing an equivalent amount of high quality farmland in an agricultural conservation easement.**
- **Restrictive Covenants or Deeds**
- **In Lieu Fees**
- **Mitigation Banks**
- **Fee Title Acquisition**
- **Land Use Regulations**

**This policy should be in place prior to any annexations within the SEDA Fresno City Sphere of Influence. The City of Fresno should require all developments abide by the Farmland Preservation Program and strongly consider purchasing the equivalent amount and designation of farmland within the newly annexed area for placement as a conservation easement or restrictive covenant. In addition, the City should consider adding the Agriculture Land Use Districts to the Development Code, consistent with existing County of Fresno zoned parcels.**

**We would also recommend that the area south of Jensen from Minnewawa to Temperance be excluded from the SEDA Specific Plan as this is the area that has the most intense farming use.**

Hydrology and Water Quality: The City of Fresno Metropolitan Plan was being updated when the Draft PEIR was being prepared to revise and update recommendations for water supplied in the Plan Area. Among the improvements are new municipal groundwater wells, recharge inter-ties to FMFCD basins to facilitate groundwater recharge in the Plan Area, expansion of SWTFs, new water storage and booster pump sites, and new water mains. The drilling of a new well can potentially impact the groundwater and flow patterns in the surrounding area which can affect nearby wells. Although there are no existing municipal wells in the study area, residents of rural residential and agricultural parcels depend on the groundwater for their water supplies. Domestic and small water system wells are typically drilled shallower than larger agricultural and municipal wells and are often the first to experience effects of declining water levels resulting in increased operating costs, changes in water quality, or inadequate water supply. **We would ask that a policy reflecting the requirements in the Sustainable Groundwater Management Act related to considerations for identifying and addressing**

**drinking water well impacts be added to General Plan Policies under the Resource Conservation and Resilience Element. And any hook-ups to water or sewer for existing property owners in the Plan Area be subsidized and evaluated in the Pending Infrastructure Plan.**

Transportation and Traffic: Unfortunately the Level of Service system of identifying traffic impacts has been replaced by Vehicle Mile Trips (SB 743). The project generated trips are divided by the total population at project year horizon: if the Vehicle Miles Traveled/per population is lower than the base year, then the project impact is less than significant. The traffic trips calculated for this plan area do not include:

- Projects that are within 0.5 of an existing major transit stop with service frequencies of 15-minutes or less during morning and evening peak hours, if the project has a floor ratio (FAR) greater than 0.75, does not include more parking than required by the jurisdiction (AB 2097 eliminated all parking requirements for mixed use development within 0.5 miles of a transit stop), and does not replace affordable units with moderate or high income units.
- Projects generating less than 110 trips per day.
- Projects involving local serving retail space of less than 50,000 square feet.
- Projects with a high level of affordable housing units.
- Projects generating less than 500 Average Daily Trips.
- Projects that develop institutional/government and public service uses that support community, health, safety and welfare.
- In addition, parking supply for retail uses can be reduced by 12.5 percent at project level.

Existing vehicle miles traveled in the SEDA plan are 330,350 and the SEDA VMT per Service Population is 57.79. The project is expected to generate an additional 866,452 daily vehicle trips. The Year 2035 with Project Conditions is 974,369 and a SEDA VMT per service population is 5.07. *Even though the Vehicle Miles Traveled will triple, there is no mitigation required for this project.*

The Traffic Impact Analysis evaluated traffic conditions at 20 study segments, and assumes all residents will work, live and play within the plan boundaries. It discusses connections to downtown but does not address those road segments. **The California Department of Transportation requested peak hour ramp queue analysis be completed at the Highway 180 interchanges of Clovis Avenue, Fowler Avenue Temperance Avenue, DeWolf, Highland and McCall Avenues. The Fancher Creek Town Center will feature retail, restaurants and a movie theater and it is unreasonable and shortsighted not to consider the traffic impacts on Clovis Avenue from this plan area. We would request all California Department of Transportation recommendations regarding queue analysis be completed.**

There are numerous references in the Draft Program Environmental Impact Report for the SEDA that reference additional studies when discretionary projects come up for review. **Because many of the City's programs, policies and plans have either not been adopted or do not include the SEDA, it is essential that all projects remain discretionary providing a thorough assessment of the development's impact and public notification.**

Respectfully submitted,

Sue Williams, Corresponding Secretary

Cc: Fresno County Supervisors Brian Pacheco, Steve Brandau, Sal Quintero, Buddy Mendes, Nathan Magsig, LAFCO Executive Officer Brian Spaunhurst and LAFCO Clerk Amanda Olives

## Comments on the EIR for the SEDA Specific Plan released 7-14-2023

Because I am not an expert, I began reading the EIR with something I am familiar with. I saw Temperance Avenue at the top of page 3.17-5 so I started reading. My question; **‘HOW CAN A DOCUMENT THAT WILL SO GREATLY AFFECT PROPERTY OWNER IN FRESNO COUNTY HAVE SUCH A GROSSLY ERRONIOUS STATEMENT AS THE ONE REGARDING TEMPERANCE AVENUE?’**

Temperance Ave. is designated throughout as a “SUPER ARTERIAL”. This is described as a 4, 5, or 6 lane road with a raised median.

**It is described on page 3.17-5 as a four lane north-south arterial with an interchange at SR-180. Land adjacent to Temperance Avenue consists mostly of farmland, and the road becomes a two-lane facility south of Hamilton Avenue. The speed limit along Temperance Avenue is 40 mph.**

Apart from the four lane at SR-180, **nothing of the above is factual.**

**Temperance Avenue is a Super Arterial as defined from Shields Avenue north to Dakota Avenue. South of Shields Avenue to the four lane approaching SR-180 it is a two lane. South of Kings Canyon it becomes a three lane for a short period before returning to a two lane. It is not largely farmland, it is largely rural residential.**

**The speed limit along Temperance Avenue is never 40 mph, It varies along its length from 45 mph to 55 mph.**

Every scenario for the road that has been previously presented by the city has shown it as being upgraded to a six lane with raised median, a raised median to frontage roads and pedestrian walkways. This is in the city’s General Plan. We attended a city meeting at Boris Elementary School on this subject.

**In no way does this coincide with any description found in the EIR.**

If this is an example of the accuracy to the EIR as a whole, I think it calls into question the entire EIR. Especially since it would be so easy to accurately describe a single road.

The EIR says the speed limit on Jensen Avenue is 45 mph. In fact, through the plan area, the speed limit is 55 mph. It was, until recently 65 mph.

These may be small errors but they are indicative of poor research, possibly even research that has never been actual on-site research. Such sloppiness in one area will likely be evident in other areas and calls into question the accuracy and validity of the entire EIR. Also, perusing the full report, one finds page after page of repetitive language that seems carefully crafted to actually say nothing. A classic case of boilerplate that has probably been used in many other reports. This is certainly not the work of a report that actually took years and thousands of dollars to prepare.

**Why is this important? Because this is base or background upon which policy and implementation are built. The end product is never any better than the foundation on which it is built.**

Thank you,

Ross & Marie Potter

[REDACTED]

[REDACTED]

**COMMENTS ON THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT  
FRESNO SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN PROJECT  
CITY OF FRESNO, FRESNO COUNTY, CA  
State Clearinghouse Number 2022020486**

AUGUST 27, 2023

Submitted by Email and USPS to

City of Fresno  
Jennifer Clark, Director  
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Fresno, CA 93721  
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Submitted by

VICTORIA Y. YOKOYAMA



**History**

The author purchased a five-acre parcel in Southeast Fresno in 1994 from a well-known African American farmer, built a home on the lot in 1997, and moved to Southeast Fresno from northern Clovis. The author and family have enjoyed the benefits of a Southeast Fresno rural life style by living in the Rural Residential zone for more than 30 years. The author's land is bordered on the south side by Fancher Creek Canal, and the author has been a conservationist in protecting the wildlife associated with the natural waterway. In 2001, the author objected to the proposed construction of a linear park on the Fanch Creek Canal ditch bank. In 2008, the original SEGA plan included the linear park. The SEGA plan then made an abrupt transition to the SEDA Plan in 2022. The issuance of the SEDA plan EIR was then announced in 2023 without adequate public warning to impacted property owners, and members of the public.

**Comments on SEDA EIR:**

**A. Environmental Setting 3.4.2**

Plants and Animals Have No Voice, and Are Heard Through Those Who Know They are There.

The EIR fails to identify the significant negative impact on biological resources in the SEDA specific plan. The EIR fails to identify the ecological damage caused by building a Neighborhood Town Center in the center of a SEDA block of Rural Residential zoned land bordered by E McKinley Ave on the north, N Fancher Ave on the east, E Tulare Ave on the south, and DeWolf Ave on the west. This block of land is now referred to as McKinley x Fancher x Tulare x DeWolf (MFTD), and the biological resources in this area have been documented by the author. The primary features of the MFTD include the natural waterway of Fancher Creek Canal, an established community of homes on small to medium acreage parcels, a horticultural nursery, and a golf course (Exhibits 1-1 and 2-2). The MFTD is only about a tenth of the land that comprises the urban growth area in the SEDA specific plan, and serves as an example of the detrimental effects of urban development on wildlife, species diversity, and environmental habitat. Under the SEDA specific plan, agricultural farmlands and rural residential areas will suffer from unrecoverable losses of biodiversity, and abundance of animal and plant life through habitat destruction. The SEDA plan EIR fails to identify future ecological decline in the region, loss of community, and quality of life.

1. Disagree with Table ES-1: Executive Summary Matrix; Section 3.4 – Biological Resources. No mitigation measures are proposed for Impact BIO-1, 2, 3, 4, and 5. MFTD includes legally protected and sensitive species of environmental concern, riparian habitat, wetlands, native resident species, and tree preservation measures.
2. Disagree with Exhibit 3.4-1. The Fancher Creek Canal lacustrine and riverine land cover types and vegetation communities are omitted in part in the MFTD. Exhibit 3.4-1 shows lacustrine, pasture, and private ponds on the southern border of the Neighborhood Town Center in the middle of the MFTD. The riverine habitat must be included from this location northeast to the eastern boundary of the SEDA.
3. Disagree with Table 3.4-3. Rural and existing urban vegetation provides good habitat for special-status species such as the San Joaquin Kit fox (Cypher and Van Horn Job, 2012) and Monarch butterflies. Pasture provides food for wildlife herbivores including birds and rodents, and prey for carnivores including foxes and raptors. Rural and urban gardens provide habitat for Monarch butterflies (Cutting and Tallamy 2015), bees and other pollinators.
4. Disagree with Table 3.4-5: Special-status Wildlife Species within the Plan Area, and disagree with two text boxes in Exhibit 3.4-2 that reiterate information in Table 3.4-5 and Appendix C. Additional special species with imperiled status known to occur in MFTD from the California Natural Diversity Database (CNDDDB) (2023) must be added to Table 3.4-5 as follows:

Fisher (*Pekania pennanti*) Comments – Observed 2013.

Bald eagle (*Haliaeetus leucocephalus*) Comments – Observed 2021 and a feature the ecological community (Snell Taylor et al. 2018).

Monarch (*Danaus plexippus plexippus*) Comments – Observed and Resident population (Davis 2021).

Cooper's hawk (*Accipiter cooperii*) Comments – Annual Nesting Pairs Observed.

Gilded flicker (*Colaptes chrysoides*) Comments – Annual Nesting Pairs Observed.

Western pond turtle (*Emys marmorata*) Comments – Observed egg laying near Fancher Creek Canal in the MFTD.

Great blue heron (*Ardea herodias*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

Great egret (*Ardea alba*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

Snowy egret (*Egretta thula*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

**5.** Disagree with Exhibit 3.4-2. The distribution of the San Joaquin kit fox, *Vulpes macrotis mutica*, is shown in a red circle limited to Sanger. The northern distribution of the San Joaquin kit fox into the MFTD is not addressed in the EIR. Movement of San Joaquin kit foxes into rural and urban populations has helped prevent its extinction (Cypher and Van Horn Job, 2012).

**6.** Disagree with Exhibit 3.4-2. Swainson's hawk, *Buteo swainsoni*, must be added inside the same red circle around the MFTD as the western yellow-billed cuckoo, *Coccyzus americanus occidentalis*. Nesting pairs of Swainson's hawks are found in the MFTD.

**7.** Disagree with Exhibit 3.4-2. The distribution of least Bell's vireo, *Vireo bellii pusillu*, would not be limited to the red circles around Tarpey Village, and Clovis, but would be found across the SEDA.

**8.** Disagree with Wetlands and Waters of the U.S. and State. Fancher Creek Canal provides unlimited opportunities for both vegetation and wildlife and is not a limited resource as described. Fancher Creek Canal is a natural waterway originating from the Kings River, and is the dominant natural feature in MFTD.

**a.** The EIR fails to identify that the SEDA is located near the Kings River. The EIR states that the plan is not located near the San Joaquin River.

**b.** The EIR fails to identify the negative impact on the fish species that are found in the natural waterway of the Fancher Creek Canal (University California 2014) and the fact that some fish are California native species.

**c.** The EIR fails to identify the negative impact of developed open space designated for a linear park on the Fancher Creek Canal Bank (Exhibit 3.11-1). The Fresno Irrigation District has stated opposition to using its canals as urban trails (Fresno Irrigation District 2020). Any disturbance or human activity on the Fancher Creek Canal bank will disrupt the fragile environmental habitat which now supports a diversity of animal and plant life including protected species.

**9.** Disagree with Wildlife Movement Corridor statement that SEDA would not be expected to substantially degrade the existing conditions. The SEDA will substantially degrade existing conditions for native resident and migratory fish, wildlife species, wildlife corridors, and nursery sites in the MFTD. The natural stream bed of the Fancher Creek Canal flows with water throughout the year and is the habitat for fish including trout, ducks, frogs, toads, muskrats, weasels, and many aquatic insects including damselflies, dragonflies, and mayflies. The banks of Fancher Creek Canal are lined with established trees including native oaks that provide habitat for birds including raptors, mammals including foxes, racoons, rodents, amphibians, and reptiles including snakes and lizards.

**a.** The EIR fails to identify the California Department of Fish and Game agreement with the Fresno Metropolitan Flood Control District in preservation and management of wildlife habitats along Fancher Creek (Fresno Metropolitan Flood Control District 2003).

**b.** The EIR fails to identify the negative impact on birds in the SEDA (Fresno Audubon Society 2019) and those species associated with the Fancher Creek Canal habitat.

**i.** Raptors found in the MFTD that are protected under the California Department of Fish and Game Code, Sections 3503, 3503.5, 3505 and 3513, and California Code of Regulation, Title 14, Sections 251.1, 652 and 783-786.6 are as follows:

Red-tailed hawk (*Buteo jamaicensis*) Comments – Annual Nesting Pairs Observed.

Great-horned owl (*Bubo virginianus*) Comments – Observed and Nesting Pairs Highly Likely.

Barn owl (*Tyto alba*) Comments – Observed and Nesting Pairs Highly Likely.

Turkey vulture (*Cathartes aura*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

Red-Shouldered hawk (*Buteo lineatus*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

**ii.** Established populations of the California State Bird are found in the MFTD.

California quail (*Callipepla Californica*) Comments – Annual Nesting Pairs Observed.

**iii.** Species of birds found in the MFTD protected under the Migratory Bird Treaty Act (U. S. Fish and Wildlife Service 2023) include the following:

Wood duck (*Aix sponsa*) Comments – Annual Nesting Pairs Observed.

Mallard duck (*Anas platyrhynchos*) Comments – Annual Nesting Pairs Observed.

Swift sp. Comments – Annual Nesting Populations under Fancher Creek Canal bridges Observed.

Others species of protected birds observed include, but are not limited to the following:

Canada goose, Common merganser, Double crested cormorant, White tailed kite, Killdeer, California gull, Mourning dove, Bell's Vireo, Black phoebe, American pipet, many Warbler spp., White crowned sparrow, many Sparrow spp., Spotted towhee, Ruby-crowned Kinglet, Bushtit, Dark eyed junco, Brewer's blackbird, American Robin, Northern mockingbird, Woodpecker sp., Sapsucker sp., Magpie sp., Oak titmouse, Blue-gray gnat catcher, Western bluebird, House finch, Lesser goldfinch, Belted kingfisher, Black-headed grosbeak and more.

**c.** The EIR fails to identify the negative impact on biodiversity in the SEDA. Small diversified farms in the MFTD grow specialty and vegetable crops, and raise farm animals including poultry, swine, sheep, cattle, and horses. Homes adjacent to Fancher Creek Canal have ponds (Exhibit 3.4-1) and others have extensive ornamental gardens. The rural residential area supports a diversity of plant species, some that are native to California and the US. Cultivated and natural vegetation includes established trees, shrubs, grasses, and flowers. The rural landscape supports a growing diversity of wildlife including mammals, marsupials, rodents, birds, reptiles, amphibians and insects.

**i.** Pollinators. The EIR fails to identify the negative impact of removing pollinator habitat from areas in the SEDA that would contribute to an agricultural disaster in the region. Pollinators including hummingbirds, butterflies, bats, and bees are in decline in California (Chrobak 2022), across the U.S., and globally (Rhodes 2018). Plants in agricultural margins have the potential to greatly enhance habitat connectivity for pollinating insects (Wolterbeek 2023; Dilts et al. 2023) and prevent biodiversity collapse while providing natural pollination services. A variety of plant types found in gardens attract a diversity of bees (Frankie 2019). Gardens are larger in the rural residential areas of the MFTD compared to the city helping to support pollinator diversity and survival, and restore habitat for the Monarch butterfly (Cutting and Tallamy 2015).

**ii.** Horticultural Nursery. The EIR fails to identify the negative impact of replacing a large horticultural plant nursery with a Neighborhood Town Center in the MFTD (Exhibits 1-1, 2-2, 3.11-1, and 5-1). The nursery is classified as unique farmland in the SEDA (Exhibit 3.2-1), conducive to the rural residential landscape, and supports biodiversity (Liquete et al. 2016).

**iii.** Golf Course. The EIR fails to identify the environmental value of a golf course located in the southern area of the MFTD. Golf courses support biodiversity and provide ecosystem services (Petrosillo et al. 2019). The golf course in Exhibit 5-2, Farmland Conservation Alternative, is replaced by urban development.

**10.** Disagree with Regulated Trees. The EIR fails to identify the negative impact on California native oaks that are found in the SEDA and along the Fancher Creek Canal banks in the MFTD including valley Oak (*Quercus lobata*) and California live Oak (*Quercus agrifolia*). One hundred-year-old eucalyptus trees grow from the banks of Fancher Creek Canal. Although these extremely tall trees are not protected, they are suitable habitats for nesting birds, especially raptors.

- a. EIR fails to identify the Fresno County oak woodland policy (UC Oaks 2022) and impact of the plan on oak trees in the SEDA.
- b. EIR fails to identify the Oak Woodlands Conservation Act (2001) and impact of the plan on oak trees in the SEDA.

### **B. Regulatory Framework 3.4.3**

1. The EIR fails to identify the significant negative impact of a Neighborhood Town Center in the MFTD community. The SEDA specific plan does not define the purpose of the MFTD Neighborhood Town Center. Therefore, the land can be used for an elementary school (two schools are already located nearby), a local park (residents already live in open spaces), community gardens (residents have their own gardens) or a range of housing options or retail shopping which is apparently the objective of a Neighborhood Town Center in the MFTD.

a. The property designated as the Neighborhood Town Center in the MFTD is not owned by the current horticultural nursery operators according to Fresno County public records. The motive for Fresno City planners to designate this particular site for development is questionable, especially when a second Neighborhood Town Center is planned about 3000 ft to the west.

b. The EIR fails to address the significant negative environmental impact of the Neighborhood Town Center on the Fancher Creek Canal habitat along the development's southern border (Exhibit 3.4-1).

i. Fresno General Plan PEIR Mitigation Measures BIO-1.1, -1.2, and -1.3 are avoidance measures that justify eliminating the Neighborhood Town Center from the MFTD in the SEDA specific plan (Exhibits 1-1 and 2-2) and in Alternative 2-Consolidated Business Park Alternative (Exhibit 5-1).

### **C. Thresholds of Significance 3.4.5**

1. A Neighborhood Town Center in the MFTD of the SEDA specific plan would be significant because of the substantial adverse effect on the special-status species associated with the Fancher Creek Canal habitat (Impact Bio-1) by disrupting the environment that is currently a favorable habitat for the listed special-status species.

### **D. Level of Significant After Mitigation 3.4.6**

1. Disagree with Impact BIO-1 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on special-status species (Impact BIO-1) with a Neighborhood Town Center in the MFTD of the SEDA specific plan.

a. Implementation of Mitigation Measures BIO-1.1, -1.2, -1.3 to eliminate a Neighborhood Town Center in the MFTD of the SEDA specific plan would result in a level of significance after mitigation of less than significant impact.

2. Disagree with Impact BIO-2 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on the riparian habitat of the Fancher Creek Canal (Impact BIO-2) with a Neighborhood Town Center in the MFTD of the SEDA specific plan.

a. Eliminating the Neighborhood Town Center in the MFTD of the SEDA specific plan would result in a level of significance after mitigation of less than significant impact.

3. Disagree with Impact BIO-4 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on fish, established protected species, and wildlife movement through the corridor of the Fancher Creek Canal (Impact BIO-4) with a Neighborhood Town Center in the MFTD of the SEDA specific plan.

a. Eliminating the Neighborhood Town Center in the MFTD of the SEDA specific plan would result in a level of significance after mitigation of less than significant impact.

4. Disagree with Impact BIO-5 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on California native oak trees within the MFTD and SEDA specific plan.

a. Fresno County has an oak woodland policy (UC Oaks 2022) and the Oak Woodlands Conservation Act (2001) applies to oak trees in the SEDA specific plan.

#### **E. Alternatives 1, 2, and 3 to the SEDA**

The results of the author's evaluation of the impact of the SEDA on biological resources in the MFTD would apply to the entire SEDA specific plan region. The SEDA specific plan and the adverse effects of a Neighborhood Town Center on biodiversity and environmental habitat in the MFTD would also affect the adjacent areas of Sanger. The SEDA is a plan that supports urban sprawl into established rural residential and agricultural areas, and will destroy biological resources. Environmentally conscious agricultural and rural practices can benefit wildlife, but urban development will cause the greatest threat to all wildlife species and their habitats (Kucera and Barrett 1995).

1. Acceptable: Alternative 1-No Project Alternative is the preferred alternative and would have no significant environmental (Table 5-1) effect on the existing biological resources in the MFTD and within the region of the SEDA boundaries.

**2. Not Acceptable:** Alternative 2-Consolidated Business Park Alternative (Exhibit 5-1) would have the same unacceptable and significant environmental impact in the MFTD as the SEDA specific plan. In Alternative 2, the Neighborhood Town Center bordered by the Fancher Creek Canal on the south would remain in the MFTD. Alternative 2 will destroy farmland and cause habitat fragmentation and destruction that result in an unrecoverable loss of biological resources within the SEDA.

**a.** Disagree with Table 5-1 Biological Resources, Alternative 2 quantitative environmental effect is greater than or equal to ( $\geq$ ) in part, and greater than ( $>$ ) in part.

**3. Acceptable:** Alternative 3-Farmland Conservation Alternative (Exhibit 5-2) would eliminate the Neighborhood Town Center, and the golf course a source of habit in the MFTD, but the Fancher Creek Canal that supports environmental habitat and species diversity would be preserved. Alternative 3 would implement the MM AG-2 mitigation measure to preserve farmland, and prevent farmland conversion into nonagricultural uses. Alternative 3 limits urban sprawl into farmland and helps preserve biological resources, and conservation of the environmental and ecological integrity of the SEDA.

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**COMMENTS ON THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT  
FRESNO SOUTHEAST DEVELOPMENT AREA SPECIFIC PLAN PROJECT  
CITY OF FRESNO, FRESNO COUNTY, CA  
State Clearinghouse Number 2022020486**

AUGUST 27, 2023

Submitted by Email and USPS to

City of Fresno  
Jennifer Clark, Director  
Planning & Development Dept.  
2600 Fresno Street  
Third Floor, Room 3065  
Fresno, CA 93721  
Jennifer.Clark@fresno.gov

Submitted by

VICTORIA Y. YOKOYAMA



**History**

The author purchased a five-acre parcel in Southeast Fresno in 1994 from a well-known African American farmer, built a home on the lot in 1997, and moved to Southeast Fresno from northern Clovis. The author and family have enjoyed the benefits of a Southeast Fresno rural life style by living in the Rural Residential zone for more than 30 years. The author's land is bordered on the south side by Fancher Creek Canal, and the author has been a conservationist in protecting the wildlife associated with the natural waterway. In 2001, the author objected to the proposed construction of a linear park on the Fanch Creek Canal ditch bank. In 2008, the original SEGA plan included the linear park. The SEGA plan then made an abrupt transition to the SEDA Plan in 2022. The issuance of the SEDA plan EIR was then announced in 2023 without adequate public warning to impacted property owners, and members of the public.

**Comments on SEDA EIR:**

**A. Environmental Setting 3.4.2**

Plants and Animals Have No Voice, and Are Heard Through Those Who Know They are There.

The EIR fails to identify the significant negative impact on biological resources in the SEDA specific plan. The EIR fails to identify the ecological damage caused by building a Neighborhood Town Center in the center of a SEDA block of Rural Residential zoned land bordered by E McKinley Ave on the north, N Fancher Ave on the east, E Tulare Ave on the south, and DeWolf Ave on the west. This block of land is now referred to as McKinley x Fancher x Tulare x DeWolf (MFTD), and the biological resources in this area have been documented by the author. The primary features of the MFTD include the natural waterway of Fancher Creek Canal, an established community of homes on small to medium acreage parcels, a horticultural nursery, and a golf course (Exhibits 1-1 and 2-2). The MFTD is only about a tenth of the land that comprises the urban growth area in the SEDA specific plan, and serves as an example of the detrimental effects of urban development on wildlife, species diversity, and environmental habitat. Under the SEDA specific plan, agricultural farmlands and rural residential areas will suffer from unrecoverable losses of biodiversity, and abundance of animal and plant life through habitat destruction. The SEDA plan EIR fails to identify future ecological decline in the region, loss of community, and quality of life.

1. Disagree with Table ES-1: Executive Summary Matrix; Section 3.4 – Biological Resources. No mitigation measures are proposed for Impact BIO-1, 2, 3, 4, and 5. MFTD includes legally protected and sensitive species of environmental concern, riparian habitat, wetlands, native resident species, and tree preservation measures.
2. Disagree with Exhibit 3.4-1. The Fancher Creek Canal lacustrine and riverine land cover types and vegetation communities are omitted in part in the MFTD. Exhibit 3.4-1 shows lacustrine, pasture, and private ponds on the southern border of the Neighborhood Town Center in the middle of the MFTD. The riverine habitat must be included from this location northeast to the eastern boundary of the SEDA.
3. Disagree with Table 3.4-3. Rural and existing urban vegetation provides good habitat for special-status species such as the San Joaquin Kit fox (Cypher and Van Horn Job, 2012) and Monarch butterflies. Pasture provides food for wildlife herbivores including birds and rodents, and prey for carnivores including foxes and raptors. Rural and urban gardens provide habitat for Monarch butterflies (Cutting and Tallamy 2015), bees and other pollinators.
4. Disagree with Table 3.4-5: Special-status Wildlife Species within the Plan Area, and disagree with two text boxes in Exhibit 3.4-2 that reiterate information in Table 3.4-5 and Appendix C. Additional special species with imperiled status known to occur in MFTD from the California Natural Diversity Database (CNDDDB) (2023) must be added to Table 3.4-5 as follows:

Fisher (*Pekania pennanti*) Comments – Observed 2013.

Bald eagle (*Haliaeetus leucocephalus*) Comments – Observed 2021 and a feature the ecological community (Snell Taylor et al. 2018).

Monarch (*Danaus plexippus plexippus*) Comments – Observed and Resident population (Davis 2021).

Cooper's hawk (*Accipiter cooperii*) Comments – Annual Nesting Pairs Observed.

Gilded flicker (*Colaptes chrysoides*) Comments – Annual Nesting Pairs Observed.

Western pond turtle (*Emys marmorata*) Comments – Observed egg laying near Fancher Creek Canal in the MFTD.

Great blue heron (*Ardea herodias*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

Great egret (*Ardea alba*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

Snowy egret (*Egretta thula*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

**5.** Disagree with Exhibit 3.4-2. The distribution of the San Joaquin kit fox, *Vulpes macrotis mutica*, is shown in a red circle limited to Sanger. The northern distribution of the San Joaquin kit fox into the MFTD is not addressed in the EIR. Movement of San Joaquin kit foxes into rural and urban populations has helped prevent its extinction (Cypher and Van Horn Job, 2012).

**6.** Disagree with Exhibit 3.4-2. Swainson's hawk, *Buteo swainsoni*, must be added inside the same red circle around the MFTD as the western yellow-billed cuckoo, *Coccyzus americanus occidentalis*. Nesting pairs of Swainson's hawks are found in the MFTD.

**7.** Disagree with Exhibit 3.4-2. The distribution of least Bell's vireo, *Vireo bellii pusillu*, would not be limited to the red circles around Tarpey Village, and Clovis, but would be found across the SEDA.

**8.** Disagree with Wetlands and Waters of the U.S. and State. Fancher Creek Canal provides unlimited opportunities for both vegetation and wildlife and is not a limited resource as described. Fancher Creek Canal is a natural waterway originating from the Kings River, and is the dominant natural feature in MFTD.

**a.** The EIR fails to identify that the SEDA is located near the Kings River. The EIR states that the plan is not located near the San Joaquin River.

**b.** The EIR fails to identify the negative impact on the fish species that are found in the natural waterway of the Fancher Creek Canal (University California 2014) and the fact that some fish are California native species.

**c.** The EIR fails to identify the negative impact of developed open space designated for a linear park on the Fancher Creek Canal Bank (Exhibit 3.11-1). The Fresno Irrigation District has stated opposition to using its canals as urban trails (Fresno Irrigation District 2020). Any disturbance or human activity on the Fancher Creek Canal bank will disrupt the fragile environmental habitat which now supports a diversity of animal and plant life including protected species.

**9.** Disagree with Wildlife Movement Corridor statement that SEDA would not be expected to substantially degrade the existing conditions. The SEDA will substantially degrade existing conditions for native resident and migratory fish, wildlife species, wildlife corridors, and nursery sites in the MFTD. The natural stream bed of the Fancher Creek Canal flows with water throughout the year and is the habitat for fish including trout, ducks, frogs, toads, muskrats, weasels, and many aquatic insects including damselflies, dragonflies, and mayflies. The banks of Fancher Creek Canal are lined with established trees including native oaks that provide habitat for birds including raptors, mammals including foxes, racoons, rodents, amphibians, and reptiles including snakes and lizards.

**a.** The EIR fails to identify the California Department of Fish and Game agreement with the Fresno Metropolitan Flood Control District in preservation and management of wildlife habitats along Fancher Creek (Fresno Metropolitan Flood Control District 2003).

**b.** The EIR fails to identify the negative impact on birds in the SEDA (Fresno Audubon Society 2019) and those species associated with the Fancher Creek Canal habitat.

**i.** Raptors found in the MFTD that are protected under the California Department of Fish and Game Code, Sections 3503, 3503.5, 3505 and 3513, and California Code of Regulation, Title 14, Sections 251.1, 652 and 783-786.6 are as follows:

Red-tailed hawk (*Buteo jamaicensis*) Comments – Annual Nesting Pairs Observed.

Great-horned owl (*Bubo virginianus*) Comments – Observed and Nesting Pairs Highly Likely.

Barn owl (*Tyto alba*) Comments – Observed and Nesting Pairs Highly Likely.

Turkey vulture (*Cathartes aura*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

Red-Shouldered hawk (*Buteo lineatus*) Comments – Observed and a feature of the ecological community (Snell Taylor et al. 2018).

**ii.** Established populations of the California State Bird are found in the MFTD.

California quail (*Callipepla Californica*) Comments – Annual Nesting Pairs Observed.

**iii.** Species of birds found in the MFTD protected under the Migratory Bird Treaty Act (U. S. Fish and Wildlife Service 2023) include the following:

Wood duck (*Aix sponsa*) Comments – Annual Nesting Pairs Observed.

Mallard duck (*Anas platyrhynchos*) Comments – Annual Nesting Pairs Observed.

Swift sp. Comments – Annual Nesting Populations under Fancher Creek Canal bridges Observed.

Others species of protected birds observed include, but are not limited to the following:

Canada goose, Common merganser, Double crested cormorant, White tailed kite, Killdeer, California gull, Mourning dove, Bell's Vireo, Black phoebe, American pipet, many Warbler spp., White crowned sparrow, many Sparrow spp., Spotted towhee, Ruby-crowned Kinglet, Bushtit, Dark eyed junco, Brewer's blackbird, American Robin, Northern mockingbird, Woodpecker sp., Sapsucker sp., Magpie sp., Oak titmouse, Blue-gray gnat catcher, Western bluebird, House finch, Lesser goldfinch, Belted kingfisher, Black-headed grosbeak and more.

**c.** The EIR fails to identify the negative impact on biodiversity in the SEDA. Small diversified farms in the MFTD grow specialty and vegetable crops, and raise farm animals including poultry, swine, sheep, cattle, and horses. Homes adjacent to Fancher Creek Canal have ponds (Exhibit 3.4-1) and others have extensive ornamental gardens. The rural residential area supports a diversity of plant species, some that are native to California and the US. Cultivated and natural vegetation includes established trees, shrubs, grasses, and flowers. The rural landscape supports a growing diversity of wildlife including mammals, marsupials, rodents, birds, reptiles, amphibians and insects.

**i.** Pollinators. The EIR fails to identify the negative impact of removing pollinator habitat from areas in the SEDA that would contribute to an agricultural disaster in the region. Pollinators including hummingbirds, butterflies, bats, and bees are in decline in California (Chrobak 2022), across the U.S., and globally (Rhodes 2018). Plants in agricultural margins have the potential to greatly enhance habitat connectivity for pollinating insects (Wolterbeek 2023; Dilts et al. 2023) and prevent biodiversity collapse while providing natural pollination services. A variety of plant types found in gardens attract a diversity of bees (Frankie 2019). Gardens are larger in the rural residential areas of the MFTD compared to the city helping to support pollinator diversity and survival, and restore habitat for the Monarch butterfly (Cutting and Tallamy 2015).

**ii.** Horticultural Nursery. The EIR fails to identify the negative impact of replacing a large horticultural plant nursery with a Neighborhood Town Center in the MFTD (Exhibits 1-1, 2-2, 3.11-1, and 5-1). The nursery is classified as unique farmland in the SEDA (Exhibit 3.2-1), conducive to the rural residential landscape, and supports biodiversity (Liquete et al. 2016).

**iii.** Golf Course. The EIR fails to identify the environmental value of a golf course located in the southern area of the MFTD. Golf courses support biodiversity and provide ecosystem services (Petrosillo et al. 2019). The golf course in Exhibit 5-2, Farmland Conservation Alternative, is replaced by urban development.

**10.** Disagree with Regulated Trees. The EIR fails to identify the negative impact on California native oaks that are found in the SEDA and along the Fancher Creek Canal banks in the MFTD including valley Oak (*Quercus lobata*) and California live Oak (*Quercus agrifolia*). One hundred-year-old eucalyptus trees grow from the banks of Fancher Creek Canal. Although these extremely tall trees are not protected, they are suitable habitats for nesting birds, especially raptors.

- a. EIR fails to identify the Fresno County oak woodland policy (UC Oaks 2022) and impact of the plan on oak trees in the SEDA.
- b. EIR fails to identify the Oak Woodlands Conservation Act (2001) and impact of the plan on oak trees in the SEDA.

### **B. Regulatory Framework 3.4.3**

1. The EIR fails to identify the significant negative impact of a Neighborhood Town Center in the MFTD community. The SEDA specific plan does not define the purpose of the MFTD Neighborhood Town Center. Therefore, the land can be used for an elementary school (two schools are already located nearby), a local park (residents already live in open spaces), community gardens (residents have their own gardens) or a range of housing options or retail shopping which is apparently the objective of a Neighborhood Town Center in the MFTD.

a. The property designated as the Neighborhood Town Center in the MFTD is not owned by the current horticultural nursery operators according to Fresno County public records. The motive for Fresno City planners to designate this particular site for development is questionable, especially when a second Neighborhood Town Center is planned about 3000 ft to the west.

b. The EIR fails to address the significant negative environmental impact of the Neighborhood Town Center on the Fancher Creek Canal habitat along the development's southern border (Exhibit 3.4-1).

i. Fresno General Plan PEIR Mitigation Measures BIO-1.1, -1.2, and -1.3 are avoidance measures that justify eliminating the Neighborhood Town Center from the MFTD in the SEDA specific plan (Exhibits 1-1 and 2-2) and in Alternative 2-Consolidated Business Park Alternative (Exhibit 5-1).

### **C. Thresholds of Significance 3.4.5**

1. A Neighborhood Town Center in the MFTD of the SEDA specific plan would be significant because of the substantial adverse effect on the special-status species associated with the Fancher Creek Canal habitat (Impact Bio-1) by disrupting the environment that is currently a favorable habitat for the listed special-status species.

### **D. Level of Significant After Mitigation 3.4.6**

1. Disagree with Impact BIO-1 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on special-status species (Impact BIO-1) with a Neighborhood Town Center in the MFTD of the SEDA specific plan.

a. Implementation of Mitigation Measures BIO-1.1, -1.2, -1.3 to eliminate a Neighborhood Town Center in the MFTD of the SEDA specific plan would result in a level of significance after mitigation of less than significant impact.

2. Disagree with Impact BIO-2 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on the riparian habitat of the Fancher Creek Canal (Impact BIO-2) with a Neighborhood Town Center in the MFTD of the SEDA specific plan.

a. Eliminating the Neighborhood Town Center in the MFTD of the SEDA specific plan would result in a level of significance after mitigation of less than significant impact.

3. Disagree with Impact BIO-4 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on fish, established protected species, and wildlife movement through the corridor of the Fancher Creek Canal (Impact BIO-4) with a Neighborhood Town Center in the MFTD of the SEDA specific plan.

a. Eliminating the Neighborhood Town Center in the MFTD of the SEDA specific plan would result in a level of significance after mitigation of less than significant impact.

4. Disagree with Impact BIO-5 determination that the level of significance before mitigation is less than a significant impact. The impact would be significant before mitigation on California native oak trees within the MFTD and SEDA specific plan.

a. Fresno County has an oak woodland policy (UC Oaks 2022) and the Oak Woodlands Conservation Act (2001) applies to oak trees in the SEDA specific plan.

#### **E. Alternatives 1, 2, and 3 to the SEDA**

The results of the author's evaluation of the impact of the SEDA on biological resources in the MFTD would apply to the entire SEDA specific plan region. The SEDA specific plan and the adverse effects of a Neighborhood Town Center on biodiversity and environmental habitat in the MFTD would also affect the adjacent areas of Sanger. The SEDA is a plan that supports urban sprawl into established rural residential and agricultural areas, and will destroy biological resources. Environmentally conscious agricultural and rural practices can benefit wildlife, but urban development will cause the greatest threat to all wildlife species and their habitats (Kucera and Barrett 1995).

1. Acceptable: Alternative 1-No Project Alternative is the preferred alternative and would have no significant environmental (Table 5-1) effect on the existing biological resources in the MFTD and within the region of the SEDA boundaries.

**2. Not Acceptable:** Alternative 2-Consolidated Business Park Alternative (Exhibit 5-1) would have the same unacceptable and significant environmental impact in the MFTD as the SEDA specific plan. In Alternative 2, the Neighborhood Town Center bordered by the Fancher Creek Canal on the south would remain in the MFTD. Alternative 2 will destroy farmland and cause habitat fragmentation and destruction that result in an unrecoverable loss of biological resources within the SEDA.

**a.** Disagree with Table 5-1 Biological Resources, Alternative 2 quantitative environmental effect is greater than or equal to ( $\geq$ ) in part, and greater than ( $>$ ) in part.

**3. Acceptable:** Alternative 3-Farmland Conservation Alternative (Exhibit 5-2) would eliminate the Neighborhood Town Center, and the golf course a source of habit in the MFTD, but the Fancher Creek Canal that supports environmental habitat and species diversity would be preserved. Alternative 3 would implement the MM AG-2 mitigation measure to preserve farmland, and prevent farmland conversion into nonagricultural uses. Alternative 3 limits urban sprawl into farmland and helps preserve biological resources, and conservation of the environmental and ecological integrity of the SEDA.

## F. References

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Wolterbeek, M. 2023. Connecting habitat in the Central Valley could help save California's pollinators. *Nevada Today Science & Technology*, Feb. 10, 2023.

Please tell us your comments on the SEDA Draft EIR, and Specific Plan



# COMMENT CARD

Name: Kathryn Lemon

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For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

A major concern would be the Air Pollution The project would generate. According to the EIR pg 55-5 the project would generate a substantial long term pollutants.

As a retired school nurse, the increase of asthma & other respiratory issues is a major continuing health issue.



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Please tell us your comments on the SEDA Draft EIR  
Sec. 3.3 and Specific Plan

1) Site the studies done that show how air quality will change with reference to time.

Sec. 3.17  
2) How will the influx of trucks impact the residents. Site data.

Sec. 3.17  
3) What information do you have that supports the project is consistent with state and local plans and policies?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Sec. 3.8

1) How is this project consistent with Assembly Emissions Bill 32's statewide goal of 29% reduction of emissions from business as usual?

Sec. 3.8

2) How frequently and for what length of time will the level of particulate air pollution in the area surrounding the Project exceed the Threshold of Significance as outlined by CEQA?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Sec 3.8 + Sec 3.3

1) How will a potential cumulative expansion project affect pollutant concentrations? Please site studies.

Sec 3.3 and 3.8 and results

2) What were the studies that showed the effects of energy usage with respect to the project's potential impacts on air quality and GHG?

3) How does this project affect Global Warming? Site statistics



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Please tell us your comments on the SEDA Draft EIR  
and Specific Plan

Sec. 3.17

1) What is the data concerning calculating the energy impacts of the project relating to vehicle trips?

Sec. 3.8

2) In 2006 Governor Schwarzenegger promoted AB 32 to reduce GHG emissions to 1990 levels by the year 2020. Give data to support that this Project will comply with these standards.



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Sec. 3.13

What is the maximum single event noise level allowed by the City of Fresno and how would this project affect the level?



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HOW IS IT OF GOOD CONSCIOUS  
THAT THE EIR AND THE INFILL  
REPORTS ARE RELEASED AND  
THEN GIVEN 45 DAYS TO COMMENT  
ON. THERE ARE OVER 900 PAGES IN  
THE EIR AND 40 PAGES IN THE IFD  
PLEASE COMMENT



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

PER IMPACT AG 2 ON ES-13  
DOES THE SPECIFIC EIR  
PLAN CONFLICT WITH  
THE WILLIAMSON ACT?

RECEIVED

AUG 21 2023

BY: 



# COMMENT CARD

Name: *DEB BIGHAM*

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

*HOW CAN OR WILL YOU PURSUE A SUFFICIENT INFRASTRUCTURE TO SEDA PLAN WHEN THERE ISN'T SUFFICIENT INFRASTRUCTURE IN THE CITY OF FRESNO?*



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

*HAS THE CITY REACHED A TAX AGREEMENT WITH THE COUNTY? I HOPE NOT WHEN?*



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

ARE THE FUNDS AVAILABLE FOR \$900 MILLION ESTIMATED COST FOR SEDA PLAN AND WHERE ARE FUNDS COMING FROM?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

THE CITY HAS CLAIMED NO EMINENT DOMAIN, WHAT ABOUT THE FARMS WITHIN THE RURAL CLUSTERS. HOW WILL THEY NOT BE EFFECTED BY THESE AFFORDABLE HOUSING TYPES. WHAT LAND WILL THEY BE ON? WHO'S LAND?



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

DOES THE SEDA SPECIFIC PLAN ALREADY HAVE THE "LAND" PURPOSED FOR THESE COMMUNITY CENTERS, REGIONAL, NEIGHBORHOOD & OFFICE CENTERS, RESEARCH & DEVELOPMENT AND ALL THE OTHER PURPOSED LAND USES? IF NOT HOW DOES YOUR MAPS SHOW THEM IN SPECIFIC & UNIQVE AREAS?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHO ARE THESE AFFORDABLE HOUSES FOR? LOW INCOME? WILL THEY BE FOR RENT OR SALE? OR GOVERNMENT, STATE, PAID FOR. WITH THE ECONOMY & INTEREST RATES INCREASING HOW WILL ANYONE BE ABLE TO RENT OR BUY.

AN AVERAGE 1 BEDROOM APT IS \$1200.00 - \$2500.!!

Draft 8



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHERE IN THE EIR IS THE HOMELESS STOPPED? WHY NOT CLEAN UP THE PEOPLE ON THE STREETS & THEIR FILTH BEFORE EXPANDING THEIR TERRITORY? WHAT IS THAT PLAN? AFFORDABLE HOUSING? WHO PAYS FOR IT? US?

Draft 9



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HOW DO YOU PURPOSE A 250,000 MORE POPULATION <sup>GROWTH</sup> TO THE CITY OF FRESNO WHEN ~~CITY~~ <sup>FRESNO LAND</sup> ARTICLE SAYS CALIFORNIA'S POPULATION IS SHRINKING DUE TO HIGH COST OF LIVING  
"Growth for the sake of growth is the ideology of the cancer cell"  
Edward Abbey



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

~~TO THE INTRODUCTION~~

IN YOUR EFFORT TO CONSERVE ENERGY,

WHAT ARE THE HEALTH RISKS LIVING NEAR THESE SOLAR FARMS? A 160 ACRE FARM

WHITNEY POINT! Pg 98 SEDA SPECIFIC PLAN  
IN MY RESEARCH I FOUND THESE SOLAR

CAN HAVE LOSS OF HABITAT INTERFERENCE  
WITH RAINFALL AND DRAINAGE. OR DIRECT  
CONTACT CAUSING INJURY OR DEATH. ARC FLASHES,  
ARC FLASH BURNS + BLAST HAZARDS, ELECTRIC  
SHOCK FALLS, THERMAL BURN, ELECTRICAL  
FIRES (DIFFICULT TO CONTAIN) TRAFFIC  
HAZARDS DUE TO LARGE NUMBER OF  
VEHICLES NEEDED TO TRANSPORT  
EQUIPMENT AND PERSONNEL TO FARMS.



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Pg 10<sup>th</sup> INTRODUCTION, Paragraph 143  
HOW DO YOU EXPECT TO GROW  
WHEAT PER CHALET IN  
THE QUWIRE ARTICLE, WHEN WE'RE GOING TO  
IN AN ARTICLE BY DAN  
WALTERS ON CAL MATTERS  
SAYS - NEWSOM HOUSING MANDATE  
UNDERCUT BY DRAMATIC POPULATION  
NECA DATA? IT SAYS IN THE  
ARTICLE THAT A NEW SET OF PROJECTIONS  
THAT CALIFORNIA POPULATION WILL SHOW  
LITTLE OR NO GROWTH THROUGH  
2020!

DWS-13



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Has The City completed  
The expansion of the  
basin for future storm-  
water in SEDA

DWS-14



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WHY DO HOMEOWNERS  
HAVE TO PAY FOR HOOR  
UPS FOR WATER AND  
SEWER, WHEN ITS THE  
CITY WHO ARE PUSHING  
THE PLAN. WHY DON'T THEY  
OR THE DEVELOPERS YOUR  
IN BED WITH HAVE TO?

# DW  
15



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

PER YOUR FISCAL RESPONSIBILITY  
PAGES 2  
YOU SAY YOU DON'T  
WANT TO BURDEN THE  
FRESNO RESIDENTS OUTSIDE  
SEDA ALL THE WHILE MAKING  
SEDA RESIDENTS PAY TO HOPE  
TO WATER & SEWER COSTING  
US AROUND 50-60 THOUSAND  
DOLLARS, ALONG BURDENING  
US HOMEOWNERS IN SEDA

# DW  
16



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

DOESN'T THE CITY HAVE  
ANY CONSCIENCE TOWARD  
THE PEOPLE IN SEDA?  
YOU KNOW WHAT YOU DO  
WILL TURN BACK ON YOU  
~~AT~~ AT SOME POINTS YOU CAN'T DO  
EVIL AND EVIL NOT BE ON  
YOU.  
IT'S EVIL FOR EVIL AND  
GOOD FOR GOOD  
LINING YOUR POCKETS IN THE  
BACKS OF OUR PROPERTIES IS EVIL

DW #17



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WITH THE HIGH DENSITY HOUSING PLAN, WHAT IS THE EMERGENCY RESPONSE PLAN?

DO WE HAVE ONE AV CASE OF FIRE WITHIN THE SIDE BY SIDE HOUSING, THAT COULD CAUSE MULTIPLE HOUSES TO BE IN DANGER

DW #18



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

SHOULD AN UNEXPECTED POTENTIAL THREAT DEVELOP FROM FLOODING, ETC, FIRES

WHAT IS THE PLAN OF EVALUATING PEOPLE



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WITHOUT THE INFRASTRUCTURE OF ROADS, HOW WILL FIRE FIGHTERS + RESCUE PERSONNEL BE ABLE TO ACCESS VARIOUS LOCATIONS IN THE HIGH DENSITY AREAS DURING AN EMERGENCY?

Please tell us your comments on the SEDA Draft EIR and Specific Plan

DUE TO CLOSE PROXIMITY OF THE HIGH DENSITY HOUSING, AND THEREFORE, THE HIGH WILDFIRE RISKS OF RAPID SPREADING WHAT IS THE PLAN TO PROTECT THE OCCUPANTS FROM POLLUTANT CONCENTRATIONS?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the problem for  
agriculture, for study and  
water supply to type II areas?  
Thomson  
Should we have more water rights  
can we do that?

RECEIVED  
AUG 28 2023  
BY: [Signature]



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Please tell us your comments on the SEDDA Draft EIR and Specific Plan

What would happen if developers didn't obtain the plan? If building of infrastructure is planned prior to developer ownership, what happens if they are prevented from purchasing land in SEDDA? Why are these plans intended to be executed without the primary factor - developer ownership - being established? This is a price cap of cost before the hold and the city waiting time, effort and energy on large assumptions.

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

According to the city's SEPA findings displayed at the drop-in event, public utilities - namely water - will be made accessible to the area by 2029. What is the specific plan/timeline for how this stated goal will be achieved? ~~Part of~~ Particularly given the 2050 completion date of the plan: What ~~representations~~



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540-3

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the cost of this plan?  
Does the city have the funds?  
Or where will the funds come from? What part of the cost will default to property owners? Can the city provide a detailed plan for and budgeted execution of how this plan will be paid for?

**Please tell us your comments on the SEDA Draft EIR  
and Specific Plan**

What is the plan for  
when and where water is  
not available. Please  
demonstrate a plan for both  
Type I and type II water  
in the case of shortages and/or  
inaccessibility.



**COMMENT  
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540-1

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the specific plan and timeline for building infrastructure as it pertains to water and sewer out to the area. Will this be clearly demonstrated to the public?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

According to Greenfield Coalition, there are 8,700 acres of vacant and undeveloped land within the city. With the capacity to hold over 134,000 housing units this is sufficient to account for the nearly half of your projected population growth of 250,000 by 2010. Many areas in this area ~~bring~~ the focus for the ~~area~~ aim, ~~area~~ and objectives of SEDA in an effort to protect, preserve and respect agriculture?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

According to a Caltrans article, "the state's population has been drifting downward for several years and the State Dept. of Finance recently projected it will remain virtually unchanged at around 40 million at least until 2060 - a radical change from earlier predictions that it would top 50 mill." How did the city of Fresno come up with their astronomical and outdated projection of major growth? The entire EIR is based on this erroneous claim.



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

A Galvani article notes that "Newsom Housing mandate undercut by dramatic population drop data."

Why is there so much pressure to continue development despite these declines. How many homes are

already developed and inhabited?

"Demographers have estimated that in 2030

CA will have just 39.4 million

residents - 3 million fewer than the

previous projection - Which would

translate into about a million fewer

households pending homes. " Yet this

EIR supports an additional 45,000





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Please tell us your comments on the SEDA Draft EIR and Specific Plan

One Cal matters article reveals the latest population estimates from the U.S. Census Bureau that "California's total population declined by more than 500,000" between April 2020 and July 2022.

How does the EIR justify their continued growth claims despite both State and Federal projections that are in stark contradiction with the city's.



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

A recent Fresno article point out that "Downtown Fresno to receive \$250 million under Nason's proposed budget plan. These monies are designated to improve "parks, water infrastructure, and plans to improve walkability." All of which SEDA aims to do. If these monies are already allocated for a downtown who would fund these improvements, why is it downtown priorities for these aims and opportunities over SEDA for an effort to save our prime farmland?"



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Please tell us your comments on the SEDDA Draft EIR and Specific Plan

SE Fresno is Overwhelmingly  
already a safe place to live. Mainly  
inhabitants of this inner city are  
crying for the support of the  
city to aid them in cleaning up  
their neighborhoods and making  
their neighborhoods safe. Why isn't  
the city addressing these needs  
of their wrnt residents? Why  
would ~~you~~ they uphold their claim  
to keep SEPA safe when they want  
even ~~had~~ the crisis of their own  
citizens? Give your people the  
benefits you promise in SEPA

butcher my our best to make empty

Please tell us your comments on the SEDA Draft EIR  
and Specific Plan

According to City documents, the  
purpose of the EIR is to "ensure  
prevention of environmental damage  
by requiring implementation of  
feasible alternatives or mitigation  
measures." Yet numerous "significant  
and unavoidable adverse impacts" are downplayed  
therein. And seemingly completely being  
ignored. What other "feasible alternatives"  
have been considered to avoid these  
substantial impacts? This is severely  
concerning. Why aren't other alternatives being  
disregarded so as to uphold the purpose of  
the EIR and its objectives which are



COMMENT  
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540-4

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the specific and articulated timeline of events and cost of each phase as it pertains to annexation, development, zoning, infrastructure and completion?

Do the City have a budget to implement each of these phases according to the specified timeline?

Can the public see a clear demonstration of this timeline and how it will be executed by the completion date of 2050?<sup>279</sup>



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The City can't make up its mind to their varied attempts to make it a better city. How can we be sure that SEDA won't be the next neglected and abandoned project. We've seen the city repeatedly fail to fulfill their promises of new development ~~to first~~, the downtown area, then Fashion Fair, downtown, Riverpark the city invokes a broken or washed thin or empty promise to go start up a new project and leave the old to rot.



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Please tell us your comments on the **SEDA Draft EIR**  
and **Specific Plan**

The city has it provides requested info.  
regarding crime rates in the city. My  
question is, how do they intend to  
carry out promise of safety in the  
SEDA area when they can't provide  
steward safety in their existing  
jurisdiction?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Please tell us your comments on the SEDDA Draft EIR  
and Specific Plan

The timeline that was given for the community to respond to this EIR is insufficient. ~~Every~~ <sup>45 days</sup> response to a document of 800+ pages is inconceivable when the city couldn't even respond to one statistical request regarding homes and crime rates within the city. Request was submitted 8/15 and is still pending. If the city representative don't have this information at hand, how was the plan ever designed? And why is the information being withheld until the deadline for comments passes?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

There is a lack of transparency surrounding this plan. The city representative have been nothing but elusive and ambiguous in their attempts to inform the public of this plan. Their literature is designed to be disposed and ignored by recipients as junk; their events have looked more than clarify; their representatives are ill informed and have provided conflicting messages and the plan itself is contradictory. Why isn't there a clear explanation of what is being planned?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

~~Representative~~ Fresno representative have confirmed that type II water is not allocated for the area. What is the plan to do so? What is the projected limitation for doing so?

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## Please tell us your comments on the SEDA Draft EIR and Specific Plan

This EIR completely ignores my customs and traditions as a ~~resident~~ lover of the rural lifestyle. As a city-dweller, I retreat to this area often for artistic inspiration. The sight, smell and sounds of SE Fresno encourage my wide artistic expression in written prose, poetry, music and visual photography. The EIR clearly identifies the visual ~~and~~ impact that will do to both the light and the landscape. Not to mention the animals who will be forced to relocate with their rural human counterparts their lifestyle loss equates my artistic loss.



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## Please tell us your comments on the SEDA Draft EIR and Specific Plan

Policy HR-3 would supposedly "promote the integration of public art into historic buildings and established neighborhoods" but neglects to foster the creation of art.

The land in SE Fresno is my studio.

The dirt, my ink, AES-3 blatantly

shows that the plan will "substantially

degrade the visual character of the area

and AES-4 would create a new source of

light or glare" which poses adverse effects

on their view. Light is the primary function

of photography and the artistic output in

this arena will be dramatically affected.

The EIR fails to mention these artistic

... artistic community ...



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then in the evening

Please tell us your comments on the SEDDA Draft EIR and Specific Plan

Southwest Fresno is predominantly composed of ~~people who would~~ ~~people who would~~

Identify with a rural lifestyle | culture.

This community of small farmers & citizens with an appreciation for the outdoors,

animals, gardening and the natural world. will be forced to change their lifestyle

due to SEDDA impacts such as AES-4 which would "create a new source of

substantial light or glare which would adversely affect day or nighttime

views." Altering pavers under the view of the stars is a return of ours. How does

the plan EIR justify the destruction of our surroundings? How is it consistent

with its social equity objectives?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

AES-3 states "the proposed project would in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings." It would also "alter the existing visual character by increasing the intensity of development in areas that are primarily agriculture." For individuals whose lifestyles and cultures are built upon the natural world, this plan would force a mass exodus by expelling all who depend on nature for a thriving life and discriminates them by limiting them to the eastern border of the proposed area. It reverts the area of

the people

re-segregated stark and disjoint



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The plan claims to "build on a definition of affordability that considers household transportation burdens as a component of housing costs." This is only one definition of affordability - so what are you re-defining it to mean here? Suppressing these costs are "affordable" (I would be interested in your definition of affordable or well) - for how long? What's to stop ~~them~~ the SEDA from skyrocketing in the future? Is there a contract to hold the price to "affordable" standards? <sup>287</sup> When does it expire?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

It has been confirmed by both City and County representatives that there is no tax-sharing agreement. There is a ~~prop~~ prerequisite for carrying out the plan. Why is this being considered without the pre-existing agreement?



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Policy CF-3.4 regarding Community Farming in the <sup>Specific</sup> plan draft suggests

that this plan will "expand a

viable community farming program

that promote an appreciation of

food and local ecology instills a sense

of stewardship and community...."

This "goal" directly works with the

outcome: A diverse of the food community

<sup>Product</sup>

being ~~developed~~ on the land to be developed

over (7000 acres); and blanket disrupt

for the existing ecology and community;

a complete failure to steward <sup>289</sup> what

we already have.



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The EIR objection is similar to "respect the major economic & cultural role of ag"

The NOA Dictionary defines culture as "the arts and other manifestations of human intellectual achievement regarded collectively." and "the customs, arts, social institutions, and achievements of a particular group." As a writer from the

area, this plan disregards my own artistic endeavors which depend on ag and natural land to create metaphors which speak to the life, growth and development of the human heart, mind and soul.



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despite

## Please tell us your comments on the SEDA Draft EIR and Specific Plan

Our English word "Culture" comes from the Latin "cultura" which fundamentally denotes agricultural concepts like "growth", "cultivation" and "tend". That is to say, our social understanding of culture—to cultivate the growth of certain underprivileged groups—would be moot without the basic biological understanding of what it means to cultivate the earth in the agricultural sense. So the claim in the EIR to "respect the cultural role of ag" this plan directly disrupts the cultural customs, ~~and~~ traditions and even religious observances of the ag community by way of <sup>291</sup>distractions 7000 acres of land we depend on



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Section 35.1 describes "the existing cultural and tribal cultural resources setting and potential effects from project implementation on the site and its surrounding area." But it mentions no mention of the existing cultures that thrive on these soils and the extinction of the cultural practices of farming on these lands that the plan will enforce. A side by side look at the proposed land use map and Exhibit 3.21, Important farmland map vividly displays this extinction, but the EIR doesn't acknowledge it.



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## Please tell us your comments on the SEDA Draft EIR and Specific Plan

This EIR aims to protect certain cultures at the expense of others. The effects of building over the top of sacred soils and prime ag land show complete disregard for the ag community. Section 3-5-3 outlines an inventory of significant historical properties, but is limited by that listed in the NREHP. It makes no mention of historical institutions like U-H & FFA and the chapters from the area, nor the numerous and diverse ethnic cultures that currently farm the land in the proposed area and the estates that have been farmed for generations.



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Under its social equity aim in its project objectives, the EIR states one of its objectives is to "respect the major economic & cultural role of ag in the Central Valley." But its repeated assertions that there will be "significant and unavoidable impact" directly disrespects and disrupts the rural culture that thrives in SE Fresno. The EIR ignores the harm this plan will cause to the cultural practices and lifestyle of the rural ~~land~~ farmer and resident. How will this be addressed?



# COMMENT CARD

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For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Exib. 3.4.1 shows that there are 7,000 acres of productive farmland in the SEDA area. The EIR claims in its project objectives to "respect ag land" How then, is this loss of productive ag land to development (2,475 of which the EIR acknowledges as "prime farmland") justified? "Green spaces" and "community gardens" won't suffice. The "significant and unavoidable" impacts of converting prime ag land to nonagricultural use is far from respectful.



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The ecological disruption ~~on~~ this plan will enforce on the land, existing community and lifestyle of SE Fresno culture will inevitably encourage conflict between new tenants to the SEDA developed area and pre-existing rural dwellers. What is the city's plan to properly handle complaints ~~at~~ regarding an increase of litter, crime, vehicular disturbances, trespassing etc? And how will they respond to complaints of residents adjacent to farms who won't appreciate the smells, dust and practices of nearby farmers?

How do the specific plan address this?



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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

At one of the city's "drop-in" events their timeline projected that a "zoning code update" will occur in June of 2024.

What exactly does this update entail?

On what basis is this projection of June 2024 made, considering the claims from the city that rezoning won't occur before development.

How the city anticipates development in 2024? And how is this consistent with EIR Impact Aca-2



# COMMENT CARD

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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Exhibit 3.2.5 Impact AG-S state that ~~SEDA~~ implementation of the approved general plan would conflict with land use Williamson Act contracts. When do these contracts expire. Is the city simply ignoring them? How else is this plan being considered with ~~and~~ this blatant disregard for these existing contracts?



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Please tell us your comments on the SEDDA Draft EIR and Specific Plan

The Executive Summary states on Pg. ES-5 under Impact A-G-2 that "the continued implementation of the general plan and proposed specific plan would result in significant impact on existing Williamson Act Contract Land." and "result in the conversion of Williamson Act land to non-ag uses." But on Pg. ES-13 under Impact A-G-2 says "the proposed project would not conflict with existing zoning for ag use or a Williamson Act Contract. Which is it?"



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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDDA Draft EIR and Specific Plan

Have the local 4-H and FFA chapters been informed of this plan? How does it respect or consider the next generations who want to farm? There are at least 4 4-H chapters in and around the proposed area who are encouraged to grow plants and raise livestock. (see Lone Star, Blossom Trail, Dry Creek and Fairmont 4-H club websites) What are children located in the SEDDA development supposed to raise their animals and cultivate their projects? This plan robs them of the opportunity.



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

The Social Equity claim ~~is~~ in the Project Objective that they plan will "sustain the diversity of Fresno's population by providing a wide variety of housing choices" is erroneous. The design of the housing units, and structures aren't conducive to a rural lifestyle. Was the rural subculture considered at the planning phase as a population? And what was ~~the~~ effort we made for the protection and preservation of rural cultures in the SEP<sup>301</sup> plan and EIR?



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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

In regards to implementation, the project objectives state that SEDA development will be "based on housing needs, infrastructure availability and minimization of impacts."

How are the city's projection of "growth in Fresno to continue at a rapid pace" and 250,000 people by 2050 consistent with the state of CA's

recent projections of zero growth by 2060, revealed by the Dept. of Finance?



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

What is the detailed timeline for

carrying out the extensive infrastructure

for getting water and sewer lines to

the area? How and when will the

infrastructure be introduced to feed

the planned development? What will

the cost be for said infrastructure?

And where will the hook ups be?

(the Jasta plant?) And how are

you planning to this prior to

development's ownership? Since will

hold this land occur before developer

purchase the land.



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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

The city of Fresno doesn't have a good reputation for formulating a vision and carrying it forward to completion. Turnover for city reps poses another layer of difficulty for the city to develop a long-term mindset and continuity enough to carry out such an extensive plan as the SEDA. In addition, the city can't stay focused on any given project (i.e. downtown). What is the detailed, long-term timeline for seeing this plan to fruition? The devil is in the <sup>304</sup> details.

August 21, 2023

City of Fresno  
c/o Adrienne Asadoorian, Planner  
2600 Fresno Street  
Third Floor, Room 3065  
Fresno, CA 93721

Dear Ms. Asadoorian,

Regarding the Program Environmental Impact Report for the Fresno Southeast Development Area Specific Plan Project (State Clearinghouse Number 2022020486), I am writing to express my many great concerns.

I am fiercely opposed to this plan and find that the Program EIR is deeply flawed. Enclosed are my comments contesting various sections of the EIR, with reference to its corresponding fallacies and distortions therein.

I have also included additional sources of evidence to support my findings. I ask that First Carbon Solutions take these errors and discrepancies into consideration, and take note that the public is widely concerned by this top heavy report (and SEDA plan) which have no substantial foundations to support the following areas:

- A. The loss of productive agricultural land
- B. The demise of rural subculture and a blunt force blow to our future generations
- C. Lack of water, in particular type II
- D. Ethical disparity and lack of transparency
- E. Discrepancies within the EIR which conflict with the stated plan objectives
- F. Defective, incomplete and inadequate timeline for plan execution
- G. Lack of resources and infrastructure

The EIR does not account for these major areas of loss, deficiency and discrepancy. For these reasons, I have copied various city, county and LAFCO representatives to urge their objection and request their assistance in avoiding the dramatic ramifications of a faulty EIR and destructive plan.

Sincerely,

Leah Bigham  
Grateful product of a Southeast Fresno upbringing  
SEPO member



August 21, 2023

Jennifer Clark, Director, Planning and Development Department  
c/o Sophia Pagoulatos, Planning Manager  
2600 Fresno Street  
Third Floor, Room 3065  
Fresno, CA 93721

Dear Ms. Clark,

Regarding the Program Environmental Impact Report for the Fresno Southeast Development Area Specific Plan Project (State Clearinghouse Number 2022020486), I am writing to express my many great concerns.

I am fiercely opposed to this plan and find that the Program EIR is deeply flawed. Enclosed are my comments contesting various sections of the EIR, with reference to its corresponding fallacies and distortions therein.

I have also included additional sources of evidence to support my findings. I ask that First Carbon Solutions take these errors and discrepancies into consideration, and take note that the public is widely concerned by this top heavy report (and SEDA plan) which have no substantial foundations to support the following areas:

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- F. Defective, incomplete and inadequate timeline for plan execution
- G. Lack of resources and infrastructure

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Sincerely,

Leah Bigham  
Grateful product of a Southeast Fresno upbringing  
SEPO member



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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

HOW IS IT OF GOOD CONSCIOUS  
THAT THE EIR AND THE INFILL  
REPORTS ARE RELEASED AND  
THEN GIVEN 15 DAYS TO COMMENT  
ON. THERE ARE OVER 900 PAGES IN  
THE EIR AND 40 PAGES IN THE IFD  
PLEASE COMMENT



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

PER IMPACT AG 2 ON ES-13  
DOES THE SPECIFIC EIR  
PLAN CONFLICT WITH  
THE WILLIAMSON ACT?



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HOW CAN OR WILL YOU PURPOSE A SUFFICIENT INFRASTRUCTURE TO SEDA PLAN WHEN THERE ISN'T SUFFICIENT INFRASTRUCTURE IN THE CITY OF FRESNO?



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HAS THE CITY REACHED A TAX AGREEMENT WITH THE COUNTY? I HOPE NOT WHEN?



# COMMENT CARD

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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

ARE THE FUNDS AVAILABLE FOR \$900 MILLION ESTIMATED COST FOR SEDA PLAN AND WHERE ARE FUNDS COMING FROM?



# COMMENT CARD

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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

THE CITY HAS CLAIMED NO EMINENT DOMAIN, WHAT ABOUT THE FARMS WITHIN THE RURAL CLUSTERS. HOW WILL THEY NOT BE EXPECTED BY THESE AFFORDABLE HOUSING TYPES. WHAT LAND WILL THEY BE ON? WHO'S LAND?



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

DOES THE SEDA SPECIFIC PLAN ALREADY HAVE THE "LAND" PURPOSED FOR THESE COMMUNITY CENTERS, REGIONAL, NEIGHBORHOOD & OFFICE CENTERS, RESEARCH & DEVELOPMENT AND ALL THE OTHER PURPOSED LAND USES? IF NOT HOW DOES YOUR MAPS SHOW THEM IN SPECIFIC & UNIQUE AREAS?



# COMMENT CARD

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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHO ARE THESE AFFORDABLE HOUSES FOR? LOW INCOME? WILL THEY BE FOR RENT OR SALE? OR GOVERNMENT, STATE, PAID FOR. WITH THE ECONOMY & INTEREST RATES INCREASING HOW WILL ANYONE BE ABLE TO RENT OR BUY.

AN AVERAGE 1 BEDROOM APT IS \$1300.00 - \$2580.00 !!

Dist-8



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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHERE IN THE EIR IS THE HOMELESS STOPPED? WHY NOT CLEAN UP THE PEOPLE ON THE STREETS & THEIR FILTH BEFORE EXPANDING THEIR TERRITORY? WHAT IS THAT PLAN? AFFORDABLE HOUSING? WHO PAYS FOR IT? US?

Dist-9



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

HOW DO YOU PURPOSE A 250,000 MORE POPULATION <sup>GROWTH</sup> TO THE CITY OF FRESNO WHEN ~~CITY~~ <sup>FRESNO LAND</sup> ARTICLE SAYS CALIFORNIA'S POPULATION IS SHRINKING DUE TO HIGH COST OF LIVING

"Growth for the sake of growth is the ideology of the cancer cell"  
Edward Abbey

DW-10



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

~~TO BE DELETED~~

IN YOUR EFFORT TO CONSERVE ENERGY,  
WHAT ARE THE HEALTH RISKS LIVING NEAR  
THESE SOLAR FARMS? A 160 ACRE FARM  
WHITNEY POINT! Pg 98 SEDA SPECIFIC PLAN  
IN MY RESEARCH I FOUND THESE SOLAR FARMS  
CAN HAVE LOSS OF HABITAT INTERFERENCE  
WITH RAINFALL AND DRAINAGE. OR DIRECT  
CONTACT CAUSING INJURY OR DEATH. ARC FLASHES,  
ARC FLASH BURNS + BLAST HAZARDS, ELECTRIC  
SHOCK, FALLS, THERMAL BURN, ELECTRICAL  
FIRES (DIFFICULT TO CONTAIN) TRAFFIC  
HAZARDS DUE TO LARGE NUMBER OF  
VEHICLES NEEDED TO TRANSPORT  
EQUIPMENT AND PERSONNEL TO FARMS.

DW #11



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Pg 1<sup>st</sup> INTERDUCTION, Paragraph 142  
HOW DO YOU EXPECT TO GROW  
WHEN PER CHAVEZ IN  
THE GUNWIRE ARTICLE, WHEN  
IN AN ARTICLE BY DAN  
WALTERS ON CAL MATTERS  
SAYS - NEWSOM HOUSING MANDATE  
UNDERCUT BY DRAMATIC POPULATION  
NEED DATA? IT SAYS IN THE  
ARTICLE THAT A NEW SET OF PROJECTIONS  
THAT CALIFORNIA POPULATION WILL SHOW  
LITTLE OR NO GROWTH THROUGH  
2020!

DWS-13



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

Has the City completed the expansion of the basin for future storm-water in SEDA

DWS-14



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WHY DO HOMEOWNERS HAVE TO PAY FOR HOOR UPS FOR WATER AND SEWER, WHEN ITS THE CITY WHO ARE PUSHING THE PLAN. WHY DON'T THEY OR THE DEVELOPERS YOUR IN BED WITH HAVE TO?

# DW  
# 15



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

PER YOUR FISCAL RESPONSIBILITY  
MESA  
YOU SAY YOU DON'T  
WANT TO BURDEN THE  
FRESNO RESIDENTS OUTSIDE  
SEDA ALL THE WHILE MAKING  
SEDA RESIDENTS PAY TO HOPE  
TO WATER & SEWER COSTING  
US AROUND 50-60 THOUSAND  
DOLLARS, ALONG BURDENING  
US HOMEOWNERS IN SEDA

# DW  
# 16



# COMMENT CARD

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Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

DOESN'T THE CITY HAVE  
ANY CONSCIENCE TOWARDS  
THE PEOPLE IN SEDA?  
YOU KNOW WHAT YOU DO  
WILL TURN BACK ON YOU  
~~AT~~ AT SOME POINTS YOU CAN'T DO  
EVIL AND EVIL NOT BE ON  
YOU.  
ITS EVIL FOR EVIL AND  
GOOD FOR GOOD  
LINING YOUR POCKETS IN THE  
BACKS OF OUR PROPERTIES IS EVIL

DW #17



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WITH THE HIGH DENSITY HOUSING PLAN, WHAT IS THE EMERGENCY RESPONSE PLAN?

DO WE HAVE ONE AV CASE OF FIRE WITHIN THE SIDE BY SIDE HOUSING, THAT COULD CAUSE MULTIPLE HOUSES TO BE IN DANGER

DW #18



# COMMENT CARD

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Please tell us your comments on the SEDA Draft EIR and Specific Plan

SHOULD AN UNEXPECTED POTENTIAL THREAT DEVELOP FROM FLOODING, ETC, FIRES

WHAT IS THE PLAN IF EVACUATING PEOPLE



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Please tell us your comments on the SEDA Draft EIR and Specific Plan

WITHOUT THE INFRASTRUCTURE OF ROADS, HOW WILL FIRE FIGHTERS + RESCUE PERSONNEL BE ABLE TO ACCESS VARIOUS LOCATIONS IN THE HIGH DENSITY AREAS DURING AN EMERGENCY?

Please tell us your comments on the SEDA Draft EIR and Specific Plan

DUE TO CLOSE PROXIMITY OF THE HIGH DENSITY HOUSING, AND THEREFORE, THE HIGH WILDFIRE RISKS OF RAPID SPREADING WHAT IS THE PLAN TO PROTECT THE OCCUPANTS FROM POLLUTANT CONCENTRATIONS?



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## Comments on Draft SEDA Environmental Impact Report

### 3.2 - Agricultural Resources and Forestry Resources

#### Policy CF-3.1 Organic and Pesticide-Free Farming

Comments:

Pesticide Use and Regulation is regulated and monitored by the California Department of Pesticides Regulation. **What authority does the City of Fresno have to restrict pesticide use?**

Is the City of Fresno also going to restrict the use of pesticides in the home to being organic or pesticide-free? There are many products used in households for cleaning, insect control, etc. that fall under the umbrella of pesticides. An example being ant and roach spray used by homeowners. That product has an EPA registration number and are considered pesticides and are not organic. **Is the City of Fresno going to restrict pesticides used in households?**

#### Policy CF-4.4

Encouraging the long-term economic viability of Fresno County agriculture would not be removing 6,174 acres of farmland from production.

Fresno General Plan PEIR Mitigation Measures

##### MM AG-1.1

The Farmland Preservation Program has not been implemented by the City of Fresno as of the Draft SEDA EIR.

According to the City of Fresno website the City Council in 2017 initiated an amendment to Policy RC-9-c of the Fresno General Plan. This item is tentatively scheduled to be considered by the City Council on December 6 of this year.

The EIR is incomplete without this information of how the City of Fresno plans to implement the Farmland Preservation Program.

Article:

<https://www.kvpr.org/government-politics/2015-04-09/fresno-city-council-says-no-to-farmland-preservation-project>

KVPR reported on April 9, 2015 that Fresno City Council says “No” to Farmland Preservation Project.

The Fresno City Council rejected a proposal to move forward with an effort to preserve area farmland from development.

The council voted down the proposed grant application to start a farmland preservation program, which is key part of the city’s newly adopted general plan.

The program would require developers to offset the loss of farmland from urbanization by agreeing to preserve farmland elsewhere.

It goes on to say, According to the American Farmland Trust, Fresno County has the smallest amount of farmland held under conservation easements in the valley, while the amount of farmland converted to development from 1990 to 2008 was among the highest.

Article:

<https://sjvsun.com/news/fresno/brandau-pushing-brand-administration-for-fast-action-on-nixing-farmland-preservation-regs/>

The link above is titled, Brandau pushing Brand administration for fast action on nixing farmland preservations regs.

The past history of the City Council has not been in favor of preserving farmland. Until the City Council actually adopts and approves a Farmland Preservation Plan the Draft EIR is not complete and shouldn't be approved.

### **How is the City Council going to address the preservation of farmland?**

There needs to be an answer before the City of Fresno tries to annex 6,174 acres of farmland. If the developers are required to preserve a 1:1 ratio of farmland or preserve at an even higher ratio the costs of farmland preservation will dramatically increase the cost for the SEDA project.

Article:

June 29th, 2022

<https://farmland.org/new-report-smarter-land-use-planning-is-urgently-needed-to-safeguard-the-land-that-grows-our-food/>

It is urgent we safeguard the land that grows our food.

Page 1E-2-9 of the Fresno Multi-Jurisdictional Housing Element, July 2023 states that Fresno has many vacant residential development opportunities along with underutilized non-vacant sites with redevelopment potential with sufficient capacity to meet and exceed the identified housing need for 2023-2031.

### **What is the justification for approving SEDA until the infill and utilizing the available land in the City of Fresno is completed first?**

<https://www.agalert.com/california-ag-news/archives/sept-7-2022/california-needs-housing-but-must-protect-its-farms/>

### **Project Specific Mitigation Measures**

MM AG-2

Prime Farmland, Unique Farmland, and Farmland of Statewide Importance Impact Reduction Measure.

The EIR states the Level of Significance After Mitigation is Significant and has unavoidable impact.

**What mitigation measures are going to be taken for the preservation of farmland?**

**Conflict with Existing Zoning or Williamson Act Contract**

Impact AG-2

The EIR states there is no feasible mitigation measures that are available for Williamson Act Contract land. The majority of land within the Plan Area that is under Williamson Act Contract would be designated for non-agricultural land uses (such as various types of residential, regional and community center land uses) with the implementation of the Specific Plan. That would conflict with land under Williamson Act Contracts. That would result in a significant and unavoidable impact.

**How is the Specific Plan going to address this conflict? Until this is addressed the EIR is incomplete and should not be approved.**

**3.3 Air Quality**

Air quality is a major concern in Fresno and the San Joaquin Valley.

According to the EIR, SEDA will have a detrimental effect on the air quality and there is not sufficient mitigation available to reduce the potential criteria pollutant emissions associated with the proposed project to levels that would not exceed the Valley Air District threshold of significance. Therefore, cumulative impacts to air quality would be considered to remain significant and unavoidable.

There are serious health and environmental consequences that are not being addressed. **How are these issues going to be mitigated?**

**3.8 Greenhouse Gas Emissions**

Per the Draft SEDA EIR, the proposed project would generate a significant net increase in GHG emissions and would have a “significant” GHG impact per the City of Fresno GHG Reduction Plan Update. As the proposed project would have a significant impact per the guidance included in the GHG Plan Update, the project has a potential significant level of cumulative significance.

There are no project specific mitigation measures available. The cumulative significance after mitigation is significant and unavoidable.

This project will add to greenhouse emissions that will have a significant level of cumulative significance.

With the focus on climate change, greenhouse gas emissions, and irreversible damage to the earth SEDA is actually contributing and not helping the problem.

Any new project should be reducing the negative effects on the climate and environment not adding to the detrimental effects.

**How is this going to be mitigated?** This project should be abandoned until sufficient mitigation measures are developed and the EIR rejected until it addresses how to mitigate greenhouse emissions.

### **3.10 - Hydrology and Water Quality**

We are currently in a difficult water situation. The implementation of SEDA would greatly stress an already strained situation. **How is SEDA complying with the Sustainable Groundwater Management Act?**

### **3.11 - Land Use and Planning**

General Comment:

SEDA removes 6,741 acres of farmland from production. That is in direct opposition to many of the goals to promote and preserve agriculture as listed under the Fresno Southeast Development Area Specific Plan. **How is that promoting and supporting agriculture when SEDA removes 6,741 acres of farmland?**

#### **Policy CF-3.1**

Organic and Pesticide-Free Farming.

Promote ecologically sensitive farming methods that are safe for farm workers, consumers, and residents by restricting pesticide use and promoting integrated pest management practices within the SEDA.

Comment:

Pesticide Use and Regulation is regulated and monitored by the California Department of Pesticides Regulation. **What authority does the City of Fresno have to restrict pesticide use?**

Is the City of Fresno also going to restrict the use of pesticides in the home to being organic or pesticide-free? There are many products used in households for cleaning, insect control, etc. that fall under the umbrella of pesticides. An example being ant and roach spray used by homeowners. That product has an EPA registration number and are considered pesticides and are not organic. **Is the City of Fresno also going to restrict pesticides used in households?**

### **3.14 Population and Housing**

Page 1E-2-9 of the Fresno Multi-Jurisdictional Housing Element, July 2023 states that Fresno has many vacant residential development opportunities along with underutilized non-vacant sites with redevelopment potential with sufficient capacity

to meet and exceed the identified housing need for 2023-2031. **What is the plan for developing that land?**

### **3.17 Transportation and Traffic**

The California Department of Transportation requested peak hour ramp queue analysis be completed at the Highway 180 interchanges of Clovis Avenue, Fowler Avenue, Temperance Avenue, DeWolf, Highland and McCall Avenues. **Have those analysis been completed?** If so, they should be included in the EIR for comment.

### **4.1 Significant Unavoidable Impacts**

Significant environmental effects of the proposed project, including effects that cannot be avoided if the proposed project were implemented.

**The following are listed as significant unavoidable impacts.**

#### **Impact AES-3 (Project-level Visual Character):**

No feasible mitigation measures are available to mitigate the impact to a less than significant level.

#### **Impact AES-4 (Project-level Light and Glare):**

This increase in illumination is considered a significant impact. Impacts would remain significant and unavoidable .

#### **Cumulative Aesthetics, Lights, and Glare Impacts:**

Impacts would remain significant and unavoidable.

#### **Impact AG-1 (Project-level Conversion of Farmland to Nonagricultural Uses):**

Loss of Prime Farmland would still occur with implementation of the proposed project. Therefore, this impact would be significant and unavoidable even with implementation of available mitigation.

#### **Impact AG-2 (Project-level Conflict with Existing Zoning or Williamson Act Contract):**

This impact would be significant and unavoidable without any available mitigation.

#### **Cumulative Agricultural Resources and Forestry Resources Impacts:**

No feasible mitigation measures are available. Therefore this impact would be significant and unavoidable

#### **Impact AIR-1 (Project-level Consistency with Air Quality Management Plan):**

Due to the magnitude and intensity of development accommodated by the proposed project, it would have a significant and unavoidable impact.

**Impact AIR-2 (Project-level Cumulative Criteria Pollutant Emissions):**

Implementation of the proposed project would result in a significant impact because it would significantly contribute to the non attainment designation of the San Joaquin Valley Air basin (SJVAD). This impact would be significant and unavoidable.

**AIR-3 (Project-level Sensitive Receptors Exposure to Pollutant Concentrations):**

Without needed information it is not possible to conclude that air pollutant emissions resulting from construction activities would be adequately reduced to the point that sensitive receptors are not exposed to substantial concentrations of air pollutants, and thus a significant and unavoidable impact may result.

**Cumulative Air Quality Impacts:**

There is currently not enough information to quantify emissions of specific project development that may occur under the proposed project. Without quantification to guarantee a less than significant finding, future development projects may still exceed the Valley Air District regional significance thresholds. Additionally, due to the size of the proposed project, there is not sufficient mitigation available to reduce the potential criteria pollutant emissions associated with the proposed project to levels that would not exceed the Valley Air District thresholds of significance. Therefore, cumulative impacts to air quality would be considered to remain significant and unavoidable.

**Impact GHG-1 (Project-level Greenhouse Gas Emissions):**

The proposed project is not consistent with the GHG Plan Update, and the proposed project's contribution to environmental impacts related to GHG emissions are significant. There is no mitigation feasible to reduce the GHG emissions of the proposed project to less than significant levels. The GHG impacts of the proposed project are significant and unavoidable.

**Cumulative Greenhouse Gas Emissions Impacts:**

There are no feasible mitigation measures available. As such, cumulative impacts with regard to GHG emissions are significant and unavoidable.

**Impact NOI-1 (Project-level Construction Noise):**

Because these construction activities may occur near noise-sensitive receptors and because noise disturbances may occur for prolonged periods of time, construction noise impacts would remain significant and unavoidable.

**Cumulative Construction Noise:**

Because construction activities associated with implementation of the Specific Plan could then also occur simultaneously and because noise disturbances could occur for prolonged periods of time, there is the possibility for a cumulative construction noise impacts that would remain significant and unavoidable.

**These are significant and unavoidable impacts that have severe and irreversible consequences. They must be addressed and if not able to be mitigated the EIR and SEDA project should not be approved.**





# COMMENT CARD

Name:

BOB JUNGMAN

Phone Number:

[REDACTED]

Email:

[REDACTED]

Address and Nearest Cross Streets:

[REDACTED]

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

AS A HOME OWNER IN RURAL RESIDENTIAL

WE SEE NO VALUE IN THIS -

PLEASE STOP THIS PROJECT

DO WE REALLY NEED

POSS. EIR MEAN IT IS GOING TO HAPPEN?

CANT YOU (CITY) LEAVE US ALONE



# COMMENT CARD

Name:

Juliet Dady

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR  
and Specific Plan

The EIR has many concerning  
elements including increases  
in traffic, problems for  
wildlife & ag land that will  
be taken. And no mitigation  
for any of this? Really?  
Also you will be taking our  
septic & wells + we have to  
pay to hook up?  
No one wants to have this  
pois! Please go away!



# COMMENT CARD

Name:

Albert Valenzuela

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

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For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

- ① We need Temperance Ave expanded/ fixed! We have hayllo on off ramps that connect to Temperance Ave, however the road south of Kings Canyon is horrible!
- ② Due Area, Southeast, needs to be cleaned-up to look like Clavis or Riverpark! Do Not develop a new area before cleaning up what we already have.



**DAIM NTAWV  
MUAB LUS XAM  
POM**

**Lub Npe:**

Jaime Rodriguez Carrillo

**Nab Npawb Xov Tooj:**

[Redacted]

**Email:**

[Redacted]

**Chaw Nyob thiab Cov Kev Hla Uas Nyob Ze  
Tshaj Plaws:**

[Redacted]

Yog xav paub ntxiv

(559) 621-8339

 Adrienne.Asadoorian@fresno.gov

Thov qhia rau peb txog koj tej lus xam pom rau rau  
SEDA Daim Qauv EIR tsim ua Qhov Kev Npaj Ua  
Tshwj Xeeb

Having lived in the county  
this long, I dont think its  
fair having the city just  
move in and take ownership  
of all the county property. This  
land is used as farm land.  
Having to Relocate our livestock  
would be an expense on its  
own. I dont agree with the  
city and they should really  
consider how many people & families  
they are affecting.



# COMMENT CARD

Name:

Ray C Stanton III

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

I purchased my property to be country to live in peace, raise livestock, and run my mobile ag mechanic business. With SEDA, I am worried about being able to stay country & not city. For one I don't want it to affect my livestock & mechanic business. I'm with the new developments we have been getting more & more drug users and general drif out from the west side of town's industrial area. Just the other day had to call pd on an overdose. I'm worried with the center there

328

will be more issues



**DAIM NTAWV  
MUAB LUS XAM  
POM**

**Lub Npe:**

KATHY STANTON

**Nab Npawb Xov Tooj:**

[Redacted]

**Email:**

[Redacted]

**Chaw Nyob thiab Cov Kev Hla Uas Nyob Ze  
Tshaj Plaws:**

[Redacted]

Yog xav paub ntxiv

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Thov qhia rau peb txog koj tej lus xam pom rau rau  
SEDA Daim Qauv EIR tsim ua Qhov Kev Npaj Ua

Tshwj Xeeb

My family purchase Co  
property to have livestock  
chickens, sheep, turkeys,  
chickens + ducks.

I want to remain  
in the country.



# COMMENT CARD

Name:

Karen Baker

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

EIR states this plan will impact water and does not meet air quality standards. Taking prime ag land out of production adversely impact the water quality. I have already ~~been~~ sued by townies coming on my property, being hurt by a goose, ran a dog. I have had to fence my property but people still climb the fence.



# COMMENT CARD

Name:

Maryjane Beckman

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Old road connecting to City  
H20 and sewer. Who  
pays for it?

(2) can

(2) Neighborhood Residential  
what does that price...



# TARJETA DE COMENTARIOS

Nombre:

Dan + Nathalie Ortiz

Número de teléfono:

Correo electrónico:

Dirección y calles transversales más cercanas:

Para más información

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Díganos sus comentarios sobre el Borrador del EIR y el Plan Específico de SEDA

① Why are these Drop in mtgs?

② It is above 100° deg. in room for 7/24 mtg - Safety hazard

③ Oppose - water issues; sewage system; traffic + air quality issues due to increased traffic

④ Catastrophic to Arina Fambard - how is the beneficial

No more English Pancholo

Please tell us your comments on the SEDDA Draft EIR and Specific Plan

Where will the water come from, what will happen to all the remain and wild life in the area

COMMENT CARD



Name:

Kerth Tony Flores

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov



# COMMENT CARD

Name:

William (Bill) Beekman

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339



Adrienne.Asadoorian@fresno.gov



Please tell us your comments on the SEDA Draft EIR and Specific Plan

I oppose Annexation

1. Water Table drop from new Deep Wells

2. Crime

3. Increase Traffic

4. cost of Sewer connection <sup>we already</sup>

5. cost of water connection <sup>have</sup>

Please tell us your comments on the SEDDA Draft EIR and Specific Plan

I live here to NOT be in the city -

I don't want city water.

I don't want city sewage.

I don't want city gas.

I don't want city corruption.

I don't want city crime.

I don't want city housing.

I don't want city noise.

I don't want city regulations.

I don't want SEDDA!!!!



COMMENT CARD

Name:

Chris Montross

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov





# COMMENT CARD

Name:

Juanita Jungman

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Opposed to annexation  
Don't want to pay to hook up  
to city water & sewer. Don't  
want to have more housing  
around me. Concerned about  
crime & homeless camps  
moving in - Don't want  
additional taxes & I want  
to have my animals & farm  
land.

Please tell us your comments on the SEDA Draft EIR  
and Specific Plan

*How Many Residents  
are Currently in The Proposed  
9000 Acres?*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**COMMENT  
CARD**



**Name:**  
*Brett Thompson*

**Phone Number:**  
\_\_\_\_\_

**Email:**  
\_\_\_\_\_

**Address and Nearest Cross Streets:**  
\_\_\_\_\_  
\_\_\_\_\_

For more information  
 (559) 621-8339  
 [Adrienne.Asadoorian@fresno.gov](mailto:Adrienne.Asadoorian@fresno.gov)



# COMMENT CARD

Name:

Mark Reitz

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

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For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Thank you for considering the Consolidated

Business Park in Ch 5 of the EIR.

It is superior to the proposed land

use plan per Table 5.6 in EIR in

all categories. I will support this

Plan as shown in Exhibit 5-1.

Please have this plan at all future

meetings to show the public. The

people I spoke with all support it

over the proposed plan. This should

be emphasized as no one is finding

it in the 900 page EIR at the back.

Thanks, Good job. Sophia.

Please tell us your comments on the SEDA Draft EIR and Specific Plan

I support the land use plan for the consolidated Business Park in the proposed plan. The proposed plan has B, D Bus. Park in the wrong area east of Temperance between Jensen & the California Ave/ R/R alignment. This is not wanted by the land owners in this area & will definitely serve as a roadblock to development to the east. Thanks

# COMMENT CARD



Name:

Cherry Beitz

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov



# COMMENT CARD

**Name:**

Cathy Gilles

**Phone Number:**

[Redacted]

**Email:**

[Redacted]

**Address and Nearest Cross Streets:**

[Redacted]

For more information

(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

After reading just a small portion of the EIR, I'm disappointed that it's still moving forward! The EIR is to advise whether a project is appropriate & I'm thinking there's enough bad news in the EIR to stop this project from moving ahead.



# COMMENT CARD

Name:

ross1939@aol.com

Phone Number:

Email:

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For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDDA Draft EIR and Specific Plan

English of

How to Comment

on the ~~SE~~

EIR handout

pages ~~handout~~  
sheet



# COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

K. tonyflores@a  
 zimbracloud.com  
 email flyer  
 English "Que es  
 un 'informe' "

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# COMMENT CARD

Name:

Norman Winslow

Phone Number:

[REDACTED]

Email:

[REDACTED]

Address and Nearest Cross Streets:

[REDACTED]

For more information



(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

I DO NOT SEE ANY POSITIVE PERSONAL BENEFIT TO ANNEXATION. I DO SEE HIGHER CRIME, HIGHER CROWDING, LESS PRIVACY, HIGHER TAXES, LOSS OF CONTROL OF MY PROPERTY. MY FAMILY HAS OWNED OUR PROPERTY FOR 80 YEARS. IT IS NOT AVAILABLE TO FRESNO.

*Norman Winslow*



# COMMENT CARD

Name:

Andrea Wise

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

My thoughts are unique to many others as I currently farm across from the city on Tempeance, which will soon be houses. I do not want to farm across from houses and am not giving ~~support~~ and understand that this comp plan will go forward with or without support. My main personal concern is that I will be held to Industrial Use and can't or won't be able to sell to a housing developer. I do not understand why Flex research is around houses and not contained to one area

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Will we have to hook up to the sewer & water? If so when would that occur? What would be our cost to do this?



Name: MARIE POTTER

Phone Number: [Redacted]

Email: [Redacted]

Address and Nearest Cross Streets: [Redacted]

For more information (559) 621-8339 Adrienne.Asadoorian@fresno.gov



# COMMENT CARD

Name:

Rosa Blanco

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

1. Where will we live? If this plan goes through, we will be homeless.

2. What is the time frame for our area to be destroyed?

3. Will eminent domain be used by Parks + Rec?

4. Where will the elderly home owners be move to?

5. Why are you taking our homes to build more homes?

6. How much are the developers paying for our properties?

Please tell us your comments on the SEDA Draft EIR  
and Specific Plan

We are concerned and  
against the annexation of  
our property to the city of  
Fresno - water concerns and  
cost for hooking up to the  
city. Farmland will be lost  
in our area.

How many people, at the  
current time occupy the  
9,000 acres that are subject  
to annexation?



Name:

Gary & Mardys Hofer

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov



Please tell us your comments on the SEDA Draft EIR  
and Specific Plan

WHAT IS THE CURRENT POPULATION OF  
THE PROPOSED SEDA ANNEXATION?



**Name:** \_\_\_\_\_

Bill MISAKI

**Phone Number:** \_\_\_\_\_

\_\_\_\_\_

**Email:** \_\_\_\_\_

\_\_\_\_\_

**Address and Nearest Cross Streets:** \_\_\_\_\_

\_\_\_\_\_

For more information

(559) 621-8339

  Adrienne.Asadoorian@fresno.gov



# COMMENT CARD

Name:

Audrey Mandel

Phone Number:

[Redacted]

Email:

[Redacted]@com

Address and Nearest Cross Streets:

[Redacted]

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

- I am concerned about the cost of installing water and sewer.

- I have horses. I ~~want~~ want to continue to have horses.

- I am concerned about the crime that will come to the area with this plan



# COMMENT CARD

Name:

Andrea Montross

Phone Number:

[REDACTED]

Email:

[REDACTED]

Address and Nearest Cross Streets:

[REDACTED]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

No to Fresno City

No to city water

No to city sewage

No to natural gas

No to ~~city~~ PD

No to city fire

No to city crime

No to city population density

No to city homelessness

If I wanted to live in the city

I would move to the city.

NO TO ALEXATION/SEDA



# COMMENT CARD

Name:

Carol Blosser

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

The report says that the loss of prime agricultural land can not be mitigated, what is the loss based on or a money amount? Do you realize once the land is lost it can never be retrieved?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# COMMENT CARD

Name:

Carol Blosser

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Who is going to pay the estimated \$900 million this plan costs?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# COMMENT CARD

Name:

Carol Blosser

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

The report from the Irrigation District says that all of the canals have to be repiped if this plan goes through. Who will pay for this?

[Empty lines for additional comments]

Please tell us your comments on the SEDA Draft EIR  
and Specific Plan

Cathy Gilles

[Redacted]

[Redacted]

IS THIS PART IN

SEDA?

# COMMENT CARD



Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov



# COMMENT CARD

Name:

Chris Montross

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information



(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

The SEDA Draft EIR and Specific Plan have numerous environmentally damaging provisions with NO way to mitigate. These plans are climate damaging locally and globally.

There is NO "Applicant" to "Step 1:" of the "Annexation Process".

Please tell us your comments on the SEDA Draft EIR and Specific Plan



COMMENT CARD

Name:

Rosa Blanco

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

- 1. How much will it cost the home owners to connect to water sewer?
- 2. Does the valley have enough water for new development?
- 3. Do this plan on the west side.
- 4. This is hurting our property value.
- 5. Homes will be destroyed.
- 6. Elderly homeowners will be affected, this is elderly abuse.
- 7. We are opposed this plan - leave our area alone.



# COMMENT CARD

Name:

Andrea Mantross

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

[Redacted]

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

NO ANNEXATION!

Please tell us your comments on the SEDA Draft EIR and Specific Plan

There is no mitigation for the add'l pollution this plan will cause, per the report. This includes air, water, noise, etc.

Directly from the EIR, there is NO applicant identified. WHO IS THE APPLICANT?!

The EIR does not address the impact on native plant & wild life. Another environmental disaster.

357

Need more room for add'l comments



# COMMENT CARD

Name:

Henry Salazar

Phone Number:

[Redacted]

Email:

[Redacted]

Address and Nearest Cross Streets:

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For more information

(559) 621-8339



Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What mitigation efforts will happen to address traffic, noise, and air quality on the Peach Ave corridor between Butler & Jensen Aves? How will safety of pedestrians be addressed with the increased traffic? Will a concrete block fence be installed; as the new housing developments are required,



# COMMENT CARD

**Name:** \_\_\_\_\_

Robert Bethel

**Phone Number:** \_\_\_\_\_

\_\_\_\_\_

**Email:** \_\_\_\_\_

\_\_\_\_\_

**Address and Nearest Cross Streets:** \_\_\_\_\_

\_\_\_\_\_

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

What will be done to mitigate

Noise and air quality along

Peach Ave Between North of

Jensen and south of Kings

Lawyer Road? Is there a plan

to install a concrete block fence

as required for new housing

developments. Safety of pedestrians

and residents along Peach Ave

is paramount. There are car accidents

resulting in death; along Peach Ave

Noise is pollution & needs mitigation

Please tell us your comments on the SEDA Draft EIR and Specific Plan

Concerns the Park on Church and Reach. Concerns - traffic, noise pollution, air pollution,

# COMMENT CARD



Name: \_\_\_\_\_

Greg Vitucci

Phone Number: \_\_\_\_\_

[Redacted]

Email: \_\_\_\_\_

[Redacted]

Address and Nearest Cross Streets: \_\_\_\_\_

[Redacted]

For more information

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Adrienne.Asadoorian@fresno.gov



EIR Partial Recirculation: October 3 –  
November 17, 2023

PATIENCE MILROD

LAWYER/LICENCIADA EN LEYES

November 6, 2023

City of Fresno  
c/o Adrienne Asadoorian, Planner  
2600 Fresno Street  
Third Floor, Room 3065  
Fresno, CA 93721

Sent by email: [adrienne.asadoorian@fresno.gov](mailto:adrienne.asadoorian@fresno.gov)

RE: Supplemental Public Comment on Southeast Development Area Plan and Partial Recirculated Draft Program Environmental Impact Report

Clearinghouse Number 2022020486 dated July 14, 2023 and October 3, 2023

Dear Ms. Asadoorian:

On behalf of the Fresno Madera Tulare and Kings Counties Central Labor Council, the Central Valley IAF, and Regenerate California Innovation (RCI), please incorporate the following comments regarding the City's Southeast Development Area Specific Plan and draft Program Environmental Impact Report into the record of this matter.

**Joinder in other public comment**

As a preliminary matter, my clients join in the comments submitted to date, as well as any additional comments made through the end of the public comment period at the close of the City Council's final hearing on the Project. Of the 358 pages of comments available for review, only one was made after August 28, and that by previous arrangement with City staff. Because comments made after August 28, 2023 have not been made available to the public, this inclusion by reference cannot be specific as to commenter or comment.

Of the comments available for review, my clients do not join the following: BIA letter dated August 25, 2023; emails from Mark and Dale Reitz, dated August 19, 2023; Granville Homes letter dated August 22, 2023; email submitted on behalf of Harrison Farms by Arakel Arisian, dated August 25, 2023.

**Partial Recirculated Draft Program EIR**

My clients have no comments on the Geology, Soils, and Seismicity chapter included in the recirculated draft.

As to the amended Transportation and Traffic chapter, the only identifiable difference between the original and the recirculated Draft PEIR was the queuing analysis added at the behest of

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California Department of Transportation (CalTrans). However, the recommendation to perform a queuing analysis was only the first of many issues CalTrans raised in its comment letter. CalTrans' other recommendations generated no corrective action: for better planning (the SEDA plan should require multimodal methods), better mitigation (the City needs to develop and apply policies for EV charging stations), and better data:

The preparer of the VMT Analysis concluded that the VMT per Service Population in the SEDA project region will fall from 45.72 to 5.07 when the project is completed in 2035. The move from a primarily rural location (as the SEDA project area is now) to a developed urbanized mixed-use site results in a significant drop in VMT. Additionally, the VMT Analysis preparer claims that this is attributable to residents and employees being better connected to jobs and services within the SEDA project area, reducing travel times on both the production (residential) and attraction (commercial) sides. Conversely, the Year 2035 No Project Conditions VMT for the SEDA Project Area is 371,397 per Table 7. Table 10 presents the Year 2035 With Project Conditions VMT for the SEDA Project Area is 974,369. This translates to *a net VMT increase of 162.35%*.

In theory, the relationship between production (residential) and attraction (commercial) may minimize VMT at full buildout; *nevertheless, a typical land-use plan buildout begins with the production (residential), followed by the attraction (commercial). The concern is that the attraction (commercial) will develop slowly over time, causing a VMT impact in the SEDA region.*<sup>1</sup>

Based on its review of the PEIR's VMT Analysis, CalTrans recommends the City do the queue analysis it has now actually performed. Thus, although the Recirculated Draft PEIR does not correct its indefensible VMT numbers, it effectively acknowledges the accuracy of CalTrans' VMT analysis over its own.

A 162% increase in VMT produces its own massive air quality impacts, in the form of pollutants, and consequent human health impacts. To reduce those environmental impacts, the PEIR is required to impose feasible mitigation, which it does not even attempt to do. CalTrans' letter, at page 3, goes on to identify *eight* separate VMT mitigation strategies—none of which has been explored, discussed, or included as an enforceable condition of SEDA project entitlements in the Recirculated Draft Program Environmental Impact Report.

The Draft PEIR must be still further revised, and recirculated to the public and public agencies for additional comment. Please include my clients (see cc's, below) and me on the notification list for next steps in this process. Thanking you for your attention to these matters, I remain,

Very truly yours,

*Patience Milrod*

PATIENCE MILROD

Attorney for Central Valley IAF, Fresno Madera  
Tulare and Kings Counties Central Labor Council,  
and Regenerate California Innovation

---

<sup>1</sup> CalTrans' August 25, 2023 comment letter, pp. 2-3 [emphasis added].

cc: Dillon Savory, Fresno Madera Tulare and Kings Counties Central Labor Council, by email to [dsavory@myunionworks.com](mailto:dsavory@myunionworks.com)  
Keith Ford, Central Valley IAF, by email to [theabsolutmoose@gmail.com](mailto:theabsolutmoose@gmail.com)  
Keith Bergthold, Regenerate California Innovation (RCI), by email to [keith@regenerateca.org](mailto:keith@regenerateca.org)  
Jennifer Clark, Development Director, by email to [Jennifer.Clark@fresno.gov](mailto:Jennifer.Clark@fresno.gov)  
Sophia Pagoulatos, Manager of Long-Range Planning, by email to [Sophia.Pagoulatos@fresno.gov](mailto:Sophia.Pagoulatos@fresno.gov)  
Andrew Janz, City Attorney, by email to [Andrew.Janz@fresno.gov](mailto:Andrew.Janz@fresno.gov)



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November 7, 2023

Via Email: Adrienne.Asadoorian@fresno.gov  
Jennifer.Clark@fresno.gov  
Sophia.Pagoulatos@fresno.gov

City of Fresno  
Planning and Development Department  
Adrienne Asadoorian, Planner III  
2600 Fresno Street, Room 3065  
Fresno, CA 93721

With a copy to  
Jennifer Clark, Director  
Planning and Development Department  
c/o Sophia Pagoulatos, Planning Manager  
2600 Fresno Street, Room 3065  
Fresno, California 93721

**SUBJECT:** Partial Recirculated Draft Program Environmental Impact Report for  
the Proposed Southeast Development Area Specific Plan Project (State  
Clearinghouse No. 2022020486)

This comment letter is being submitted on behalf of our client, the County of Fresno (the "County") Department of Public Works and Planning regarding the City of Fresno's (the "City") Partial recirculated Draft Environmental Impact Report ("DEIR") for the Southeast Development Area Specific Plan Project (the "Specific Plan"), which is intended to govern future development of the area commonly referred to as SEDA (the "Project"). Please ensure this letter and its referenced enclosures are included in the Record of Proceedings regarding the consideration of the Project by the City of Fresno (the "City").

A. The Recirculated Materials to Not Fix All of the Deficiencies in the DEIR's Transportation and Traffic Analysis.

In our prior comment letter to the originally circulated DEIR, we noted that the Project lacked sufficient planning details to permit an adequate analysis in the DEIR of the Project's potentially significant environmental impacts. Among those inadequacies is the fact that the Specific Plan does not indicate how such infrastructure is designed to integrate with the intensity of the intended development, because important facets of that density is deferred to a future SEDA Development Code update. We further noted that the actual impact on existing roadways (including intersections) is nowhere detailed in either the Specific Plan or its DEIR, presumably because, without any understanding of the density of developments in the land use designations, the projected traffic demands on specific roadways cannot be fairly estimated. As an example of that deficiency we also noted that the queuing analysis for impacts on the State High system interchanges, requested by Caltrans in its Comment Letter dated August 25, 2023, was not prepared.

The recirculated materials now include the previously omitted queuing analysis. However, that analysis is based on modeling data that apparently does not incorporate specific densities of specific land areas. This is confirmed by the statement in Section 3.6.5 of the Recirculated materials which cautions that “*As previously discussed, the proposed project does not approve or entitle any specific development and specific project design is unknown at this time.*” Therefore the primary point of our prior criticism, that the Project lacks sufficient planning details to permit an adequate analysis of the Project’s potentially significant environmental impacts, remains unaffected by the inclusion of the previously omitted queuing analysis.

Other inconsistencies in the Recirculated DEIR materials also remain. For instance, page 3.6-30 of the Recirculated materials states that the Project will be consistent with the City’s General Plan policy of planning and designing roadway systems to meet LOS D on major roadways. Page 11 of the Traffic Impact Analysis says that the relevant General Plan policy is that a standard of E or better for all roadway segments is to apply.

At its page 3.4-27 Recirculated DEIR materials state that the Project’s standard is to provide for LOS E at peak hour impacts, rather than LOS D. Further, at page 3.3-22 the analysis includes Policy UF-6.1, which states that for arterials, collectors and local streets (both intersections and segments) at peak traffic hours, LOS E applies, but that LOS F would apply in areas with transit, including in an around mixed use districts. This standard is driven by a stated goal of not having more than four through lanes on the roadway facilities (other than portions of Jensen and Temperance).

At page 11 of the Traffic Impact Analysis, it states that the SEDA project is located in Traffic Impact Zone IV. However, at page 3.4-27 of the Partially Recirculated Materials, it states that SEDA is located in Traffic Impact Zone III (which it also labels as TIZ II).

We understand that the traffic impact analysis indicates that none of the road segments it evaluated would fall below LOS D. However, no analysis was set forth for any relevant intersections other than those requested by Caltrans in the recently distributed queuing analysis. The hazard analysis intended by the DEIR is therefore inadequate because of the lack of the intersection LOS analysis.

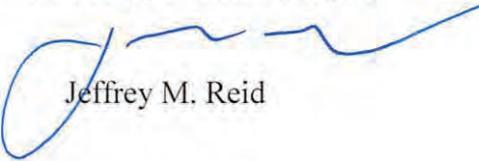
In addition, based on the above inconsistent statements about the applicable regulatory standard, it is not clear what LOS standard would apply, if and when an appropriate intersection analysis is conducted. Further, it appears that the lack of an intersection analysis of LOS standards is due to the lack of fully determined density standards and land uses applicable to various elements of the Project, which the City intends to defer until the adoption of a future SEGA development code. It is also therefore unclear how the queuing analysis or the road segment analysis that are included have sufficient information to provide an adequate analysis of the impacts, regardless of the uncertainty of the LOS Standards that the DEIR intends to apply.

**B. Conclusion.**

Based on the foregoing, we respectfully renew our request that the City not consider the Project DEIR until after there have been appropriate updates to the Specific Plan and the DEIR, to address the matters detailed above and in our prior comment letter.

City of Fresno  
Planning and Development Department  
November 7, 2023  
Page 3

Sincerely,  
McCORMICK, BARSTOW, SHEPPARD,  
WAYTE & CARRUTH LLP



Jeffrey M. Reid

cc: Bernard Jimenez, Planning & Resource Management Officer  
Fresno County Department of Public Works and Planning

November 8, 2023

City of Fresno  
Planning and Development Department  
c/o Adrienne Asadoorian, Planner  
2600 Fresno Street, Room 3065  
Fresno, CA 93721

Dear Ms. Asadoorian:

Reviewing the revised EIR, I note that the description of Temperance Ave. has been changed only with the addition of '45' to the speed limit. Nothing else was changed. All previous challenges to the description made in my previous comments of July 24, 2023 and letter of September 27, 2023 to the Mayor and City Council Members remain.

1, Temperance Ave. is not now and never has been a four-lane super arterial.

2. The speed limit in front of my house is 55 mph. Three lots south of my house is a sign reading 'END 45'.

3. Land adjacent to Temperance Ave., with the exception of Sunny Farms at Butler Ave., is not now farmland. It is and has been, for decades, rural residential.

While the expansion of Temperance Ave. has been in the Master Plan for decades, it is unlikely to ever happen simply because Fresno depends on developers to expand roadways. Since the area around Temperance Ave. is almost fully built-out there is nowhere Fresno can obtain the tens of millions of dollars required for not only construction but property acquisition as well.

It is quite obvious that, once again, no on-site research has been done. Once again, I must say, if something so minor cannot be corrected, the validity of the entire EIR must be questioned.

Such sloppy and/or absent research should be neither tolerated nor accepted.

Thank you,



Ross & Marie Potter  
1598 N. Temperance Ave.  
Fresno, CA 93727559-252-2085



November 10, 2023

City of Fresno  
Planning and Development Department  
Adrienne Asadoorian, Planner III  
2600 Fresno Street, Room 3065  
Fresno, CA 93721

RE: Proposed Partial Recirculated Draft Program Environmental Impact Report for the Southeast Development Area (State Clearinghouse No. 2022020486)

ATT: Adrienne Asadoorian

Thank you for recirculating the Draft Program Environmental Impact Report (DEIR) with the missing Chapter on Soils and the queue analysis of State Highway 180 interchanges for public comment.

However, the recirculated materials do not fix all of the deficiencies in the DEIR's transportation and traffic analysis. We agree with the issues raised in the County of Fresno's letter (attached for your reference) regarding the inconsistent application of LOS, inadequate queuing analysis for impacts on the State Highway system because the modeling data does not incorporate specific densities of specific land uses, as the SEDA Development Code has yet to be adopted, and the failure to study relevant intersections other than those requested by Caltrans.

The Specific Plan and DEIR should not be considered until the City addresses the inadequacies and inconsistencies in the Specific Plan and DEIR.

Respectfully,

Sue Williams  
Corresponding Secretary

Cc: Sophia Pagoulatos, Planning Manager

Attachments: County of Fresno letter dated October 2023

## California Department of Transportation

DISTRICT 6 OFFICE  
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616  
(559) 981-7284 | FAX (559) 488-4195 | TTY 711  
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November 17, 2023

FRE-180-64.104  
Southeast Development Area  
Re-circulated Draft Environmental Impact Report (DEIR)  
SCH #2022020486  
GTS #: <https://ld-igr-gts.dot.ca.gov/district/6/report/28801>

### **SENT VIA EMAIL**

Mx. Adrienne Asadoorian, Planner  
City of Fresno  
2600 Fresno Street  
Fresno, CA 93721  
[adrienne.asadoorian@fresno.gov](mailto:adrienne.asadoorian@fresno.gov)

Dear Mx. Asadoorian:

Caltrans has completed our review of the Re-circulated Draft Environmental Impact Report (DEIR) for the Southeast Development Area (SEDA) in the City of Fresno.

The proposed development area covers nearly 9,000 acres. It is bounded on the north by the Gould Canal, on the east by McCall and Highland Avenues, on the south by Jensen and North Avenues, and on the West by Locan, Temperance, and Minnewawa Avenues.

The mission of Caltrans is to provide a safe and reliable transportation network that serves all people and respects the environment. The Local Development Review (LDR) process reviews land use projects and plans through the lenses of our mission and state planning priorities of infill, conservation, and travel-efficient development. To ensure a safe and efficient transportation system, we encourage early consultation and coordination with local jurisdictions and project proponents on all development projects that utilize the multimodal transportation network.

Caltrans provides the following comments consistent with the State's smart mobility goals that support a vibrant economy and sustainable communities:

All comments from our previous letter dated August 25th, 2023, regarding the VMT Analysis Comments, still apply.

#### SR 180 Interchange Queuing Analysis

1. This document provided a peak hour ramp queue analysis at the following State Route 180 interchanges: Clovis Avenue, Fowler Avenue, and Temperance Avenue. It also provided a peak hour queue analysis at the De Wolf Avenue, Highland Avenue, and McCall Avenue intersections along State Route (SR) 180.

The results of this analysis are listed in Table 3-8: 2035 Project and No Project Queue Analyses Results within the document. A substantial amount of the data in Table 3-8 needs to be more accurate. The following irregularities were observed:

- A. Odd lane utilization on adjacent turn lanes (e.g., PM Peak Eastbound Clovis Avenue off-ramp, Left (pocket) versus Left (full lane) and PM Peak Eastbound Temperance Avenue off-ramp, Left (pocket) versus Left (full lane)).
  - B. Low queue lengths are listed at the Eastbound Fowler Avenue off-ramp left-turn lanes. Given the location of this development area, this off-ramp would be expected to receive many project-generated trips with the resulting vehicle queues.
  - C. Heavy reductions in queue lengths from “No Project Conditions” to “Proposed Project Conditions” at the Clovis Avenue interchange off-ramps.
  - D. Change values at the McCall Avenue intersection do not show the correct difference between “No Project Conditions” and “Proposed Project Conditions” queue lengths.
2. Given the irregularities, **it is recommended that the values in Table 3-8 be re-examined and updated where required.** Since the Project Specific Mitigation Measures were primarily based on Table 3-8 data, mitigation measures should also be re-examined.
  3. Table 3-8 also utilized the full length of the off-ramp as available vehicle storage. This practice neglects the deceleration length needed by high-speed vehicles to come to a stop. The deceleration length should be accounted for on each off-ramp as provided in the Caltrans Highway Design Manual Figure 504.2B (single-lane exit) and Figure 504.3K (two-lane exit).
  4. This document’s Project Specific Mitigation Measures MM TRANS-3a and MM TRANS-3c propose the restripe of the eastbound State Route (SR) 180 off-ramp lane configurations at Clovis Avenue and Temperance Avenue. The alteration proposes to replace the existing two left-turn lanes and two right-turn lanes configuration with one left-turn lane and three right-turn lanes. The need for dual left turn lanes at each off-ramp was established during the development of those improvements. The additional capacity needed for right-turns at each ramp should be made through widening, not reducing left-turn capacity.

**A cost estimate to be included in a traffic impact fee program should be prepared once the values in Table 3-8 are reevaluated and updated and the mitigation strategies are revised.**

#### Funding for Developer-Driven Impacts to State Facilities

1. The Interregional Transportation Strategic Plan does not designate SR 180 as a High Emphasis Focus Route, so the State’s portion of the State Transportation Improvement Program cannot be used to fund improvements to the SR 180 interchanges. Possible funding sources include Measure C, the Traffic Signal Mitigation Impact Fee (TSMIF) of the City of Fresno, the Regional Transportation

Mitigation Fee (RTMF) of Fresno County, the Regional Improvement Program, developer mitigation, etc. To deliver "needed" projects, infrastructure improvements in today's funding environment frequently require a variety of funding sources. The City of Fresno should mitigate since the SEDA creates the need for improvements.

2. Caltrans should be involved in reviewing any proposed new developments within the SEDA that would impact SR 180. **It is recommended that any proposed new developments that would impact SR 180 mitigate their impacts by including them in the next updates to Measure C, Fresno County's RTMF, and the City of Fresno TSMIF.** This would ensure the maintenance and improvement of the State facilities due to the absence of an all-inclusive fee program.

If you have any other questions, please call or email Keyomi Jones, Transportation Planner, at (559) 981-7284 or [keyomi.jones@dot.ca.gov](mailto:keyomi.jones@dot.ca.gov).

Sincerely,



Mr. Dave Padilla, Branch Chief,  
Transportation Planning – North

C: Sophia Pagoulatos, Planning Manager, City of Fresno



EIR Full Recirculation: February 7 – March 24,  
2025

From: [Todd Stermer](#)  
To: [Adrienne Asadoorian](#)  
Cc: [Sophia Pagoulatos](#)  
Subject: FW: SEDA  
Date: Tuesday, March 25, 2025 2:53:54 PM

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Below, please find SEDA comments received today, March 25, 2025 at 12:44 P.M.

Best,

Todd Stermer, MMC  
City Clerk  
559-621-7650

-----Original Message-----

From: Bruce Jewell [REDACTED]  
Sent: Tuesday, March 25, 2025 12:44 PM  
To: Miguel Arias <[Miguel.Arias@fresno.gov](mailto:Miguel.Arias@fresno.gov)>; Nelson Esparza <[nelson.esparza@fresno.gpv](mailto:nelson.esparza@fresno.gpv)>; Mike Karbassi <[Mike.Karbassi@fresno.gov](mailto:Mike.Karbassi@fresno.gov)>; Tyler Maxwell <[Tyler.Maxwell@fresno.gov](mailto:Tyler.Maxwell@fresno.gov)>; Annalisa Perea <[Annalisa.Perea@fresno.gov](mailto:Annalisa.Perea@fresno.gov)>; Nick Richardson <[Nick.Richardson@fresno.gov](mailto:Nick.Richardson@fresno.gov)>; Todd Stermer <[Todd.Stermer@fresno.gov](mailto:Todd.Stermer@fresno.gov)>  
Subject: SEDA

External Email: Use caution with links and attachments

The Fresno City Council will be considering the SEDA Project. As a third generation Fresno resident I have watched the city deteriorate over my life time. The air quality has worsened to the point that we experience the worst asthma rates in the nation. I have to navigate potholes in the streets around my home in north Fresno, and the prime farmland which is vital to our economy and beneficial to the environment is being covered by housing projects.

The SEDA Project would only worsen these problems. Moreover as billion dollar bonds will be required you are asking the people of Fresno to pay for a project which will be more damaging than helpful to our city. I believe money spent should be spent on the necessary upgrades to the city's infrastructure, for example potholes, and devoted to infill housing projects.

Sincerely,

Bruce Jewell

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March 24, 2025

Sophia Pagoulatos, Planning Manager  
Planning & Development Department  
City of Fresno  
2600 Fresno Street, Room 3065  
Fresno, CA 93721  
[longrangeplanning@fresno.gov](mailto:longrangeplanning@fresno.gov)

**Submitted Electronically**

**RE: Recirculated Draft Environmental Impact Report for Specific Plan for the Southeast Development Area**

Dear Ms. Pagoulatos:

I write today on behalf of INVEST Fresno, a coalition of residents, businesses, and community organizations committed to building a diverse and sustainable economy in Fresno, to submit comments on the Recirculated Draft Environmental Impact Report (“RDEIR”) for the Southeast Development Area Specific Plan (“SEDA”) that is currently being proposed by the City of Fresno.

INVEST Fresno is aligned in our position with the letter and recommendations submitted by John Kinsey, with Wanger Jones Helsley PC.

Generally, INVEST Fresno supports and applauds the City’s stated intent to bring “45,000 homes and 37,000 jobs” to the plan area by 2050. However, we share particular concern regarding the definition of Flexible Research and Development, which does not appear to include job-creating land uses such as light or heavy industrial.

Most manufacturing uses fall within the definition of “General Industrial.” However, most of the land use designations that could fall within the Flexible Research and Development Districts do not allow General Industrial uses. And those that do, such as the Regional Business Park and Business Park zoning districts, require that new or expanded manufacturing uses—no matter how small—go through the conditional use permit (CUP) process, which in the City of Fresno typically means a full EIR must be prepared. For all but the largest manufacturing projects, a CUP requirement will render a new manufacturing project non-viable.

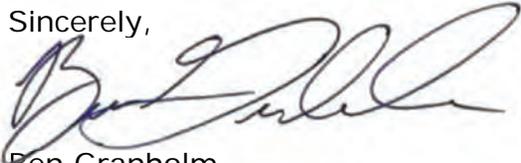
Further, to the extent the Flexible Research and Development District does not allow Light Industrial and Heavy Industrial land uses, the SEDA would not include any such uses, and the SEDA would have the opposite effect of increasing land zoned for economic development and job creation purposes. Indeed, the downzoning of properties away from heavy and light industrial land uses within the

SEDA—combined with the City’s limited opportunities for industrial growth or expansion—would consequently steer existing and potential economic investment elsewhere.

A well-balanced land use plan that includes job creation and other tax-generating uses is essential to strengthening the City’s economic standing. Job-creating industries not only provide stable employment opportunities for Fresno residents but also generate critical revenue through sales taxes, business license fees, and property taxes. This revenue directly funds essential public services, including public safety, infrastructure improvements, and community programs. By ensuring that the SEDA includes a mix of land uses that promote job creation and economic development, the City can secure long-term financial stability.

If you would like to discuss this matter further, please do not hesitate to contact Ben Granholm at [REDACTED]. We look forward to working with you and staff to help keep Fresno’s economy moving.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ben Granholm", written over a light blue circular stamp.

Ben Granholm  
[REDACTED]

cc: Jerry Dyer, Mayor  
Georgeanne White, City Manager  
Councilmembers, City of Fresno



March 24, 2025

*Sent via email*

City of Fresno  
Planning and Development Department  
Sophia Pagoulatos, Planning Manager  
2600 Fresno Street, Room 3065  
Fresno, CA 93721  
[longrangeplanning@fresno.gov](mailto:longrangeplanning@fresno.gov)

**Re: Recirculated Program Environmental Impact Report for the Fresno Southeast Development Area Specific Plan (SCH # 2022020486)**

Dear Ms. Pagoulatos:

These comments are submitted on behalf of the Center for Biological Diversity (the “Center”) regarding the Recirculated Program Environmental Impact Report for the Fresno Southeast Development Area Specific Plan (SCH # 2022020486) (the “Project”). The Center has reviewed the Recirculated Program Environmental Impact Report (“EIR”) closely and is concerned about errors in the Project’s biological resources analysis, inadequate consideration of water supply impacts, staggering air quality impacts that will not be mitigated, and inadequate analysis and mitigation of significant greenhouse gas impacts. The Center urges the City of Fresno to revise the EIR to disclose and analyze these impacts and mitigate accordingly.

The Center is a non-profit, public interest environmental organization dedicated to the protection of native species and their habitats through science, policy, and environmental law. The Center has over 1.7 million members and online activists throughout California and the United States. The Center has worked for many years to protect imperiled plants and wildlife, open space, air and water quality, and overall quality of life for people in Fresno County.

**I. THE EIR LACKS AN ADEQUATE ANALYSIS OF AND MITIGATION FOR THE PROJECT’S IMPACTS TO BIOLOGICAL RESOURCES.**

The EIR fails to adequately describe and analyze the Project’s impacts to special-status species in and near the Plan area. The EIR also fails to mitigate the Project’s significant impacts to local and regional wildlife connectivity.

**A. The EIR Fails to Adequately Analyze and Mitigate the Project’s Impacts to Birds that Occupy Agricultural Lands**

Many bird species throughout North America area experiencing declines. The widely-publicized results of a 2019 research study showed that nearly three billion birds have been lost in the last half-century, with grassland birds experiencing the heaviest losses (Rosenberg et al., 2019). Threats to birds are numerous and complex, and include habitat loss, pesticide and rodenticide use, urban and agricultural development, and climate change, among others.

Although the intensification of agriculture throughout the United States has contributed to these declines (Stanton et al., 2018), some species—including numerous sensitive and special-status birds—are able to use agricultural lands as nesting and/or foraging habitat (Iglay et al., 2017). For example, white-faced ibis, long-billed curlew, and Swainson’s hawk all depend to various extents on alfalfa fields for wintering, breeding, and foraging habitat respectively (Hartman & Kyle, 2010). While species richness is lower in agricultural landscapes than intact native habitats, diverse bird communities can still exist in orchards and vineyards. For example, a study of bird community composition across different types of orchards and vineyards in Australia observed 56 species in almond orchards and 48 in vineyards (Luck et al., 2015). As noted in the EIR, orchards make up the majority of the existing landscape of the Plan Area (EIR at 3.4-7), and destruction of these landscapes may have significant impacts on native birds.

The EIR acknowledges that Swainson’s hawk and tricolored blackbird may occur in the Plan Area. (EIR at 3.4-9.) If these species (or any other native birds) are present, it is likely that they are using agricultural landscapes for foraging, wintering, and potentially nesting habitat. Conversion of agricultural land to other land uses is therefore extremely likely to impact these species, yet the EIR failed to acknowledge this and failed to provide any analysis on the impacts of agricultural land loss to these species whatsoever. The EIR therefore fails to sufficiently analyze and mitigate its impacts in violation of CEQA.

### *Burrowing Owl*

The EIR misrepresents the status of burrowing owls. Burrowing owls are not a special-status species (EIR at 3.4-9), they are a listed species, with all the attendant protections. The California Department of Fish and Wildlife (CDFW) made the Western Burrowing Owl a candidate for listing under the California Endangered Species Act (CESA).<sup>1</sup> As a candidate species, the Western Burrowing Owl now has full protection of a threatened species under CESA. Take of any endangered, threatened, or candidate species that results from a project is prohibited, except as authorized by State law (Fish & G. Code, §§ 86, 2062, 2067, 2068, 2080, 2085; Cal. Code Regs., tit. 14, § 786.9.)

Burrowing owls have experienced significant declines in California. The Southwestern California population, which includes burrowing owls local to the Project area, along with two other populations, was recently petitioned for listing as endangered under CESA due to substantial population declines. As the petition states:

Burrowing owls were historically abundant throughout Southwestern California. Focused surveys from 1991-1993 estimated 263 pairs in the region (227 in the interior and 36 on the coast), a 57-85% decline since the mid-1980s... Resurvey efforts from 2006-2007 estimated 150 pairs in the interior, a further 34%

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<sup>1</sup> <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=227089&inline>

decline... Significant breeding populations remained in western Riverside and southwestern San Bernardino counties, where further recent declines have been documented and long term persistence is unlikely. Southwestern California owls are threatened by urban development, habitat loss, degradation and fragmentation, ground squirrel eradication, coastal predator management, and disturbance. (Miller, 2024).

Any impacts to burrowing owls in the Project area, including loss of current or potential habitat and further habitat fragmentation, will push this population closer to extinction. Harm prevention is especially essential for this species, as scientists have never successfully reintroduced burrowing owls to a location where they have been extirpated, partly due to the owl's strong fidelity to burrow sites. Owls regularly reuse burrows from one year to the next, and prefer not to move to a different burrow, especially during nesting season. Adding more intensive development will hurt this protected species.

The City must recirculate the EIR to acknowledge the listen status of burrowing owls and properly mitigate impacts to avoid take.

#### *Swainson's Hawk*

As the EIR acknowledges, the Specific Plan could result in approximately 5,000 acres of farmland being converted to urban uses. The EIR wholly fails, however, to address the importance of these agricultural lands as nesting and foraging habitat for the Swainson's hawk, a highly migratory raptor species known to occur in the Specific Plan area. (EIR at 3.4-14.) The Swainson's hawk is listed as a threatened species under the California Endangered Species Act. The EIR does not disclose the potential impact to Swainson's hawks due to the loss of agricultural lands, nor does it evaluate potential mitigation measures for this impact. While the EIR discusses measures to mitigate the loss of farmland, it does not address the value of the lost farmland to Swainson's hawks, and measures that may mitigate the agricultural impact will not necessarily address the biological impact. The EIR should be revised and recirculated to fully disclose and mitigate the Specific Plan's impacts to Swainson's hawks.

#### **B. The EIR's Mitigation for Impacts to Biological Resources is Inadequate and Improperly Deferred.**

Although the Project will have significant impacts on special-status species, the EIR includes no specific or enforceable mitigation measures. The mitigation merely says that take will be "avoided to the greatest extent feasible," if it is unavoidable, further mitigation will be developed by the developer and the City in consultation with CDFW. (EIR at 3.4-31-33.) None of the mitigation measures address any species specifically.

The EIR provides insufficient detail for the public and decision makers to ascertain whether such measures would adequately mitigate the Project's impacts to biological impacts *before* the Project is approved. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [EIR inadequate where the success or failure of mitigation efforts "may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR"]. This improperly deferred mitigation violates CEQA. (see *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 670 [EIR inadequate where the success or failure of mitigation efforts "may

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largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR”). In the limited circumstances in which deferred mitigation is appropriate, the agency must meet all of the following elements: (1) practical considerations prevented the formulation of mitigation measures during the planning process; (2) the agency committed itself to developing mitigation measures in the future; (3) the agency adopted specific performance criteria prior to project approval; and (4) the EIR lists the mitigation measures to be considered, analyzed, and possibly incorporated into the mitigation plan. (See *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 736-37 [review denied].) As courts have pointed out “[f]undamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval, but rather, an open process that also involves other interested agencies and the public.” (*Communities for a Better Environment v. City of Richmond*, (2010) 184 Cal.App.4th 70, 93.) The EIR contains no reason why mitigation measures cannot be developed now and does not include specific performance criteria. It violates CEQA and must be revised and recirculated to provide evidence of mitigation now—not in a negotiation between the developer and the agency after approval.

## **II. THE EIR’S ANALYSIS AND MITIGATION OF WATER SUPPLY IMPACTS IS INADEQUATE.**

California is facing unprecedented challenges in its effort to allocate and conserve limited water resources, especially as water supply dwindles in the face of climate change and population growth. Studies predict that in the next 35 to 60 years, if emissions of carbon dioxide and other greenhouse gases continue unchecked, the American West’s snowpack will continuously shrink, disappearing for a decade or more at a time. (Siirila-Woodburn et al., 2021) Groundwater reserves in the Central Valley have been declining over the past decades, and without proper mitigation, that decline will continue at an accelerated rate due to climate change. (Alam et al., 2019) Consequently, a recent Executive Order from Governor Newsom declared that California must “redouble near-, medium-, and long-term efforts to adapt its water management to a changing climate, shifting precipitation patterns, and water scarcity.” (Executive Order N-7-22 (2022).)

Fresno must engage in a meaningful analysis of climate change’s effects on water resources that is in step with evolving scientific knowledge and state regulatory schemes, and include that analysis in its discussion of water supply for the Project. (*Natural Resources Defense Council v. Kempthorne* (2007) 506 F.Supp.2d 322, 369; *County of Butte*, 90 Cal.App.5th at 162, internal citations omitted; *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497, 504.) Considering that both groundwater and surface water supplies will be negatively impacted by climate change, the EIR must discuss what measures will be implemented to ensure that future water needs will be met.

The EIR concludes that the City’s existing water supplies will be adequate to serve future development under the Specific Plan, which could include 45,000 new residential units by 2050, while still meeting existing demands (EIR at 3.18-67). Accordingly, the EIR does not evaluate the Specific Plan’s environmental consequences of obtaining new water sources, or its impacts on existing residents.

The EIR’s analysis considers potential water availability during wet, dry, and multiple dry years, but its conclusion assumes that the City’s long-term average water supply obtained from surface water sources will remain relatively stable. According to Appendix F at p. 6-17 (Water Technical Study), the City’s allocation of Fresno Irrigation District water diverted from Kings River is projected to remain at a steady percentage of the average Fresno Irrigation District deliveries between 1964 and 2019—453,800 acre-feet per year. This assumption is likely invalid in light of the foreseeable effects of climate change. Indeed, it is directly inconsistent with the acknowledgment elsewhere in the EIR that “By 2050, the average water supply from snowpack is projected to decline to two-thirds from historical levels. If emissions reductions do not occur, water from snowpack could fall to less than one-third of historical levels by 2100” (EIR at 3.8-10.)

If the anticipated decline in surface water supplies due to climate change are considered in the Specific Plan’s water supply analysis, the Specific Plan’s water demand is likely to result in a significant shortfall in water supplies. The EIR should be revised and recirculated to address the foreseeable effects of climate change on water supply available for development pursuant to the Specific Plan.

### **III. THE EIR’S ANALYSIS AND MITIGATION OF AIR QUALITY IMPACTS IS INADEQUATE.**

Air quality is a significant environmental and public health concern in California. Unhealthy, polluted air contributes to and exacerbates many diseases and increases mortality rates. The U.S. government has estimated that between 10 to 12 percent of total health costs can be attributed to air pollution. (Ventura County Air Pollution Control District, 2003) Greenhouse gases, such as the air pollutant carbon dioxide, which is released by fossil fuel combustion, contribute directly to human-induced climate change, and in a positive feedback loop, poor air quality that contributes to climate change will in turn worsen the impacts of climate change and attendant air pollution. (Bay Area Air Quality Management District, 2016)

Air pollution and its impacts are felt most heavily by young children, the elderly, pregnant women and people with existing heart and lung disease. People living in poverty are also more susceptible to air pollution as they are less able to relocate to less polluted areas, and their homes and places of work are more likely to be located near sources of pollution, such as freeways or ports, as these areas are more affordable. (American Lung Association, 2024) Some of the nation’s most polluted counties are in the Central Valley. (*Ibid.*) According to the American Lung Association’s 2024 “State of the Air” report, Fresno County is the second-worst county in the country for particle pollution and sixth-worst county in the country for ozone pollution. (*Ibid.*) Even more disturbing, the same report found that Fresno County is one of only thirty counties in the country that received a “Fail” grade in all air quality metrics. (*Ibid.*)

Although there are many different types of air pollution, ozone, PM2.5, and toxic air contaminants (TACs) are of greatest concern in Fresno County. These three air pollutants have been linked to an increased incidence and risk of cancer, birth defects, low birth weights and premature death, in addition to a variety of cardiac and lung diseases such as asthma, COPD,

stroke and heart attack. (American Lung Association, 2024; Laurent et al., 2016) Ozone (commonly referred to as smog) is created by the atmospheric mixing of chemicals released from fossil fuel combustion – such as reactive organic gases (ROG) and nitrogen oxides (NOx) – and sunlight. Although it is invisible, ozone poses one of the greatest health risks, prompting the EPA to strengthen its National Ambient Air Quality Standard for Ozone in 2015. (American Lung Association, 2024.) PM2.5 is a common component of vehicle exhaust emissions and contributes to visible air pollution. These tiny particles are dangerous because they are small enough to escape our body’s natural defenses and enter the blood stream. Fugitive dust is a term used for fine particulate matter that results from disturbance by human activity such as construction and road-building operations. (VCAPCD 2003.) TACs are released from vehicle fuels, especially diesel, which accounts for 70% of the cancer risk from TACs. (CARB, 2022)

Air quality analysis and mitigation is crucial here because, by the EIR’s own admission, the Project will emit staggering levels of air pollutants. The VOC emissions will exceed the significance threshold by over one hundred times during operations. The NOx emissions are thirty times the limit. In an air basin that already some of the the highest levels of these pollutants in the county, permitting additional pollution on this scale is inexcusable. Doing it without proper analysis, disclosure, and mitigation is a violation of CEQA.

#### **A. The Project’s Air Quality Mitigation is Vague and Improperly Deferred.**

Mitigation must include concrete, specific, and enforceable actions. (*California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173 [City’s urban decay mitigation measures were inadequate under CEQA to address the impact from the development of a 234-acre regional shopping center on undeveloped agricultural land because the measures did not ensure the city would take concrete, measurable actions].) In the limited circumstances in which deferred mitigation is appropriate, the agency must meet all of the following elements: (1) practical considerations prevented the formulation of mitigation measures during the planning process; (2) the agency committed itself to developing mitigation measures in the future; (3) the agency adopted specific performance criteria prior to project approval; and (4) the EIR lists the mitigation measures to be considered, analyzed, and possibly incorporated into the mitigation plan. (14 Cal. Code Regs §15126.4(a)(1)(B); *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 736-37 [review denied]; *San Joaquin Raptor Rescue Ctr. v County of Merced* (2007) 149 Cal.App.4th 645, 670; *Cleveland Nat’l Forest Found. v San Diego Ass’n of Gov’ts* (2017) 17 Cal.App.5th 413, 442.) Unfortunately, the EIR’s proposed mitigation fails to meet these standards.

Instead of mitigating the significant air quality impacts by requiring specific mitigation measures, the EIR instead relies on mitigation measures AIR-1a through 1d, which amount to a promise to develop a mitigation plan in the future. Mitigation measure AIR-1b, 1c, and 1d say that impacts will be analyzed and mitigated by the applicant after the Project is approved. (EIR at 3.3-43-46.) The mitigation measures list possible methods to reduce emissions that might be required in the future but do not require any of them. Fatally, the mitigation measures do not include any specific performance criteria. Measures 1b and 1c merely promise to “reduce” emissions an unspecified amount, and measure 1c says it will “reduce risks to an acceptable level” without any indication what that might be. This leaves the public and decision-makers

with no assurances that impacts will be mitigated in any significant way, much less to the maximum extent feasible, as required by CEQA.

An EIR is inadequate if “[t]he success or failure of mitigation efforts may largely depend upon management plans that have not yet been formulated, and have not been subject to analysis and review within the EIR.” (*San Joaquin Raptor*, *supra*, 149 Cal.App.4th at p. 670.) As courts have pointed out “[f]undamentally, the development of mitigation measures, as envisioned by CEQA, is not meant to be a bilateral negotiation between a project proponent and the lead agency after project approval, but rather, an open process that also involves other interested agencies and the public.” (*Communities for a Better Environment v. City of Richmond*, (2010) 184 Cal.App.4th 70, 93.) Here, the City proposes exactly that—a mitigation plan that will be developed by the City and the developer after Project approval, with no metrics for success. This is especially egregious in an air basin with that has long had some of the worst air in the country, when evaluating a Project that will exceed significance thresholds for air pollutants by up to one hundred times. (EIR at 3.3-51.)

#### **IV. THE EIR’S GHG ANALYSIS IS INADEQUATE AND MISLEADING.**

The Project will emit significant GHG emissions, which the EIR obscures with an incorrect threshold of significance that ignores feasible mitigation and misrepresents the state’s climate plans. The Project will emit 510,791 MT CO<sub>2e</sub> at full buildout in 2050, five years after California needs to achieve net zero emissions. (EIR at 3.8-43.) Approving a Project of this scale without adequate consideration of GHG impacts is irresponsible and a violation of CEQA.

##### **A. The Climate Crisis Is a Catastrophic and Urgent Threat to California.**

A strong, international scientific consensus has established that human-caused climate change is causing widespread harms to human society and natural systems, and that climate change threats are becoming increasingly dangerous. The Intergovernmental Panel on Climate Change (IPCC), the leading international scientific body for the assessment of climate change, concluded in its 2023 Sixth Assessment Report that: “[u]nsustainable and unequal energy and land use as well as more than a century of burning fossil fuels have unequivocally caused global warming, with global surface temperature reaching 1.1°C above 1850-1900 in 2011-2020.” (IPCC, 2023) The increase in global surface temperature has resulted in sea level rise, increased frequency of extreme weather events, and has resulted in “irreversible losses” at the species and ecosystem levels. (IPCC, 2023). These findings were echoed in the United States’ own 2023 Fifth National Climate Assessment, prepared by scientific experts and reviewed by the National Academy of Sciences and multiple federal agencies. The 2023 Assessment concluded that “[t]he global warming observed over the industrial era is unequivocally caused by greenhouse gas emissions from human activities—primarily burning fossil fuels” and long-term responses include “sea level rise, ice sheet losses, and associated disruptions to human health, social systems, and ecosystems.” (US Global Change Research Program, 2023)

In its 2020 update, the National Academy of Sciences and the Royal Society concluded that climate change is largely a result of human activity, as “natural causes alone are inadequate to explain the recent observed changes in climate.” (National Academy of Sciences & Royal Society, 2020) The additional carbon input from human activities has significantly disturbed the

natural carbon cycle, resulting in an imbalance in the system that fosters global climate stability. (National Academy of Sciences & Royal Society, 2020). Based on observed and expected harms from climate change, in 2009 the U.S. Environmental Protection Agency found that greenhouse gas pollution endangers the health and welfare of current and future generations. (74 Fed. Reg. 66496 (Dec. 15, 2009) [U.S. EPA, Endangerment and Cause or Contribute Findings for Greenhouse Gases Under Section 202(a) of the Clean Air Act; Final Rule].) In 2021, EPA again recognized the critical nature of the climate crisis, stating that: “[t]he changing climate is affecting people’s health and livelihoods and damaging infrastructure, ecosystems, and social systems in communities in every region of the nation.” (US Environmental Protection Agency, 2021)

These authoritative climate assessments decisively recognize the dominant role of greenhouse gases in driving climate change. In its 2023 Assessment Report, IPCC stated that “the extent to which current and future generations will experience a hotter and different world depends on choices now and in the near term.” (IPCC, 2023). In order to prevent global warming from reaching an irreversible point, policies must be implemented to reach net zero CO<sub>2</sub> emissions and achieve significant reductions in other greenhouse gases. (IPCC, 2023).

The impacts of climate change will be felt by humans and wildlife. Climate change is increasing stress on species and ecosystems—causing species-level changes in morphology, behavior, phenology, and geographic range shifts, and ecosystem-level changes such as the increasing frequency of extreme weather events, widespread changes in productivity, species interactions, and vulnerability to biological invasions (Weiskopf et al., 2020) Climate-change-related local extinctions are already widespread and have occurred in hundreds of species. ((Wiens, 2016) Catastrophic levels of species extinctions are projected during this century if climate change continues unabated (Maclean & Wilson, 2011; Thomas et al., 2004; Urban, 2015) Conservation actions aimed at protecting biodiversity can slow the progression of climate change—the ecosystem services provided by biodiverse ecosystems are an integral part in the balanced functioning of our climate system (Shin et al., 2022)

Therefore, immediate and aggressive greenhouse gas emissions reductions are necessary to keep warming well below 2°C above pre-industrial levels. The IPCC Sixth Assessment Report and other expert assessments have established global carbon budgets, or the total amount of carbon that can be burned while maintaining some probability of staying below a given temperature target. According to the IPCC, “[t]he best estimates of the remaining carbon budgets from the beginning of 2020 are 500 GtCO<sub>2</sub> for a 50% likelihood of limiting global warming to 1.5°C and 1150 GtCO<sub>2</sub> for a 67% likelihood of limiting warming to 2°C.” (IPCC, 2023). Additionally, “[i]f the annual CO<sub>2</sub> emissions between 2020-2030 stayed, on average, at the same level as 2019, the resulting cumulative emissions would almost exhaust the remaining carbon budget for 1.5°C (50%), and deplete more than a third of the remaining carbon budget for 2°C (67%).” (IPCC, 2023). As of 2023, climate policies by the world’s countries would lead to an estimated 2.7°C of warming, and possibly up to 3.4°C of warming, well above the level needed to avoid the worst dangers of climate change (Climate Action Tracker, 2023)

The United States has contributed more to climate change than any other country. The U.S. is the world’s biggest cumulative emitter of greenhouse gas pollution, responsible for 24

percent of cumulative global CO<sub>2</sub> emissions from 1850 to 2022, and the U.S. is currently the world's second highest emitter on an annual and per capita basis (Friedlingstein et al., 2023; Friedrich et al., 2023) U.S. climate policy is wholly inadequate to meet the international climate target to hold global average temperature rise to well below 2°C above pre-industrial levels to avoid the worst dangers of climate change. Current U.S. climate policy has been ranked as “insufficient” by an international team of climate policy experts and climate scientists which concluded: “[w]ithout additional, drastic emission reductions measures, the US will still be far from meeting its domestic climate target, let alone get its emissions onto a 1.5°C trajectory.” (Climate Action Tracker, 2023). In its 2018 Special Report on Global Warming of 1.5°C, the IPCC—the leading international scientific body for the assessment of climate change—described the devastating harms that would occur at 2°C warming. The report highlights the necessity of limiting warming to 1.5°C to avoid catastrophic impacts to people and life on Earth (IPCC, 2018) The report also provides overwhelming evidence that climate hazards are more urgent and more severe than previously thought, and that aggressive reductions in emissions within the next decade are essential to avoid the most devastating climate change harms.

In California, climate change will transform our climate, resulting in such impacts as increased temperatures and wildfires, and a reduction in snowpack and precipitation levels and water availability (Turco et al., 2023) In response to inadequate action on the national level, California has taken steps through legislation and regulation to fight climate change and reduce statewide GHG emissions. Enforcement and compliance with these steps are essential to help stabilize the climate and avoid catastrophic impacts to our environment. California has a mandate under AB 1279, the California Climate Crisis Act, to achieve net zero GHG emissions by no later than 2045, and achieve and maintain net negative GHG emissions thereafter, and to ensure that by 2045, statewide GHG emissions are reduced to 85% the level in 1990. (AB 1279 2022.) In 2019, Governor Newsom issued an executive order to leverage state investments to further California's climate goals (Executive Order N-19-19 (2019).) Newsom has continued to issue climate-related executive orders, such as a 2020 order requiring that, by 2035, all passenger vehicles will be zero-emission, in addition to other motor vehicle emission goals. (Executive Order N-79-20 (2020).) Through these bills and orders, California has laid a path that may allow the state to achieve tangible climate solutions, but there is still work to be done.

Although some sources of GHG emissions may seem insignificant, climate change is a problem with cumulative impacts and effects. (*Ctr. for Biological Diversity v. Nat'l Highway Traffic Safety Admin.*, (9th Cir. 2008) 538 F.3d 1172, 1217 (“the impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis” that agencies must conduct).) One source or one small project may not appear to have a significant effect on climate change, but the combined impacts of many sources can drastically damage California's climate as a whole. Therefore, project-specific GHG emission disclosure, analysis and mitigation is vital to California meeting its climate goals and maintaining our climate.

### **B. The EIR fails to accurately analyze and mitigate the GHG impact of destroying habitat and converting agricultural land.**

The EIR improperly discounts the Specific Plan's anticipated GHG impacts from construction, stating (EIR at 3.8-42) that “Short-term construction GHG emissions are a one-time release of GHGs and are not expected to significantly contribute to global climate change.” The

EIR, however, projects that construction emissions will total more than 2.3 million metric tons of CO<sub>2</sub> equivalents over 20 years, with average annual emissions of over 115,000 metric tons. (EIR at 3.8-42.) There is no support for the EIR’s conclusion that “future development under the proposed project at construction would not result in significant adverse effects related to GHG emissions.” (EIR at 3.8-42.)

Moreover, even the 2.3 million MT CO<sub>2</sub>e this analysis dismisses is in fact a dramatic underestimation of the construction emissions from the Project because it ignores the loss of carbon sequestration and storage. CEQA requires a thorough disclosure and analysis of a project’s impact on climate change. (*See Communities for a Better Env’t v. City of Richmond* (2010) 184 Cal.App.4th 70, 89-91). In order to meet CEQA’s requirement for adequate analysis, an EIR must disclose all potential sources of a GHG emission resulting from the project. Lead agencies are required to quantify and disclose GHG emissions that would occur during construction. Yet the EIR fails to comply with these requirements. When describing the emissions sources during construction activities, the EIR only lists emissions from “heavy-duty construction equipment, worker trips, and material delivery and handling.” (DEIR at 4.8-41). The EIR fails to account for carbon emissions from intact habitats or agricultural landscapes that would be dug up and paved over during construction as well as the annual loss of carbon that existing open space would have continued to sequester for 30 years if the Project were not constructed.

As detailed in a 2023 Center Report, “Hidden in Plain Sight: California’s Native Habitats are Valuable Carbon Sinks” (Yap et al., 2023), agricultural lands can store significant amounts of carbon by keeping it from being released and sequester it by removing it from the atmosphere. (Kroodsma & Field, 2006). Carbon cycling in agricultural landscapes can vary greatly depending on crop species and agricultural practices, and some agricultural lands can act as carbon sources themselves (Ceschia et al., 2010). However, numerous crop types—including orchards, which make up the majority of the agricultural landscape of the Plan Area (EIR at 3.4-7)—are able to sequester carbon, and act as carbon sinks (Kroodsma & Field, 2006; Scandellari et al., 2016).

Given the increased urgency in combatting climate change and new knowledge that California is currently not on track to meet its GHG reduction targets, it is important to accurately quantify and mitigate for loss of carbon storage and sequestration potential. However, the EIR fails entirely to consider the impact of conversion of native habitats, open space and agricultural landscapes and the loss of carbon sequestration capacity of these landscapes on GHG emissions. This is an egregious oversight, as the conversion of 5,000 acres of open space to industrial, commercial, residential, or uses necessitates the removal of 5,000 acres of vegetation that is potentially sequestering carbon. This exclusion is particularly inexcusable because CalEEMod, upon which the EIR relies, has the modelling capabilities to calculate the loss of carbon from changes in land use and the associated loss of vegetation (CAPCOA, 2022). The modelling also provides detailed inputs for calculating GHG emissions from land use changes and vegetation loss. While the EIR uses CalEEMod to model the Project’s GHG emissions from construction (EIR at 3.8-41), the EIR fails to perform any of the available analyses of land use change and sequestration.

The failure to account for emissions resulting from land conversion and loss of sequestration ability of existing vegetation leads to an inaccurate estimation of total Project emissions. The omission of any sequestration analysis is particularly concerning, as the loss of

sequestration ability of existing landscapes will lead to a continued increased net emissions into the future. The EIR states that “the analysis presented herein quantifies GHG emissions resulting from anticipated development under the plan through the planning horizon of 2040, and describes, calculates, and estimates those emissions.” However, because the EIR performs no analysis of carbon sequestration whatsoever, the document fails to account for the annual loss of carbon that existing habitats would have continued to sequester for 30 years if the Project were not constructed. The EIR therefore fails to meet this requirement.

Because the EIR does not account for either carbon emissions resulting from land use conversion, which could be substantial in the proposed Plan, nor the loss of carbon sequestration capacity that will result from such land use conversion, the estimate of total emissions is inaccurate, and the true levels of GHG emissions resulting from the proposed Plan are likely to be higher than stated in the EIR. A supplemental EIR must disclose the carbon emissions associated with the loss of currently stored carbon as well as the loss of future carbon that would have been sequestered by these habitats over the Project lifetime.

CEQA requires the adequate assessment and mitigation of a project’s impacts. Destroying native habitats, agricultural landscapes, and open space could release significant amounts of carbon that must be accounted for. An EIR must disclose and “give the public and decision makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts.” (Guidelines § 15125(a).) By failing to disclose the carbon emissions associated with the loss of currently stored carbon as well as the loss of future carbon that would have been sequestered by these habitats over the Project lifetime the FEIR fails as an informational document.

### **C. The EIR’s Analysis of VMT Is Not Supported by Evidence.**

The EIR contains a surprising claim—that the Project will shrink the area’s VMT per service population over 80%, from 45 down to 5.07. (EIR at 3.17-35.) A VMT per capita of 5 is unheard of in the United States. The VMT per capita in New York City, the most dense and public-transit-oriented area in the country, is 15.2. (US Bureau of Transportation Statistics, 2022) The EIR does not acknowledge the implausibility of this claim, and supports it with no evidence beyond stating that the analysis was done by FresnoABM. The EIR must be revised and recirculated with an evidenced-based analysis of VMT.

### **D. The EIR’s Threshold of Significance Forecloses Consideration of Foreseeable GHG Impacts and Is Not Supported by Substantial Evidence.**

A lead agency’s selection of a threshold of significance must be supported with substantial evidence. Moreover, a determination that an environmental impact complies with a particular threshold of significance does not relieve a lead agency of its obligation to consider evidence that indicates the impact may be significant despite compliance with the threshold. (CEQA Guidelines § 15064(b)(2).) If evidence shows that an environmental impact might be significant despite the significance standard used in the EIR, the agency must address that evidence. (*Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, 1111.)

The EIR incorrectly finds a less than significant GHG impact based on claimed consistency with CARB’s 2022 Scoping Plan and the Fresno 2022 RTP/SCS (EIR at 3.8-56) and does not support that finding with evidence.

It claims the Project is consistent with the 2022 Scoping Plan, but the consistency analysis is incorrect. First, and most glaringly, the 2022 Scoping Plan requires a reduction in VMT. The EIR’s claim to achieve that is contrary to logic and common sense, as discussed above. And the consistency analysis contains other errors. For one example, the EIR says the Project complies with the parts of the Scoping Plan that require adopting energy efficiency and electrification policies because the Project “considers adopting” such policies, and “encourage[es]” compliance with “voluntary energy conservation programs.” (EIR at 3.8-46.) Voluntary, unenforceable measures cannot be the basis for a finding of no significant impact. The EIR also says the Project is consistent with the requirement not to convert “greenfield” land to urban uses, but it does not admit that CARB considers agricultural land to be greenfield land. (EIR at 3.8-46, CARB 2025.) A project that develops 5,000 acres of agriculture is not consistent with this requirement.

The DEIR also purports to find consistency with Fresno COG’s 2022 RTP/SCS, but it conducts this analysis at such a high level of generality that it is meaningless. (EIR at 3.8-48-49.) It lists each of the plan’s five goals, which are general, aspirational statements that include “improved mobility and accessibility for all” and “vibrant communities that are accessible by sustainable transportation options,” and asserts that the Project advances each of these goals in some way. It does not acknowledge that the RTP/SCS contains specific growth projections for different areas of the City, specific action steps to achieve each of the five general goals, and metrics for success, and it does not analyze consistency with any of those aspects of the plan.

Moreover, if some effort generally in line with each of the five goals was all the RTP/SCS required, then the EIR would have to defend this supposed threshold of significance by establishing that any project that “improved mobility and accessibility for all” in any way could not possibly have GHG impacts. Given that under this interpretation the threshold of significance would contain no concrete metrics—either qualitative or quantitative—it would fail to meet CEQA’s requirements for an adequate threshold of significance.

#### **E. The EIR Does Not Mitigate the Project’s Foreseeable GHG Impacts.**

The City proposes no mitigation measures at all for GHG emissions. But CEQA does not exempt specific plans from the requirement to adopt all feasible mitigation measures, nor does it relieve program EIRs from the requirement to evaluate feasible mitigation measures for the foreseeable environmental consequences of a specific plan. The EIR concludes that there are no feasible project-specific mitigation measures, but none are considered. In fact, there is a broad range of mitigation measures that can be adopted at the Specific Plan level to guide future development. A representative but non-exclusive list of such measures includes the following:

- Require onsite renewable energy generation (ideally rooftop solar or community solar) to meet all residential and commercial energy demand.
- Require all construction to exceed Title 24 Energy Efficiency Standards by 20% in light of the Specific Plan’s extended buildout.
- Require installation of all-electric energy efficient appliances.
- Require use of high efficiency public street and area lighting.

- Increase transit accessibility and reach by providing transit incentives to construction personnel and future residents; build transit facilities during initial phase of build out; include reliable connections to existing public transit.
- Require pedestrian friendly measures including interconnecting street/pedestrian networks; narrower roadways and shorter block lengths; sidewalks; tree canopy for shade and transit shelters.
- Require traffic calming measures including marked crosswalks, curb extensions, raised crosswalks, roundabouts, and planter strips with native vegetation.
- Require a neighborhood electric vehicle network.
- Require bicycle-friendly designs including bike lanes, bike sharing programs, bike parking, and dedicated bike trails.

In addition, Appendix D of the California Air Resources Board’s 2022 Scoping Plan Update provides a set of measures and criteria to achieve equitable reduction of GHG emissions, including:

- Utilizing existing infill sites that are surrounded by urban uses, and reuse or redevelop previously developed, underutilized land presently served by existing utilities and essential public services (e.g., transit, streets, water, sewer).
- Providing proximity to public transit (within ½ mile).
- Ensuring that development does not result in the loss or conversion of the State’s natural and working lands.
- Requiring installation of all electric appliances, without any gas connections for space heating, water heating, or indoor cooking.
- Making at least 20 percent of residential units affordable to lower-income residents.
- Ensuring no net loss of existing affordable units.
- Providing EV charging infrastructure at least in accordance with CalGreen Tier 2 standards.

The EIR must be revised and recirculated to include these mitigation measures and others like them to the maximum extent feasible.

## V. CONCLUSION

Thank you for the opportunity to submit comments on the Recirculated Program Environmental Impact Report for the Fresno Southeast Development Area Specific Plan. We urge the City to revise the EIR to address the issues detailed here, and recirculate a legally compliant document.

Given the possibility that the Center will be required to pursue legal remedies in order to ensure that the City complies with its legal obligations including those arising under CEQA, we would like to remind the City of its statutory duty to maintain and preserve all documents and communications that may constitute part of the “administrative record” of this proceeding. (§ 21167.6(e); *Golden Door Properties, LLC v. Superior Court* (2020) 53 Cal.App.5th 733, 762-65.) The administrative record encompasses any and all documents and communications that relate to any and all actions taken by the City with respect to the Project, and includes “pretty much everything that ever came near a proposed [project] or [] the agency’s compliance with

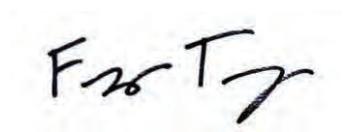
December 4, 2024

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CEQA...” (County of Orange v. Superior Court (2003) 113 Cal.App.4th 1, 8.) The administrative record further includes all correspondence, emails, and text messages sent to or received by the City’s representatives or employees, that relate to the Project, including any correspondence, emails, and text messages sent between the City’s representatives or employees and the Applicant’s representatives or employees. Maintenance and preservation of the administrative record requires that, *inter alia*, the City (1) suspend all data destruction policies; and (2) preserve all relevant hardware unless an exact replica of each file is made.

Please add the Center to your notice list for all future updates to the Project and do not hesitate to contact the Center with any questions at the number or email listed below.

Sincerely,



Frances Tinney  
Attorney

[Redacted contact information]

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March 19, 2025

Sophia Pagoulatos  
City of Fresno  
Planning and Development Department  
21600 Fresno Street, Room 3065  
Fresno, CA 93721

**Project: Recirculated Draft Program Environmental Impact Report for the Fresno Southeast Development Area Specific Plan Project**

**District CEQA Reference No: 20250134**

Dear Ms. Pagoulatos:

The San Joaquin Valley Air Pollution Control District (District) has reviewed the City of Fresno's (City) Recirculated Draft Program Environmental Impact Report (RDPEIR) for the Southeast Development Area Specific Plan (SEDA) (Project). The Project consists of 5,580 acres for up to 45,000 homes and 3,220 acres for commercial and retail businesses, office spaces and professional services, industrial uses, and research facilities. Although this is a program level project and project-specific data may not be available until specific approvals are being granted, the RDPEIR should include a discussion of policies, which when implemented, will reduce or mitigate impacts on air quality at the individual project level.

The District offers the following comments at this time regarding the Project:

**1) Land Use Planning**

Nearly all development projects within the San Joaquin Valley Air Basin, from specific plans to individual projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards. Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs, and motor vehicle emissions are the largest source of air pollution in the Valley. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project design elements that reduce vehicle miles traveled (VMT) have proven to be beneficial for air quality. More specifically, the RDPEIR concludes Project air quality emissions impacts will exceed District

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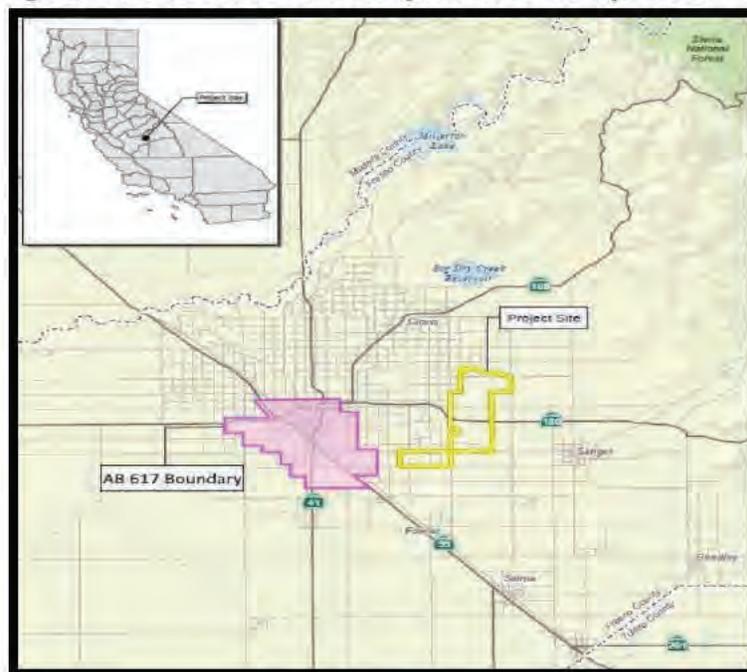
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significance thresholds and thus result in significant and unavoidable impacts. As such, the District recommends that the RDPEIR incorporate strategies that reduce VMTs and require the cleanest available heavy duty trucks, vehicles, and off-road equipment, including zero and near-zero technologies. VMTs can be reduced through encouragement of mix-use development, walkable communities, etc. Additional design element options can be found at:  
<https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

## 2) **Assembly Bill 617**

Assembly Bill 617 requires California Air Resources Board (CARB) and air districts to develop and implement Community Emission Reduction Programs (CERPs) in an effort to reduce air pollution exposure in impacted disadvantage communities. The Project lies near one of the impacted communities in the State selected by the CARB under the Assembly Bill (AB) 617 (2017, Garcia) and has the potential to expose sensitive receptors to increased air pollution within the nearby impacted community. The South Central Fresno CERP was adopted by the District's Governing Board in September of 2019 and identifies a wide range of measures designed to reduce air pollution exposure. Therefore, in an effort to reduce air pollution exposure to the impacted disadvantaged community, the District recommends the City incorporate mitigation measures outlined in the South Central Fresno CERP for the Project. For more information regarding the CERP approved for South Central Fresno, please visit the District's website at:  
<http://community.valleyair.org/selected-communities/south-central-fresno>

**Figure 1: Southeast Development Area Specific Plan**



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

The RDPEIR specifically states on page 2-13 that *“The proposed project is a policy level document and does not include any specific development proposals and may not fully evaluate the impacts of other future specific, individual development that may be approved under implementation of the proposed project”*.

The District recommends that the RDPEIR require that future development projects that may be approved under implementation of the Project identify, assess and characterize project-level air emissions and require mitigation of air quality impacts at the individual project-specific level.

Environmental reviews of potential impacts on air quality should incorporate the following items:

#### **3a) Construction Emissions**

The RDPEIR Mitigation Measure (MM) AIR-1B states on page 3.3-44 that *“If construction-related air pollutants are determined to have the potential to exceed the SJVAPCD-adopted threshold of significance, project applicants for new development projects shall be required to incorporate mitigation measures into construction plans to reduce air pollutant emissions during construction activities.”* The RDPEIR MM AIR-1B also contains a list of possible mitigation measures which includes the use of off-road construction equipment that meets United States Environmental Protection Agency (EPA) Tier 4 Final off-road engine emissions standards.

Despite significant progress, the San Joaquin Valley faces one of the most significant air quality challenges in the country. Reducing emission from all feasible sources remains essential to sustain clean air progress. As such, the District recommends this mitigation measure be considered for all future development projects to ensure air quality emission impacts from construction activities are lessened.

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

Operational (ongoing) air emissions from mobile sources and stationary sources should be analyzed separately. For reference, the District’s significance thresholds are identified in the District’s Guidance for Assessing and Mitigating Air Quality Impacts:  
<https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>.

*Recommended Mitigation Measure:* At a minimum, project related impacts on air quality should be reduced to levels below the District’s significance thresholds through incorporation of design elements such as the use of cleaner

Heavy Heavy-Duty (HHD) trucks and vehicles. More information on transportation mitigation measures can be found at:

<https://ww2.valleyair.org/media/ob0pweru/clean-air-measures.pdf>

### **3c) Project Trip Length for HHD Truck Travel**

The RDPEIR page 3.3-60 states, “*The proposed project would permit residential, office, commercial and industrial land uses. Development of land uses that are allowed under the proposed project may result in stationary sources of TAC emissions, including light industrial facilities, warehouses...etc.*”

As a result, the City should include policies that require environmental review for future development projects (e.g. light industrial facilities/warehouses, commercial, etc.). Since the RDPEIR acknowledges these types of development as part of the Project, these development projects have the potential to generate a high volume of HHD truck trips traveling further distances. As such, future environmental review should adequately characterize and justify an appropriate trip length distance for off-site HHD truck travel to and from the project site as well as the estimated number of trips supported by project-specific factors.

### **3d) Recommended Model for Quantifying Air Emissions**

Project-related criteria pollutant emissions from construction and operational sources should be identified and quantified. Emissions analysis should be performed using the California Emission Estimator Model (CalEEMod), which uses the most recent CARB-approved version of relevant emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: [www.caleemod.com](http://www.caleemod.com).

## **4) Allowed Uses Not Requiring Project-Specific Discretionary Approval**

In the event that the City determines that a project be approved as an allowed use not requiring a project-specific discretionary approval, the District recommends the RDPEIR include language requiring such projects to prepare a technical assessment, in consultation with the District, to determine if additional analysis and/or mitigation is required.

## **5) Health Risk Screening/Assessment**

The RDPEIR MM AIR-1D on page 3.3-46 states that development projects with diesel particulate matter and/or toxic air contaminants within 1,000 feet of a sensitive receptor must prepare a Health Risk Assessment (HRA).

The District would like to clarify that relying solely on the 1,000-foot sensitive receptor distance as a condition to require an HRA may overlook future development projects that are more than 1,000-foot from sensitive receptors that could still pose a significant health risk to sensitive receptors. The District recommends revising MM AIR-1D to at minimum consider the following factors when determining whether an HRA should be performed: the size and scope of project, the amount of air toxic emissions from project construction and operation sources (HHD truck trips, stationary source emissions, etc), the type of pollutants emitted, the proximity to the nearest sensitive receptor, and the expected duration of project construction.

To determine potential health impacts on surrounding receptors (residences, businesses, hospitals, day-care facilities, health care facilities, etc.) a Prioritization and/or a Health Risk Assessment (HRA) should be performed for future development projects that may be approved under implementation of the Project. These health risk determinations should quantify and characterize potential Toxic Air Contaminants (TACs) identified by the Office of Environmental Health Hazard Assessment/California Air Resources Board (OEHHA/CARB) that pose a present or potential hazard to human health.

Health risk analyses should include all potential air emissions from the project, which include emissions from construction of the project, including multi-year construction, as well as ongoing operational activities of the project. Note, two common sources of TACs can be attributed to diesel exhaust emitted from heavy-duty off-road earth moving equipment during construction, and from ongoing operation of heavy-duty on-road trucks.

Prioritization (Screening Health Risk Assessment):

A "Prioritization" is the recommended method for a conservative screening-level health risk assessment. The Prioritization should be performed using the California Air Pollution Control Officers Association's (CAPCOA) methodology. Please contact the District for assistance with performing a Prioritization analysis.

The District recommends that a more refined analysis, in the form of an HRA, be performed for any project resulting in a Prioritization score of 10 or greater. This is because the prioritization results are a conservative health risk representation, while the detailed HRA provides a more accurate health risk evaluation.

Health Risk Assessment:

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

A development project would be considered to have a potentially significant health risk if the HRA demonstrates that the health impacts would exceed the District's

established risk thresholds, which can be found here:  
<https://ww2.valleyair.org/permitting/ceqa/>.

A project with a significant health risk would trigger all feasible mitigation measures. The District strongly recommends that development projects that result in a significant health risk not be approved by the land use agency.

The District is available to review HRA protocols and analyses. For HRA submittals please provide the following information electronically to the District for review:

- HRA (AERMOD) modeling files
- HARP2 files
- Summary of emissions source locations, emissions rates, and emission factor calculations and methodologies.

For assistance, please contact the District's Technical Services Department by:

- E-Mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org)
- Calling (559) 230-5900

Additionally, per the RDPEIR, MM AIR-1D requires the implementation of Best Available Control Technologies for Toxics (T-BACT) for development projects that exceed health risk thresholds. The District would like to clarify that T-BACT is typically applied as part of District permitting process for stationary sources; whereas the list of T-BACTs under MM AIR-1D may not necessarily apply for stationary sources nor be considered T-BACT. Therefore, for mobile sources and other emission sources not subject to T-BACT, alternative mitigation measures should still be required, as feasible, to minimize air toxic emissions and reduce associated health risks.

## **6) Ambient Air Quality Analysis**

The District recommends, an Ambient Air Quality Analysis (AAQA) be performed for any future development projects that may be approved under implementation of the Project with emissions that exceed 100 pounds per day of any pollutant.

An AAQA uses air dispersion modeling to determine if emission increase from a project will cause or contribute to a violation of State or National Ambient Air Quality Standards. An acceptable analysis would include emissions from both project-specific permitted and non-permitted equipment and activities. The District recommends consultation with District staff to determine the appropriate model and input data to use in the analysis.

Specific information for assessing significance, including screening tools and modeling guidance, is available online at the District's website:  
<https://ww2.valleyair.org/permitting/ceqa/>.

## **7) Voluntary Emission Reduction Agreement**

The District recommends the RDPEIR include a feasibility discussion on implementing a Voluntary Emission Reduction Agreement (VERA) as a mitigation measure for future development projects that may be approved under implementation of the Project that are determined to exceed the District's CEQA significance thresholds.

A VERA is a mitigation measure by which the project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving a role of administrator of the emissions reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement in which the project proponent agrees to mitigate project specific emissions by providing funds for the District's incentives programs. The funds are disbursed by the District in the form of grants for projects that achieve emission reductions. Thus, project-related impacts on air quality can be mitigated. Types of emission reduction projects that have been funded in the past include electrification of stationary internal combustion engines (such as agricultural irrigation pumps), replacing old heavy-duty trucks with new, cleaner, more efficient heavy-duty trucks, and replacement of agricultural equipment with the latest generation technologies.

In implementing a VERA, the District verifies the actual emission reductions that have been achieved as a result of completed grant contracts, monitors the emission reduction projects, and ensures the enforceability of achieved reductions. After the project is mitigated, the District certifies to the Lead Agency that the mitigation is completed, providing the Lead Agency with an enforceable mitigation measure demonstrating that project-related emissions have been mitigated. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document includes an assessment of the feasibility of implementing a VERA.

## **8) Industrial/Warehouse Emission Reduction Strategies**

The Project is expected to result in the development of industrial uses. Additionally, the RDPEIR specifically page 3.3-60 states, "*The proposed project would permit residential, office, commercial and industrial land uses. Development of land uses that are allowed under the proposed project may result in stationary sources of TAC emissions, including light industrial facilities, warehouses...etc.*" Since the RDPEIR acknowledges the potential development of industrial uses, the District recommends

the City incorporate emission reduction strategies that can reduce potential harmful health impacts, such as those listed below:

- Require cleanest available heavy-duty trucks and off-road equipment (see comment 10)
- Require HHD truck routing patterns that limit exposure of residential communities and sensitive receptors to emissions (see comment 9)
- Require minimization of heavy-duty truck idling (see comment 11)
- Require solid screen buffering trees, solid decorative walls, and/or other natural ground landscaping techniques are implemented along the property line of adjacent sensitive receptors
- Orient loading docks away from sensitive receptors unless physically impossible
- Require loading docks a minimum of 500 feet away from the property line of the nearest truck loading bay opening, unless dock is exclusively used for electric trucks
- Incorporate signage and “pavement markings” to clearly identify on-site circulation patterns to minimize unnecessary on-site vehicle travel
- Require truck entries be located on streets of a higher commercial classification
- Locate and require truck entry, exit, and internal circulation away from sensitive receptors
- Prohibit Heavy-Duty diesel truck drive aisles from being used on sides of the building that are directly adjacent to a sensitive receptor property line
- Require a separate entrance for heavy-duty trucks accessible via a truck route, arterial road, major thoroughfare, or a local road that predominantly serves commercial oriented uses
- Require projects be designed to provide the necessary infrastructure to support use of zero-emissions on-road vehicles and off-road equipment (see comment 12)
- Require all building roofs are solar-ready
- Require all portions of roof tops that are not covered with solar panels are constructed to have light colored roofing material with a solar reflective index of greater than 78
- Ensure rooftop solar panels are installed and operated to supply 100% of the power needed to operate all non-refrigerated portions of the development project
- Install solar photovoltaic systems and associated battery storage on the project site
- Require power sources at loading docks for all refrigerated trucks have “plugin” capacity, which will eliminate prolonged idling while loading and unloading goods
- Incorporate bicycle racks and electric bike plug-ins
- Require the use of low volatile organic compounds (VOC) architectural and

- industrial maintenance coatings
- Designate an area during construction to charge electric powered construction vehicles and equipment, if temporary power is available
- Prohibit the use of non-emergency diesel-powered generators during construction
- Inform the project proponent of the incentive programs (e.g., Carl Moyer Program and Voucher Incentive Program) offered to reduce air emissions from the Project
- Ensure all landscaping be drought tolerant

## **9) Truck Routing**

The RDPEIR, specifically pages 2-8 through 2-13, provides the various land-use development types that will be included into the Project. For example, light industrial, manufacturing, commercial, and mixed-use just to name a few. These land-use development types have the potential to generate HHD truck trips. As such, the District recommends the City evaluate HHD truck routing patterns, with the aim of limiting exposure of residential communities and sensitive receptors to emissions.

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

This evaluation would consider the current truck routes, the quantity and type of each truck (e.g., Medium Heavy-Duty, HHD, etc.), the destination and origin of each trip, traffic volume correlation with the time of day or the day of the week, overall Vehicle Miles Traveled (VMT), and associated exhaust emissions. The truck routing evaluation would also identify alternative truck routes and their impacts on VMT and air quality.

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

The San Joaquin Valley will not be able to attain stringent health-based federal air quality standards without significant reductions in emissions from HHD trucks, the single largest source of NOx emissions in the San Joaquin Valley. Accordingly, to meet federal air quality attainment standards, the District's ozone and particulate matter attainment plans rely on a significant and rapid transition of HHD fleets to zero or near-zero emissions technologies.

The RDPEIR, specifically pages 2-8 through 2-13, provides the various land-use development types that will be included into the Project. For example, light industrial, manufacturing, commercial, and mixed-use just to name a few. These

land-use development types have the potential to generate HHD truck trips. As such, the District recommends that the following measures be considered by the City to reduce Project-related operational emissions:

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

### **11)Reduce Idling of Heavy-Duty Trucks**

The goal of this strategy is to limit the potential for localized PM<sub>2.5</sub> and toxic air contaminant impacts associated with the idling of Heavy-Duty trucks. The diesel exhaust from idling has the potential to impose significant adverse health and environmental impacts.

The Project is expected to result in future development (e.g. commercial, industrial, etc.), that have the ability to result in HHD truck trips. The District recommends the RDPEIR be revised to include a more stringent 3-minute idling restriction and requiring appropriate signage and enforcement of idling restrictions.

### **12)Electric Infrastructure For Future Development Projects**

The District recommends that the RDPEIR be revised to require all nonresidential buildings be designed to provide electric infrastructure to support the use of on-road zero emissions vehicles, such as HHD trucks associated with a warehouse or commercial project.

To support and accelerate the installation of electric vehicle charging equipment and development of required infrastructure, the District offers incentives to public agencies, businesses, and property owners of multi-unit dwellings to install electric charging infrastructure (Level 2 and 3 chargers). The purpose of the District's Charge Up! Incentive program is to promote clean air alternative-fuel technologies and the use of low or zero-emission vehicles. The District recommends that the City and project proponents install electric vehicle chargers at project sites, and at strategic locations.

Please visit <https://ww2.valleyair.org/grants/charge-up> for more information.

### **13)Under-fired Charbroilers**

Future development projects (e.g. commercial) have the potential to include restaurants with under-fired charbroilers. Such charbroilers may pose the potential for immediate health risk, particularly when located in densely populated areas or

near sensitive receptors.

Since the cooking of meat can release carcinogenic PM<sub>2.5</sub> species, such as polycyclic aromatic hydrocarbons, controlling emissions from new under-fired charbroilers will have a substantial positive impact on public health. The air quality impacts on neighborhoods near restaurants with under-fired charbroilers can be significant on days when meteorological conditions are stable, when dispersion is limited and emissions are trapped near the surface within the surrounding neighborhoods. This potential for neighborhood-level concentration of emissions during evening or multi-day stagnation events raises air quality concerns.

Furthermore, reducing commercial charbroiling emissions is essential to achieving attainment of multiple federal PM<sub>2.5</sub> standards. Therefore, the District recommends that the RDPEIR include a measure requiring the assessment and potential installation, as technologically feasible, of particulate matter emission control systems for new large restaurants operating under-fired charbroilers.

The District is available to assist the City and project proponents with this assessment. Additionally, the District is currently offering substantial incentive funding that covers the full cost of purchasing, installing, and maintaining the system during a demonstration period covering two years of operation. Please contact the District at (559) 230-5800 or [technology@valleyair.org](mailto:technology@valleyair.org) for more information, or visit: <https://ww2.valleyair.org/grants/restaurant-charbroiler-technology-partnership/>

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

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

While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, vegetative barriers have been shown to be an additional measure to potentially reduce a population's exposure to air pollution through the interception of airborne particles and the uptake of gaseous pollutants. Examples of vegetative barriers include, but are not limited to the following: trees, bushes, shrubs, or a mix of these. Generally, a higher and thicker vegetative barrier with full coverage will result in greater reductions in downwind pollutant concentrations. In the same manner, urban greening is also a way to help improve air quality and public health in addition to enhancing the overall beautification of a community with drought tolerant, low-maintenance greenery.

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

Gas-powered lawn and garden equipment have the potential to result in an increase of NO<sub>x</sub> and PM<sub>2.5</sub> emissions. Utilizing electric lawn care equipment can provide

residents with immediate economic, environmental, and health benefits. The District recommends the Project proponent consider the District's Clean Green Yard Machines (CGYM) program which provides incentive funding for replacement of existing gas powered lawn and garden equipment. More information on the District CGYM program and funding can be found at: <https://ww2.valleyair.org/grants/clean-green-yard-machines-residential/> and <https://ww2.valleyair.org/grants/zero-emission-landscaping-equipment-voucher-program/>.

## **16)On-Site Solar Deployment**

It is the policy of the State of California that renewable energy resources and zero-carbon resources supply 100% of retail sales of electricity to California end-use customers by December 31, 2045. While various emission control techniques and programs exist to reduce air quality emissions from mobile and stationary sources, the production of solar energy is contributing to improving air quality and public health. The District suggests that the City consider incorporating solar power systems as an emission reduction strategy for future development projects that may be approved under implementation of the Project.

## **17)District's Bikeway Incentive Program**

Incorporating design elements (e.g., installing bikeways) within the Project that enhance walkability and connectivity can result in an overall reduction of vehicles miles traveled (VMT) and improve air quality within the area. The Project includes new bikeways and bikeways improvements, and may be eligible for funding through the District's Bikeway Incentive Program. The Bikeway Incentive Program provides funding for eligible Class 1 (Bicycle Path Construction), Class II (Bicycle Lane Striping), or Class III (Bicycle Route) projects. These incentives are designed to support the construction of new bikeway projects to promote clean air through the development of a widespread, interconnected network of bike paths, lanes, or routes and improving the general safety conditions for commuter bicyclists. Only municipalities, government agencies, or public educational institutions are eligible to apply. More information on the grant program can be found at: <https://ww2.valleyair.org/grants/bike-paths/>  
Guidelines and Project Eligibility for the grant program can be found at: <https://ww2.valleyair.org/media/drpijuw1/bikeway-program-guidelines-62515.pdf>

## **18)District Rules and Regulations**

The District issues permits for many types of air pollution sources, and regulates some activities that do not require permits. A project subject to District rules and regulations would reduce its impacts on air quality through compliance with the District's regulatory framework. In general, a regulation is a collection of individual rules, each of which deals with a specific topic. As an example, Regulation II

(Permits) includes District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 2520 (Federally Mandated Operating Permits), and several other rules pertaining to District permitting requirements and processes.

The list of rules below is neither exhaustive nor exclusive. Current District rules can be found online at: <https://ww2.valleyair.org/rules-and-planning/current-district-rules-and-regulations>. To identify other District rules or regulations that apply to future projects, or to obtain information about District permit requirements, the project proponents are strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.

### **18a) District Rules 2010 and 2201 - Air Quality Permitting for Stationary Sources**

Stationary Source emissions include any building, structure, facility, or installation which emits or may emit any affected pollutant directly or as a fugitive emission. District Rule 2010 (Permits Required) requires operators of emission sources to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the District. District Rule 2201 (New and Modified Stationary Source Review) requires that new and modified stationary sources of emissions mitigate their emissions using Best Available Control Technology (BACT).

Future development projects may be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and may require District permits. Prior to construction, project proponents shall obtain an ATC permit from the District for equipment/activities subject to District permitting requirements.

*Recommended Mitigation Measure:* For projects subject to permitting by the San Joaquin Valley Air Pollution Control District, demonstration of compliance with District Rule 2201 (obtain ATC permit from the District) shall be provided to the City before issuance of the first building permit.

For further information or assistance, project proponents may contact the District's SBA Office at (559) 230-5888.

### **18b) District Rule 9510 - Indirect Source Review (ISR)**

The purpose of District Rule 9510 is to reduce the growth in both NO<sub>x</sub> and PM emissions associated with development and transportation projects from mobile and area sources; specifically, the emissions associated with the construction and subsequent operation of development projects. The ISR Rule requires developers to mitigate their NO<sub>x</sub> and PM emissions by incorporating clean air

design elements into their projects. Should the proposed development project clean air design elements be insufficient to meet the required emission reductions, developers must pay a fee that ultimately funds incentive projects to achieve off-site emissions reductions.

Accordingly, future development projects within the Project may be subject to District Rule 9510 if upon full buildout, the project would equal or exceed any of the following applicability thresholds, depending on the type of development and public agency approval mechanism:

**Table 1: ISR Applicability Thresholds**

| <b>Development Type</b> | <b>Discretionary Approval Threshold</b> | <b>Ministerial Approval / Allowed Use / By Right Thresholds</b> |
|-------------------------|-----------------------------------------|-----------------------------------------------------------------|
| Residential             | 50 dwelling units                       | 250 dwelling units                                              |
| Commercial              | 2,000 square feet                       | 10,000 square feet                                              |
| Light Industrial        | 25,000 square feet                      | 125,000 square feet                                             |
| Heavy Industrial        | 100,000 square feet                     | 500,000 square feet                                             |
| Medical Office          | 20,000 square feet                      | 100,000 square feet                                             |
| General Office          | 39,000 square feet                      | 195,000 square feet                                             |
| Educational Office      | 9,000 square feet                       | 45,000 square feet                                              |
| Government              | 10,00 square feet                       | 50,000 square feet                                              |
| Recreational            | 20,000 square feet                      | 100,000 square feet                                             |
| Other                   | 9,000 square feet                       | 45,000 square feet                                              |

District Rule 9510 also applies to any transportation or transit development projects where construction exhaust emissions equal or exceed two tons of NOx or two tons of PM.

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

Information about how to comply with District Rule 9510 can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview>

The AIA application form can be found online at: <https://ww2.valleyair.org/permitting/indirect-source-review-rule-overview/forms-and-applications/>

District staff is available to provide assistance with determining if future development projects will be subject to Rule 9510, and can be reached by phone at (559) 230-5900 or by email at [ISR@valleyair.org](mailto:ISR@valleyair.org).

### **18c) District Rule 9410 (Employer Based Trip Reduction)**

Future development projects may be subject to District Rule 9410 (Employer Based Trip Reduction) if the project would result in employment of 100 or more “eligible” employees. District Rule 9410 requires employers with 100 or more “eligible” employees at a worksite to establish an Employer Trip Reduction Implementation Plan (eTRIP) that encourages employees to reduce single-occupancy vehicle trips, thus reducing pollutant emissions associated with work commutes. Under an eTRIP plan, employers have the flexibility to select the options that work best for their worksites and their employees.

Information about District Rule 9410 can be found online at:

<https://ww2.valleyair.org/compliance/rule-9410-employer-based-trip-reduction/>.

For additional information, you can contact the District by phone at 559-230-6000 or by e-mail at [etrip@valleyair.org](mailto:etrip@valleyair.org)

### **18d) District Rule 4002 (National Emissions Standards for Hazardous Air Pollutants)**

In the event an existing building will be renovated, partially demolished or removed, future development projects may be subject to District Rule 4002. This rule requires a thorough inspection for asbestos to be conducted before any regulated facility is demolished or renovated. Information on how to comply with District Rule 4002 can be found online at:

<https://ww2.valleyair.org/compliance/demolition-renovation/>

### **18e) District Rule 4601 (Architectural Coatings)**

Future development projects may be subject to District Rule 4601 since they may utilize architectural coatings. Architectural coatings are paints, varnishes, sealers, or stains that are applied to structures, portable buildings, pavements or curbs. The purpose of this rule is to limit VOC emissions from architectural coatings. In addition, this rule specifies architectural coatings storage, cleanup and labeling requirements. Additional information on how to comply with District Rule 4601 requirements can be found online at:

<https://ww2.valleyair.org/media/tkqjeusd/rule-4601.pdf>

### **18f) District Regulation VIII (Fugitive PM10 Prohibitions)**

The project proponent may be required to submit a Construction Notification Form or submit and receive approval of a Dust Control Plan prior to commencing any earthmoving activities as described in Regulation VIII,

specifically Rule 8021 – *Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities*.

Should the project result in at least 1-acre in size, the project proponent shall provide written notification to the District at least 48 hours prior to the project proponents intent to commence any earthmoving activities pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). Also, should the project result in the disturbance of 5-acres or more, or will include moving, depositing, or relocating more than 2,500 cubic yards per day of bulk materials, the project proponent shall submit to the District a Dust Control Plan pursuant to District Rule 8021 (Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities). For additional information regarding the written notification or Dust Control Plan requirements, please contact District Compliance staff at (559) 230-5950.

The application for both the Construction Notification and Dust Control Plan can be found online at: <https://ww2.valleyair.org/media/fm3jrbsq/dcp-form.docx>

Information about District Regulation VIII can be found online at: <https://ww2.valleyair.org/dustcontrol>

### **18g) District Rule 4901 - Wood Burning Fireplaces and Heaters**

The purpose of this rule is to limit emissions of carbon monoxide and particulate matter from wood burning fireplaces, wood burning heaters, and outdoor wood burning devices. This rule establishes limitations on the installation of new wood burning fireplaces and wood burning heaters. Specifically, at elevations below 3,000 feet in areas with natural gas service, no person shall install a wood burning fireplace, low mass fireplace, masonry heater, or wood burning heater.

Information about District Rule 4901 can be found online at: <https://ww2.valleyair.org/compliance/residential-wood-smoke-reduction-program/>

### **18h) Other District Rules and Regulations**

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

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

Future development projects may require an environmental review and air emissions mitigation. A project's referral documents and environmental review documents

provided to the District for review should include a project summary, the land use designation, project size, air emissions quantifications and impacts, and proximity to sensitive receptors and existing emission sources, and air emissions mitigation measures. For reference and guidance, more information can be found in the District's Guidance for Assessing and Mitigating Air Quality Impacts at: <https://ww2.valleyair.org/media/g4nl3p0g/gamaqi.pdf>

If you have any questions or require further information, please contact Michael Corder by e-mail at [REDACTED] or by phone at [REDACTED].

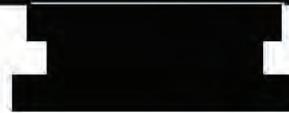
Sincerely,

Tom Jordan  
Director of Policy and Government Affairs

A handwritten signature in blue ink, appearing to read 'Tom Jordan', is written over a light blue circular stamp.

For: Mark Montelongo  
Program Manager

*From the Desk of  
Dr. Carol Bloesser*



March 19, 2025

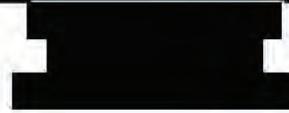
These are comments regarding the SEDA EIR along with the marked reference:

|   |      |                                               |
|---|------|-----------------------------------------------|
|   | 3.1  | Aesthetics, Light, and Glare                  |
|   | 3.2  | Agricultural Resources and Forestry Resources |
|   | 3.3  | Air Quality                                   |
|   | 3.4  | Biological Resources                          |
| u | 3.5  | Cultural Resources and Tribal Resources       |
|   | 3.6  | Energy                                        |
|   | 3.7  | Geology, Soils, and Seismicity                |
|   | 3.8  | Greenhouse Gas Emissions                      |
|   | 3.9  | Hazards and Hazardous Materials               |
|   | 3.10 | Hydrology and Water Quality                   |
|   | 3.11 | Land Use and Planning                         |
|   | 3.12 | Mineral Resources                             |
|   | 3.13 | Noise                                         |
| x | 3.14 | Population and Housing                        |
|   | 3.15 | Public Services                               |
|   | 3.16 | Recreation                                    |
|   |      | Transportation and Traffic                    |
|   | 3.18 | Utilities and Service Systems                 |
|   | 3.19 | Wildfire                                      |
|   |      | Mandatory Finds of Significance               |

The population of California is diminishing. The population of Fresno is not growing at the rate that it was when this plan was first initiated. In fact, it is growing little. There is enough land and housing within the City of Fresno to last until 2035 and probably longer. Why take valuable farmland and create urban sprawl when it is unnecessary? The EIR does not prove the need for the 45,000 houses indicated in this plan.



*From the Desk of  
Dr. Carol Bloesser*



March 19, 2025

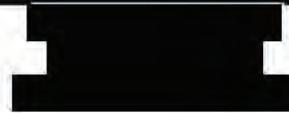
These are comments regarding the SEDDA EIR along with the marked reference:

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|   | 3.9  | Hazards and Hazardous Materials               |
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|   |      | Mandatory Finds of Significance               |

The population of California is diminishing. The population of Fresno is not growing at the rate that it was when this plan was first initiated. In fact, it is growing little. There is enough land and housing within the City of Fresno to last until 2035 and probably longer. Why take valuable farmland and create urban sprawl when it is unnecessary unless it is to appease a few wealthy developers?



*From the Desk of  
Dr. Carol Bloesser*



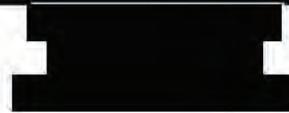
March 23, 2025

These are comments regarding the SEDDA EIR along with the marked reference:

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|   | 3.19 | Wildfire                                      |
|   |      | Mandatory Finds of Significance               |

In reading the EIR, I see no provision for fire stations or police stations. There is not even a suggestion of how many of each would be needed. This EIR is totally incomplete. It provides no estimate of a budget and many important things are not covered in this EIRE.

*From the Desk of  
Dr. Carol Bloesser*



March 23, 2025

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**BLUM, COLLINS & HO LLP**  
ATTORNEYS AT LAW  
AON CENTER



March 21, 2025

Sophia Pagoulatos  
Planning Manager  
City of Fresno  
Planning and Development Department  
2600 Fresno Street, Third Floor, Room 3043  
Fresno, CA 93721

Via Email to:  
[sophia.pagoulatos@fresno.gov](mailto:sophia.pagoulatos@fresno.gov)

*Subject: Comments on Recirculated Fresno Southeast Development Area Specific Plan Project EIR (SCH NO. 2022020486)*

Dear Ms. Pagoulatos,

Thank you for the opportunity to comment on the Recirculated Program Environmental Impact Report (EIR) for the proposed Recirculated Fresno Southeast Development Area Specific Plan Project. Please accept and consider these comments on behalf of Golden State Environmental Justice Alliance. Also, Golden State Environmental Justice Alliance formally requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

**1.0 Summary**

The proposed project is a Specific Plan (SP) for the Southeast Development Area (SEDA) formerly known as the Southeast Growth Area (SEGA). The mixed-use SEDA SP would permit residential, commercial, and employment generating uses. It has the potential to accommodate approximately 45,000 homes and 37,000 jobs within the nearly 9,000-acre planning area by the year 2050.

The EIR lists the following items as additional components of the project:

1. Phasing Plan: The Phasing Plan defines the required sequence of development for various areas within SEDA.
2. Infrastructure Financing Plan: The proposed project would include a Public Facilities Financing Plan to present a strategy and funding options for backbone infrastructure and public facilities, including roads, sewer, water, storm drainage, parks, and other public facilities.

Backbone infrastructure and public facilities required for development would be funded through a combination of public and private funding. The Public Facilities Financing Plan has been developed through a review of the SEDA Specific Plan, infrastructure studies, and coordination with the City.

3. Annexation: The proposed project requires annexation of Fresno County (County) lands into the City. LAFCo is a Responsible Agency under CEQA for the proposed project. LAFCo will consider the analysis contained in this EIR when considering the annexation of the project site into the City. Annexation will be strategic and proactive to facilitate infrastructure development by the City.
4. General Plan Amendment and Development Code Change: The proposed project would also amend the General Plan and Development Code to implement the land use and zoning described in the proposed project.

#### **1.4 Documents Incorporated by Reference**

The EIR states that the Southeast Development Area Specific Plan (SEDA SP) document itself (2023) is incorporated by reference. The SEDA SP *is* the proposed project and excluding it as an attachment for public review does not comply with CEQA’s requirements for meaningful disclosure. Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the SEDA SP document contributes directly to analysis of the problem at hand. The EIR must be revised to include the SEDA SP document for review, analysis, and comment by the public and decision makers.

#### **2.0 Project Description**

The EIR is not clear regarding the proposed General Plan land use designations for the project site. Specifically, the EIR only provides exhibits that depict the Existing General Plan land use designations and the proposed SEDA SP land use designations, leaving the reader to assume that the proposed SEDA land uses *are* the new General Plan land use designations. It must be noted that the City’s General Plan does not list any of the 10 proposed SEDA land use designations as existing land use designations. For example, SEDA’s employment-focused land use designations are “Office Center” and “Flexible Research and Development.” These land use designations do not exist in the City’s General Plan, and neither do any of the other eight proposed land use designations. The City’s General Plan also does not include a broad “Specific Plan” land use designation that would be applied to all parcels within any approved Specific Plan within the City. Therefore, all 10 land use designations proposed in the SEDA SP will be new additions to the General Plan and the EIR must be revised to include all text and exhibits that will be part of the revised General Plan and Development Code in order to comply with CEQA’s requirements for meaningful disclosure and adequate informational documents (CEQA § 15121).

Further, the EIR impact analysis throughout the document relies on the notion that bus rapid transit (BRT) service will be expanded in Fresno to serve the project area (Kings Canyon), rendering several impact areas less than significant. However, the EIR does not provide any meaningful evidence to support the conclusion that the BRT expansion will actually be constructed. Most notably, the Fresno COG Long Range Transportation Plan<sup>1</sup> (LRTP) (2019-2050) does not include service to the SEDA SP area as a specific project. Table 2 - LRTP Project List within the LRTP only includes, "Project 6: Extend the Kings Canyon BRT corridor to Fancher Creek," and the Fancher Creek area is located north/west of the SEDA areas and not contiguous to it. Therefore, BRT service to the project area is not a funded commitment or project and is not planned to exist by 2050. The EIR must be revised to clarify this and update its impact analysis throughout the document.

Additionally, the EIR lists several items as "additional components" of the project that are not included for public review: Phasing Plan, Infrastructure Financing Plan, Annexation, and the above-mentioned General Plan Amendment and Development Code Change. These project components are necessary for the public to review as they directly inform the environmental analysis, such as Utilities and Service Systems, Hydrology and Water Quality, and Public Services. Excluding these project components as attachments for public review does not comply with CEQA's requirements for meaningful disclosure. Incorporation by reference (CEQA § 15150 (f)) is not appropriate as all project components contribute directly to analysis of the problem at hand. The EIR must be revised to include all project components for review, analysis, and comment by the public and decision makers.

### **3.3 Air Quality, 3.6 Energy, and 3.8 Greenhouse Gas Emissions**

The EIR does not include for analysis relevant environmental justice issues in reviewing potential impacts, including cumulative impacts from the proposed project. The EIR provides general information about the census tract's CalEnviroScreen scores but does not provide meaningful analysis regarding the health impacts and effects of severe pollution rates. This is in conflict with CEQA Guidelines Section 15131 (c), which requires that "Economic, social, and particularly housing factors shall be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR. If information on these factors is not contained in the EIR, the information must be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project."

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<sup>1</sup> <https://www.fresnocog.org/wp-content/uploads/2021/10/Fresno-County-Regional-Long-Range-Transit-Plan-050519-RL-34.pdf>

This is especially significant as the surrounding community is highly burdened by pollution. According to CalEnviroScreen 4.0<sup>2</sup>, CalEPA's screening tool that ranks each census tract in the state for pollution and socioeconomic vulnerability, the proposed project spans multiple census tracts ((6019005904 (Temperance south of Church Street extending east to McCall); 6019001413 (Temperance north of Church Street extending north to Belmont); and 6019001500 (Temperance between Jensen and North extending west to Peach)) that rank significantly worse than the rest of the state in overall pollution burden and specific factors that directly contribute to pollution applied to the socioeconomic factors of the population. Census tract 6019005904 ranks in the 77th percentile for overall pollution burden, census tract 6019001413 ranks in the 57th percentile, and census tract 6019001500 ranks in the 100th percentile, meaning that it is among the most highly polluted census tracts in the state.

The project census tracts rank highly for ozone burden (6019005904 and 6019001413: 89th percentile; 6019001500: 85th percentile), particulate matter (PM) 2.5 burden (6019005904: 95th percentile; 6019001413 and 6019001500: 96th percentile), and diesel PM burden (6019001500: 65th percentile). All of these environmental factors are typically attributed to heavy truck activity in the area. Ozone can cause lung irritation, inflammation, and worsening of existing chronic health conditions, even at low levels of exposure<sup>3</sup>. The very small particles of diesel PM can reach deep into the lung, where they can contribute to a range of health problems. These include irritation to the eyes, throat and nose, heart and lung disease, and lung cancer<sup>4</sup>.

The census tracts also bear more impacts from cleanup sites compared to the rest of the state (6019005904: 89th percentile; 6019001500: 98th percentile). Chemicals in the buildings, soil, or water at cleanup sites can move into nearby communities through the air or movement of water<sup>5</sup>. The census tracts also rank highly for impacts from toxic releases (6019005904: 70th percentile; 6019001413: 74th percentile; 6019001500: 95th percentile). People living near facilities that emit toxic releases may breathe contaminated air regularly or if contaminants are released during an accident<sup>6</sup>.

The census tracts rank among the most severely impacted in several areas that impact water quality. Census tract 6019001500 rank in the 94th percentile for groundwater threats. People who live near contaminated groundwater may be exposed to chemicals moving from the soil into the air

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<sup>2</sup> CalEnviroScreen 4.0 <https://oehha.ca.gov/calenviroscreen/report/calenviroscreen-40>

<sup>3</sup> OEHHA Ozone <https://oehha.ca.gov/calenviroscreen/indicator/air-quality-ozone>

<sup>4</sup> OEHHA Diesel Particulate Matter <https://oehha.ca.gov/calenviroscreen/indicator/diesel-particulate-matter>

<sup>5</sup> OEHHA Cleanup Sites <https://oehha.ca.gov/calenviroscreen/indicator/cleanup-sites>

<sup>6</sup> OEHHA Toxic Releases <https://oehha.ca.gov/calenviroscreen/indicator/toxic-releases-facilities>

inside their homes<sup>7</sup>. Additionally, the project census tracts rank highly for drinking water impacts (6019005904: 99th percentile; 6019001413: 94th percentile; 6019001500: 100th percentile), which indicates that the project site ranks with the worst quality drinking water in the state. Poor communities and people in rural areas are exposed to contaminants in their drinking water more often than people in other parts of the state<sup>8</sup>.

The census tracts also rank highly for solid waste facility impacts (6019005904: 70th percentile; 6019001500: 100th percentile), which can expose people to hazardous chemicals, release toxic gases into the air (even after these facilities are closed), and chemicals can leach into soil around the facility and pose a health risk to nearby populations<sup>9</sup>. Census tract 6019001500 ranks in the 100th percentile for hazardous waste impacts. Hazardous waste generators and facilities contribute to the contamination of air, water and soil near waste generators and facilities can harm the environment as well as people<sup>10</sup>.

Further, the census tract is a diverse community including many Hispanic residents (6019005904: 32%; 6019001413: 46%; 6019001500: 75%), Asian-American residents (6019005904: 24%; 6019001413: 25%; 6019001500: 3%), and African-American residents (6019005904: 2%; 6019001413: 2%; 6019001500: 1%), whom are especially vulnerable to the impacts of pollution. The communities have a high rate of low educational attainment, meaning significant portions of the census tracts over age 25 has not attained a high school diploma (6019005904: 56%; 6019001413: 54%; 6019001500: 95%). The community also has a high rate of poverty, meaning significant portions of the households in the census tract have a total income before taxes that is less than the poverty level (6019001500: 94%). Income can affect health when people cannot afford healthy living and working conditions, nutritious food and necessary medical care<sup>11</sup>. Poor communities are often located in areas with high levels of pollution<sup>12</sup>. Poverty can cause stress that weakens the immune system and causes people to become ill from pollution<sup>13</sup>. Living in poverty and low education levels are also an indication that residents may lack health insurance or access to medical care. Medical care is vital for the project census tracts as they rank significantly for the incidence of cardiovascular disease (6019001413: 55th percentile;

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<sup>7</sup> OEHHA Groundwater Threats <https://oehha.ca.gov/calenviroscreen/indicator/groundwater-threats>

<sup>8</sup> OEHHA Drinking Water <https://oehha.ca.gov/calenviroscreen/drinking-water>

<sup>9</sup> OEHHA Solid Waste Facilities <https://oehha.ca.gov/calenviroscreen/indicator/solid-waste-sites-and-facilities>

<sup>10</sup> OEHHA Hazardous Waste Generators and Facilities <https://oehha.ca.gov/calenviroscreen/indicator/hazardous-waste-generators-and-facilities>

<sup>11</sup> OEHHA Poverty <https://oehha.ca.gov/calenviroscreen/indicator/poverty>

<sup>12</sup> Ibid.

<sup>13</sup> Ibid.

6019001500: 71st percentile) and the incidence of asthma (6019001413: 55th percentile; 6019001500: 93rd percentile). The communities also have a high rate of linguistic isolation, meaning significant portions of residents in the census tracts speak little to no English and faces further inequities as a result (6019005904: 49%; 6019001413: 50%; 6019001500: 70%).

Additionally, the proposed project's census tracts (6019001413 and 6019001500) are identified as SB 535 Disadvantaged Communities<sup>14</sup>. This indicates that cumulative impacts of development and environmental impacts in the area are disproportionately impacting these communities. The EIR does not discuss that the project site and surrounding area are disadvantaged communities and does not utilize this information in its analysis. The EIR has not considered the project's significant and unavoidable cumulatively considerable environmental impacts in relation to the SB 535 status of the project census tracts and surrounding area. The negative environmental, health, and quality of life impacts in the City have become distinctly inequitable. The severity of environmental impacts particularly on these Disadvantaged Communities must be included for analysis as part of a revised EIR.

The State of California lists three approved compliance modeling softwares<sup>15</sup> for non-residential buildings: CBECC-Com, EnergyPro, and IES VE. CalEEMod and EMFAC are not listed as approved softwares. The CalEEMod/EMFAC and spreadsheet-based modeling does not comply with the 2022 Building Energy Efficiency Standards and under-reports the project's significant Energy impacts and fuel consumption to the public and decision makers. Since the EIR did not accurately or adequately model the energy impacts in compliance with Title 24, a finding of significance must be made. A revised EIR with modeling using one of the approved software types must be prepared and circulated for public review in order to adequately analyze the project's significant environmental impacts. This is vital as the EIR utilizes CalEEMod/EMFAC as sources in its methodology and analysis, which are clearly not approved softwares.

### **3.9 Hazards and Hazardous Materials**

The EIR states that, "According to the Fresno Yosemite International Airport Safety Compatibility Zones Map, a small portion of the Plan Area is located within the 60 dB CNEL contour. A Larger portion of the Plan Area is located within the Traffic Pattern Zone." The EIR concludes that, "The ALUC found the proposed project to be consistent with the ALUCP on August 7, 2023. Therefore, at the programmatic level, impacts to the Plan Area would be less than significant. Consistent with the General Plan and SEDA Specific Plan policies, individual development projects would be

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<sup>14</sup> OEHHA SB 535 Census Tracts <https://oehha.ca.gov/calenviroscreen/sb535>

<sup>15</sup> California Energy Commission 2022 Energy Code Compliance Software

<https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2022-building-energy-efficiency-1>

required to undergo project-specific environmental review, which may require additional site-specific or project-specific airport land use compatibility measures to reduce any potential impacts and ensure that impacts remain less than significant.”

However, the EIR has not provided any meaningful evidence or analysis to support the claim that the impacts are less than significant. Notably, the Fresno County Airport Land Use Commission (FC ALUC) review document is not included as an attachment for public review in compliance with CEQA’s requirements for meaningful disclosure. Incorporation by reference (CEQA § 15150 (f)) is not appropriate as the FC ALUC review document contributes directly to analysis of the problem at hand. The EIR must be revised to include the FC ALUC review document for review, analysis, and comment by the public and decision makers.

Additionally, based on the August 7, 2023 FC ALUC meeting agenda<sup>16</sup>, attachments<sup>17/18</sup>, and minutes<sup>19</sup> of the meeting, the FC ALUC only reviewed the SEDA Specific Plan. The FC ALUC did not explicitly review or take action on all aspects of the project, including the required General Plan Amendment and Development Code Change required to implement the proposed project. The California Airport Land Use Planning Handbook<sup>20</sup> states that Airport Land Use Commission review is required “Prior to the amendment of a general plan or specific plan, or the adoption of a zoning ordinance or building regulation within the ALUCP planning boundary, the ALUC shall review the plan, ordinance, or regulation for consistency with the ALUCP (PUC Section 21676(b)).” Given that the proposed project includes General Plan Amendment and Development Code Change to proceed, FC ALUC review of all associated actions is required. As stated above in the Project Description analysis, the EIR has not provided the new text or exhibits to be included in the revised General Plan associated with the 10 new land use designations created by the proposed project, or the new text of the development code. Therefore, the FC ALUC has not reviewed the required General Plan Amendment and a revised EIR must be prepared to include a finding of significance.

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<sup>16</sup> August 7, 2023 FC ALUC meeting agenda <https://agendas2011-24.fresnocog.org/agenda/read/785>

<sup>17</sup> August 7, 2023 FC ALUC attachment for SEDA project [https://agendas2011-24.fresnocog.org/itemAttachments/785/SEDA - ALUC Submittal - 7.24 .23 .pdf](https://agendas2011-24.fresnocog.org/itemAttachments/785/SEDA_-_ALUC_Submittal_-_7.24_23_.pdf)

<sup>18</sup> August 7, 2023 FC ALUC attachment for SEDA project [https://agendas2011-24.fresnocog.org/itemAttachments/785/SEDA - FAT Influence Areas.pdf](https://agendas2011-24.fresnocog.org/itemAttachments/785/SEDA_-_FAT_Influence_Areas.pdf)

<sup>19</sup> August 7, 2023 FC ALUC meeting minutes [https://agendas2011-24.fresnocog.org/itemAttachments/794/080723 ALUC Action Summary.pdf](https://agendas2011-24.fresnocog.org/itemAttachments/794/080723_ALUC_Action_Summary.pdf)

<sup>20</sup> California Airport Land Use Planning Handbook <https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/californiaairportlanduseplanninghandbook-a11y.pdf>

### 3.11 Land Use and Planning

It must be noted that the EIR does not accurately characterize or analyze the permitted use types within each land use designation of the SEDA SP<sup>21</sup>. For example, SEDA SP Policy EO-2.1 states, “Promote industry clusters that build on Fresno’s local strengths. The SEDA Plan presents opportunities for each of the following clusters: Advanced Manufacturing, Clean Energy, Construction, Food Processing, Healthcare, Information Processing, **Logistics & Distribution**, Software Development, Tourism, and Water Technology. This list may evolve as Fresno grows and changes.” The EIR does not discuss or analyze the possibility of logistics and distribution uses in any of the proposed land use designations. The EIR is inadequate as an informational document and must be revised to accurately list all permitted/conditionally permitted uses within each land use designation and update all associated impact analysis.

The EIR is not clear regarding the proposed General Plan land use designations for the project site. Specifically, the EIR only provides exhibits that depict the Existing General Plan land use designations and the proposed SEDA SP land use designations, leaving the reader to assume that the proposed SEDA land uses *are* the new General Plan land use designations. It must be noted that the City’s General Plan does not list any of the 10 proposed SEDA land use designations as existing land use designations. For example, SEDA’s employment-focused land use designations are “Office Center” and “Flexible Research and Development.” These land use designations do not exist in the City’s General Plan, and neither do any of the other eight proposed land use designations. The City’s General Plan also does not include a broad “Specific Plan” land use designation that would be applied to all parcels within any approved Specific Plan within the City. Therefore, all 10 land use designations proposed in the SEDA SP will be new additions to the General Plan and the EIR must be revised to include all text and exhibits that will be part of the revised General Plan and Development Code in order to comply with CEQA’s requirements for meaningful disclosure and adequate informational documents (CEQA § 15121).

Additionally, the EIR does not provide adequate information to determine the project’s compliance or noncompliance with statutory requirements of the Housing Crisis Act (HCA) of 2019/Senate Bill (SB) 330<sup>22</sup>/SB 8<sup>23</sup>. The HCA/SB 330/SB 8 require replacement housing sites when land designated for housing development experience land use changes to ensure no net loss of housing capacity.

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<sup>21</sup> SEDA SP <https://www.fresno.gov/wp-content/uploads/2023/07/Draft-SEDA-Specific-Plan.pdf>

<sup>22</sup> Housing Crisis Act of 2019/SB 330

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200SB330](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330)

<sup>23</sup> SB 8 [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220SB8](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB8)

Government Code Section 66300(b)(1)(A) requires that agencies shall not “change the general plan land use designation, specific plan land use designation, or zoning to a less intensive use below what was allowed under the land use designation and zoning ordinances in effect at the time of the proposed change.” Under Government Code Section 66300(b)(1)(A), a “less intensive use” includes, but is not limited to, reductions to height, density, or floor area ratio, new or increased open space or lot size requirements, or new or increased setback requirements, minimum frontage requirements, or maximum lot coverage limitations, or any other action that would individually or cumulatively reduce residential development capacity. Pursuant to SB 330, replacement capacity for any displaced residential units must be provided **concurrently** at the **time of project approval.**

Government Code Section 66300 (h)(i)(1) states that, “this section does not prohibit an affected county or an affected city, including the local electorate acting through the initiative process, from changing a land use designation or zoning ordinance to a less intensive use, or reducing the intensity of land use, if the city or county concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity.” The EIR is inadequate in that it does not provide the acreage of each existing General Plan land use designation within the project area. The total acreage for each existing General Plan land use designation is necessary to calculate the existing total residential development capacity to ensure there is no net loss of capacity. The EIR must be revised to include this information for analysis.

### **3.14 Population and Housing**

The EIR states that, “According to General Plan Tables 1-3 (Residential Development Capacity at General Plan Horizon) and 1-4 (Residential Development Capacity at General Plan Buildout, the proposed project would generate up to 14,900 dwelling units at General Plan Horizon and an additional 25,000 at buildout occurring sometime after 2050, for a total of 45,000 new dwelling units, comprising approximately 31 percent of the total planned capacity for the City. Buildout of the proposed project is considered planned growth and would provide housing to meet the demand for new residential units.” However, this statement does not accurately reflect General Plan Tables 1-3 and 1-4. According to the General Plan, the project site is located within Development Areas (DA) DA-3 Southeast and DA-4 East. General Plan Tables 1-3 and 1-4 provide the following buildout information for DA-3 and DA-4:

Table 1-3: Residential Development Capacity Under General Plan Horizon (2035)

*DA-3 Southeast*

Type of Dwelling Unit (DU)

Multi-Family/Townhouse: 2,500 DU

SFD: 3,500 DU

Total: 6,000 DU

*Location*

City Limits: 0

Development on Sites in Growth Areas Requiring Annexation: 6,000 DU

*DA-4 East*

Type of DU

MF/Townhouse: 5,100 DU

SFD: 3,800 DU

*Location*

City Limits: 0

Development on Sites in Growth Areas Requiring Annexation: 8,900 DU

Total General Plan Horizon (2035) = 14,900 DU

Table 1-4: Residential Development Capacity Under Buildout (2056)

*DA-3 Southeast*

Location

City Limits: 0

Development on Sites in Growth Areas Requiring Annexation: 9,092 DU

*DA-4 East*

Location

City Limits: 0

Development on Sites in Growth Areas Requiring Annexation: 35,008 DU

Total General Plan Buildout (2056) = 44,100 DU

The EIR states that the General Plan provides for, “up to 14,900 dwelling units at General Plan Horizon and an additional 25,000 at buildout occurring sometime after 2050, for a total of 45,000 new dwelling units.” However, the sum of 14,900 DU and 25,000 DU is 39,900 DU, which is 5,100 DU fewer than the proposed project. It must be noted that the General Plan excludes the specific date of total buildout, but the 2019 EIR for the General Plan Update<sup>24</sup> clearly identifies the total buildout year as 2056.

As shown above, the General Plan accommodates a cumulative total of 44,100 DU on the project site from General Plan adoption through 2056. This is 900 DU fewer than the 45,000 DU proposed by the project. The proposed project exceeds the cumulative General Plan buildout scenario through 2056 and the EIR must be revised to disclose this with a finding of significance.

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<sup>24</sup> <https://www.fresno.gov/wp-content/uploads/2023/03/Fresno-GP-Public-Review-Draft-Program-EIR.pdf>

A revised EIR must also provide a cumulative analysis of projects approved and “in the pipeline” to provide an adequate and accurate analysis to determine if the project will exceed Fresno COG’s employment and population growth forecasts, and all projects approved since 2014 and projects “in the pipeline” to provide an adequate and accurate analysis to determine if the project will exceed the City’s General Plan employment and population growth forecasts. For example, the General Plan includes Table 1-5: Population Estimate Under Horizon and Buildout that depicts the City will add 226,000 residents by horizon year 2035 and a cumulative total of 425,000 residents by General Plan buildout in 2056. The EIR’s estimated 134,550 residents accounts for 59.5% of horizon population buildout (2035), 31.6% of total General Plan population buildout (2056), and 67.5% of the population increase from 2035 to 2056. This is a significant amount of growth attributable to a single project. The EIR has not prepared an adequate cumulative analysis to determine the City’s progress towards these buildout scenarios and a revised EIR must be prepared with this information in order to provide an adequate and accurate environmental analysis.

The EIR states that, “new development would be required to address potential environmental impacts as part of individual project review. As such, cumulative development would not induce substantial unplanned population growth, either directly or indirectly. Because cumulative projects would comply with all applicable land use plans to provide adequate development within a jurisdiction, cumulative impacts would be less than significant.” This statement is misleading and erroneous as CEQA provides several options to exempt future projects from environmental review. New development would not be required to address potential environmental impacts as part of individual project review. New residential development proposed pursuant to the SEDA SP is statutorily exempt from CEQA due to the adoption of a Program EIR. Specifically, CEQA Guidelines Section 15168 (c)(2) states regarding later activities that, “If the agency finds that pursuant to Section 15162, no subsequent EIR would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.” CEQA Guidelines Section 15182 exempts “residential, commercial and mixed-use projects that are consistent with a specific plan.” CEQA Guidelines Section 15182 (c) exempts residential projects so long as no new information has been presented pursuant to Section 15162. Additionally, CEQA Guidelines Section 15168 (b)(2) provides a list of advantages for developing a Program EIR as, “Ensure consideration of cumulative impacts that might be slighted in a case-by-case analysis.” Therefore, the EIR’s reliance upon delayed/future CEQA review as part of individual project review is not adequate or accurate and does not support a less than significant finding. The EIR must be revised to remove these statements and provide a finding of significance.

### **3.17 Transportation and Traffic**

The EIR has not provided any consistency analysis with the Fresno Council of Governments (COG) 2022 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)<sup>25</sup>. Due to errors in modeling, modeling without supporting evidence, and the EIR's conclusion the project will result in significant and unavoidable cumulatively considerable impacts to Air Quality, the proposed project has significant potential for inconsistency with Goal 2: Vibrant communities that are accessible by sustainable transportation options, Policy 4: Encourage alternatives to single-occupancy vehicles that reduce vehicle miles traveled (VMT) and greenhouse gas emissions, and Policy 6: Encourage sustainable development that focuses growth near activity centers and mobility options that achieve greater location efficiency. Portions of the project site is also identified as an Environmental Justice area<sup>26</sup> in Fresno COG's 2022 RTP/SCS. Since the project requires a General Plan Amendment to the land use designations on the project site to proceed, it was clearly not accounted for or analyzed by the 2022 RTP/SCS. A revised EIR must be prepared to accurately analyze and disclose the inconsistency with the 2022 RTP/SCS document with a finding of significance.

Further, the EIR impact analysis relies on the notion that bus rapid transit (BRT) service will be expanded in Fresno to serve the project area (Kings Canyon), rendering several impact areas less than significant. However, the EIR does not provide any meaningful evidence to support the conclusion that the BRT expansion will actually be constructed. Most notably, the Fresno COG Long Range Transportation Plan<sup>27</sup> (LRTP) (2019-2050) does not include service to the SEDA SP area as a specific project. Table 2 - LRTP Project List within the LRTP only includes, "Project 6: Extend the Kings Canyon BRT corridor to Fancher Creek," and the Fancher Creek area is located north/west of the SEDA areas and not contiguous to it. Therefore, BRT service to the project area is not a funded commitment or project and is not planned to exist by 2050. The EIR must be revised to clarify this and update its impact analysis throughout the document.

### **4.2 Growth-Inducing Impacts**

The EIR has excluded for discussion for the precedence setting action that approval of the required General Plan Amendment and Development Code Change set for future changes in the City. The EIR must be revised to include a finding of significance as the required GPA/Development Code Change to implement the project will result in significant and unavoidable cumulatively

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<sup>25</sup> Fresno COG 2022 RTP/SCS <https://www.planfresno.com/sustainable-communities-strategies-fall-outreach/>

<sup>26</sup> Environmental Justice Chapter of 2022 Fresno COG RTP/SCS  
<https://www.planfresno.com/planfresno/uploads/2022/06/Chapter-7-Environmental-Justice-Final-Draft.pdf>

<sup>27</sup> <https://www.fresnocog.org/wp-content/uploads/2021/10/Fresno-County-Regional-Long-Range-Transit-Plan-050519-RL-34.pdf>

considerable impacts to Aesthetics, Agricultural Resources, Air Quality, and Noise, and approval of the proposed project will set precedent for approval of other projects with significant and unavoidable impacts that require changes in land use designations and will encourage and facilitate other activities that will have significant negative impacts to the environment. The EIR must be revised to disclose this information and provide a finding of significance.

The EIR has excluded discussion of the precedence setting action that approval of the required General Plan Amendment and Development Code Change set for future changes in the City. The EIR does not analyze that the project will create 10 new General Plan land use designations that can be applied to any property in the City. The EIR must be revised to disclose this information and provide a finding of significance.

The EIR states that, “According to General Plan Tables 1-3 (Residential Development Capacity at General Plan Horizon) and 1-4 (Residential Development Capacity at General Plan Buildout, the proposed project would generate up to 14,900 dwelling units at General Plan Horizon and an additional 25,000 at buildout occurring sometime after 2050, for a total of 45,000 new dwelling units, comprising approximately 31 percent of the total planned capacity for the City. Buildout of the proposed project is considered planned growth and would provide housing to meet the demand for new residential units.” However, this statement does not accurately reflect General Plan Tables 1-3 and 1-4. According to the General Plan, the project site is located within Development Areas (DA) DA-3 Southeast and DA-4 East. General Plan Tables 1-3 and 1-4 provide the following buildout information for DA-3 and DA-4:

Table 1-3: Residential Development Capacity Under General Plan Horizon (2035)

*DA-3 Southeast*

Type of Dwelling Unit (DU)

Multi-Family/Townhouse: 2,500 DU

SFD: 3,500 DU

Total: 6,000 DU

*Location*

City Limits: 0

Development on Sites in Growth Areas Requiring Annexation: 6,000 DU

*DA-4 East*

Type of DU

MF/Townhouse: 5,100 DU

SFD: 3,800 DU

*Location*

City Limits: 0

Development on Sites in Growth Areas Requiring Annexation: 8,900 DU

Total General Plan Horizon (2035) = 14,900 DU

Table 1-4: Residential Development Capacity Under Buildout (2056)

*DA-3 Southeast*

Location

City Limits: 0

Development on Sites in Growth Areas Requiring Annexation: 9,092 DU

*DA-4 East*

Location

City Limits: 0

Development on Sites in Growth Areas Requiring Annexation: 35,008 DU

Total General Plan Buildout (2056) = 44,100 DU

The EIR states that the General Plan provides for, “up to 14,900 dwelling units at General Plan Horizon and an additional 25,000 at buildout occurring sometime after 2050, for a total of 45,000 new dwelling units.” However, the sum of 14,900 DU and 25,000 DU is 39,900 DU, which is 5,100 DU fewer than the proposed project. It must be noted that the General Plan excludes the specific date of total buildout, but the 2019 EIR for the General Plan Update<sup>28</sup> clearly identifies the total buildout year as 2056.

As shown above, the General Plan accommodates a cumulative total of 44,100 DU on the project site from General Plan adoption through 2056. This is 900 DU fewer than the 45,000 DU proposed by the project. The proposed project exceeds the cumulative General Plan buildout scenario through 2056 and the EIR must be revised to disclose this with a finding of significance.

The EIR must also be

A revised EIR must also provide a cumulative analysis of projects approved and “in the pipeline” to provide an adequate and accurate analysis to determine if the project will exceed Fresno COG’s employment and population growth forecasts, and all projects approved since 2014 and projects “in the pipeline” to provide an adequate and accurate analysis to determine if the project will exceed the City’s General Plan employment and population growth forecasts. For example, the General Plan includes Table 1-5: Population Estimate Under Horizon and Buildout that depicts the City will add 226,000 residents by horizon year 2035 and a cumulative total of 425,000 residents by General Plan buildout in 2056. The EIR’s estimated 134,550 residents accounts for 59.5% of horizon population buildout (2035), 31.6% of total General Plan population buildout

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<sup>28</sup> <https://www.fresno.gov/wp-content/uploads/2023/03/Fresno-GP-Public-Review-Draft-Program-EIR.pdf>

(2056), and 67.5% of the population increase from 2035 to 2056. This is a significant amount of growth attributable to a single project. The EIR has not prepared an adequate cumulative analysis to determine the City's progress towards these buildout scenarios and a revised EIR must be prepared with this information in order to provide an adequate and accurate environmental analysis.

#### **4.3 Mandatory Findings of Significance**

The EIR concludes that the proposed project will have a less than significant impact regarding Mandatory Finding of Significance Threshold 3: "The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." The EIR states that, "Compliance with and implementation of mitigation measures, existing regulations, and the City's standard permit conditions would ensure that the proposed project, and future development consistent with the proposed project, would not result in substantial adverse effects on human beings, including effects related to air pollution, seismic and geologic hazards, hazardous materials, flooding and natural disasters, or noise and vibration. Therefore, impacts associated with the proposed project would be less than significant."

However, this analysis fails to account for the project's significant and unavoidable cumulatively considerable impact for Threshold AIR-3: Project-level Sensitive Receptors Exposure to Pollutant Concentrations. Regarding this significant impact, the EIR states that proposed mitigation would reduce impacts to the extent feasible, but, "the proposed project would result in the future development of numerous projects, each contributing incrementally to air emissions affecting sensitive receptors. Thus, it is possible that the proposed project would result in cumulatively significant impacts to sensitive receptors, even if individual projects were each less than significant. This is particularly likely since none of the measures herein would prevent multiple development projects from being constructed concurrently within close proximity to sensitive receptors in such a manner as to cause substantial concentrations within the area. Further, neither the amount of construction occurring nor the exact location within the Plan Area is foreseeable and, as such, it cannot be determined whether the resultant construction emissions could be adequately controlled or reduced to below regulatory thresholds. Without such information, it is not possible to conclude that air pollutant emissions resulting from construction activities would be adequately reduced to the point that sensitive receptors are not exposed to substantial concentrations of air pollutants, and thus a significant and unavoidable impact may result." The EIR is internally inconsistent as it does not acknowledge this impact in the Mandatory Findings. The EIR must be revised to include this information for analysis and provide a finding of significance.

## **5.0 Alternatives**

The EIR is required to evaluate a reasonable range of alternatives to the proposed project which will avoid or substantially lessen any of the significant effects of the project (CEQA § 15126.6.) The alternatives chosen for analysis include the CEQA required “No Project/No Build” alternative and only two others - Consolidated Business Park Alternative and Farmland Conservation Alternative. The EIR does not evaluate a reasonable range of alternatives as only two alternatives beyond the required No Project alternative are analyzed. The EIR does not include an alternative eliminates any of the project’s significant and unavoidable impacts. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6). This could include alternatives such as development of the site with a project that eliminates all of the proposed project’s significant and unavoidable impacts to less than significant levels while meeting all project objectives. The EIR must be revised to include analysis of a reasonable range of alternatives and foster informed decision making (CEQA § 15126.6).

## **Conclusion**

For the foregoing reasons, GSEJA believes the EIR is flawed and a revised EIR must be prepared for the proposed project and circulated for public review. Golden State Environmental Justice Alliance requests to be added to the public interest list regarding any subsequent environmental documents, public notices, public hearings, and notices of determination for this project. Send all communications to Golden State Environmental Justice Alliance P.O. Box 79222 Corona, CA 92877.

Sincerely,



Vashon Simien  
Blum, Collins & Ho, LLP

### **Attachments:**

1. SWAPE Technical Analysis



[Redacted]

Matt Hagemann, P.G, C.Hg.

[Redacted]

Paul E. Rosenfeld, PhD

[Redacted]

March 18, 2025

Gary Ho

[Redacted]

**Subject: Comments on the Fresno Southeast Development Area Specific Plan Project (SCH No. 2022020486)**

Dear Mr. Ho,

We have reviewed the February 2025 Recirculated Draft Program Environmental Impact Report (“RDPEIR”) for the Fresno Southeast Development Area Specific Plan Project (“Specific Plan”) located in the City of Fresno. The Project proposes constructing complete communities and mixed-use centers, including up to 45,000 dwelling units, over a 9,000-acre plan area.

In our opinion, the RDPEIR does not sufficiently evaluate the Project’s air quality and greenhouse gas (“GHG”) impacts. Emissions associated with construction and operation of the proposed Project may therefore be inadequately addressed. A revised Environmental Impact Report (“EIR”) should be prepared to adequately assess and mitigate the potential air quality and greenhouse gas impacts that the project may have on the environment.

### **Air Quality**

#### **Failure to Implement All Feasible Mitigation Measures to Reduce Construction-Related and Operational Criteria Air Pollutant Emissions**

The RDPEIR relies on California Emissions Estimator Model (“CalEEMod”) to estimate emissions from construction and operation of future projects under the Specific Plan. Despite incorporating Mitigation Measures (“MM”) AIR-1a through AIR-1d, the RDPEIR concludes that construction-related and operational emissions of volatile organic compounds (“VOC”), nitrogen oxide (“NO<sub>x</sub>), carbon oxide (“CO”), particulate matter 10 (“PM<sub>10</sub>”), and particulate matter 2.5 (“PM<sub>2.5</sub>”) would remain significant and unavoidable (pp. 3.3-48–51, Table 3.3-8, Table 3.3-9).

The RDPEIR, however, does not implement all feasible mitigation for reducing these emissions. The California Environmental Quality Act (“CEQA”) requires lead agencies to implement all feasible mitigation to reduce significant impacts to the maximum extent feasible.<sup>1</sup> The RDPEIR fails to evaluate or adopt additional measures that could further reduce emissions. As outlined in the “Feasible Mitigation Measures Available to Reduce Emissions” section of this letter, we suggest further mitigation measures to be considered; a revised EIR should be prepared to further assess and incorporate all available mitigation before concluding that impacts are significant and unavoidable.

## Greenhouse Gas

### Failure to Implement All Feasible Mitigation Measures to Reduce Greenhouse Gas Impacts

The RDPEIR estimates that Project construction and operation would generate 2,316,578 and 510,791 metric tons of carbon dioxide equivalents per year (“MT CO<sub>2</sub>e/year”), respectively (p. 3.8-42–43, Table 3.8-2, 2.8-3). The RDPEIR concludes that the Project’s GHG emissions would be less than significant based on consistency with the 2022 ARB Scoping Plan and the Fresno 2022 Regional Transportation Plant (“RTP”) and the Sustainable Communities Strategy (“SCS”) (p. 3.8-56).

In our opinion, however, the RDPEIR’s significant and unavoidable conclusion lacks sufficient support. CEQA requires the RDPEIR to implement all feasible mitigation to minimize impacts to the maximum extent feasible.<sup>2</sup> An impact can only be deemed significant and unavoidable after considering all available feasible mitigation. The RDPEIR does not incorporate all feasible mitigation measures despite declaring compliance with the RTP and SCS plans.

A revised EIR should be prepared to include and provide evidence for the implementation of additional feasible mitigation measures which we recommend below in the section titled, “Feasible Mitigation Measures Available to Reduce Emissions.”

## Mitigation

### Feasible Mitigation Measures Available to Reduce Emissions

The RDPEIR concludes that the construction and operation of future projects under the Specific Plan would lead to significant air quality and GHG impacts. Under CEQA, the RDPEIR is required to implement all feasible mitigation. We have provided a list of additional mitigation measures below for the Project Applicant to consider implementing as formal mitigation measures in a future EIR.

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<sup>1</sup> “Guidance on Frequently Questioned Topics in Roadway Analysis for the California Environmental Quality Act (CEQA).” CEQA, February 2018, available at: [https://www.aqmd.gov/docs/default-source/ceqa/handbook/roadway-ceqa-guidance\\_v10.pdf](https://www.aqmd.gov/docs/default-source/ceqa/handbook/roadway-ceqa-guidance_v10.pdf), p. 2.

<sup>2</sup> *Ibid.*

To reduce the VOC emissions associated with the construction and operation of future projects, we recommend the RDPEIR consider incorporating the following mitigation measures used by other land use development projects to address VOC emissions:<sup>3</sup>

- Recycle leftover paint. Take any leftover paint to a household hazardous waste center; do not mix leftover water-based and oil-based paints.
- Keep lids closed on all paint containers when not in use to prevent VOC emissions and excessive odors.
- For water-based paints, clean up with water only. Whenever possible, do not rinse the cleanup water down the drain or pour it directly into the ground or the storm drain
- Use compliant low-VOC cleaning solvents to clean paint application equipment.
- Keep all paint- and solvent-laden rags in sealed containers to prevent VOC emissions.

The United States Environmental Protection Agency recommends conducting calculations for coverage area and thinning ratios prior to purchasing paints. By applying these calculations, the appropriate quantity of paint can be acquired, helping to minimize waste and optimize resource use.<sup>4</sup>

To reduce construction VOC emissions, the California Department of Public Health (“CDPH”) recommends the use of:<sup>5</sup>

- Composite wood products that comply with the California Air Resources Board's (“CARB”) Airborne Toxic Control Measure for formaldehyde.
- Interior paints, coatings, adhesives, and sealants that comply with South Coast AQMD Rule 1168 or CARB’s Suggested Control Measure for Architectural Coatings.
- Flooring materials that are certified as low emitting under the CDPH Standard Method v1.2 or equivalent.
- Sealer on the surface of spray-on fireproofing to reduce adsorption of VOCs using a low-VOC sealer, if necessary.

An additional mitigation measure that may reduce the impact from operational VOC emissions is to implement a mechanical ventilation system meeting the American Society of Heating, Refrigerating and Air-Conditioning Engineers Standards 62.1 and 62.2.<sup>6</sup> HVAC systems should include MERV 13 or higher filters to reduce indoor pollutant exposure. Prior to occupancy, the building should undergo a flush-out

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<sup>3</sup> “Banning Commerce Center Project.” Kimley-Horn and Associates, Inc., June 2024, *available at*: <https://ceqanet.opr.ca.gov/2022090102/2>; Draft Environmental Impact Report, p. 1-7.

<sup>4</sup> “Methods for Estimating Air Emissions from Paint, Ink, and Other Coating Manufacturing Facilities.” Emissions Inventory Improvement Program, February 2005, *available at*: [https://www.epa.gov/sites/default/files/2015-08/documents/ii08\\_feb2005.pdf](https://www.epa.gov/sites/default/files/2015-08/documents/ii08_feb2005.pdf), Volume II, Chapter 8, p. 8.3-1.

<sup>5</sup> “Reducing occupant exposure to volatile organic compounds (VOCs) from indoor sources: Guidelines for building occupants.” California Department of Public Health, July 1996, *available at*: [https://www.cdph.ca.gov/Programs/CCDC/DEOD/EAH/IAQ/CDPH%20Document%20Library/reducing\\_occupant\\_exposure\\_vocs\\_guidelines\\_ADA.pdf](https://www.cdph.ca.gov/Programs/CCDC/DEOD/EAH/IAQ/CDPH%20Document%20Library/reducing_occupant_exposure_vocs_guidelines_ADA.pdf).

<sup>6</sup> *Ibid.*, p. xii.

period with HVAC systems operating at full capacity for at least 48 hours to remove residual VOCs and improve indoor air quality.

To reduce the NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from the construction and operation of future project, which commonly originate from mobile source engines and road dust, we recommend the DPEIR consider incorporating several mitigation measures (see list below).<sup>7,8</sup>

The Southern California Association of Governments (“SCAG”)’s 2020 RTP/SCS Program Environmental Impact Report recommends the following Air Quality Project Level Mitigation Measures, which are applicable to future projects:<sup>9</sup>

- Minimize land disturbance.
- Cover trucks when hauling dirt.
- Limit vehicular paths on unpaved surfaces and stabilize any temporary roads.
- Minimize unnecessary vehicular and machinery activities.
- Provide an operational water truck on-site at all times. Use watering trucks to minimize dust; watering should be sufficient to confine dust plumes to the project work areas. Sweep paved streets at least once per day where there is evidence of dirt that has been carried on to the roadway.
- Develop a traffic plan to minimize community impacts as a result of traffic flow interference from construction activities. The plan may include advance public notice of routing, use of public transportation, and satellite parking areas with a shuttle service. Schedule operations affecting traffic for off-peak hours. Minimize obstruction of through-traffic lanes. Provide a flag person to guide traffic properly and ensure safety at construction sites. Project sponsors should consider developing a goal for the minimization of community impacts.
- Require contractors to assemble a comprehensive inventory list (i.e., make, model, engine year, horsepower, emission rates) of all heavy-duty off-road (portable and mobile) equipment (50 horsepower and greater) that could be used an aggregate of 40 or more hours for the construction project.
- Require residential area parking permit.

To reduce the CO emissions associated with the construction and operation of future projects under the Specific Plan, the Bay Area Air Quality Management District recommends implementing “reduction programs to reduce vehicle miles traveled (“VMT”), improving bicycle and pedestrian infrastructure and access; improving public transit service and access; designating truck routes and limiting heavy-duty

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<sup>7</sup> “Proposed Revisions to the National Ambient Air Quality Standards for Nitrogen Dioxide.” EPA, July 2009, available at: <https://www.gpo.gov/fdsys/pkg/FR-2009-07-15/pdf/E9-15944.pdf>.

<sup>8</sup> “Particle Pollution and your Health.” EPA, September 2003, available at: <https://www.airnow.gov/publications/air-quality-andyour-health/partical-pollution-and-your-health/>.

<sup>9</sup> “4.0 Mitigation Measures.” Connect SoCal Program Environmental Impact Report Addendum #1, September 2020, available at: [https://scag.ca.gov/sites/main/files/file-attachments/fpeir\\_connectsocial\\_addendum\\_4\\_mitigationmeasures.pdf?1606004420](https://scag.ca.gov/sites/main/files/file-attachments/fpeir_connectsocial_addendum_4_mitigationmeasures.pdf?1606004420), p. 4.0-2 – 4.0-10; 4.0-19 – 4.0-23; See also: “Certified Final Connect SoCal Program Environmental Impact Report.” SCAG, May 2020, available at: <https://scag.ca.gov/peir>.

truck traffic during peak hours, and encouraging the use of cleaner fuel vehicles.”<sup>10</sup> We recommend the following mitigation measures used by other land use development projects:

- All construction equipment shall be properly tuned and maintained in accordance with manufacturer specifications.
- The use of electrical or natural-gas-powered construction equipment shall be employed where feasible, including forklifts and other comparable equipment types.

To reduce the GHG emissions associated with future projects, we suggest several mitigation measures (see list below).

The SCAG’s 2020 RTP/SCS Program Environmental Impact Report Greenhouse Gas Project Level Mitigation Measures recommends:

- Incorporate bicycle and pedestrian facilities into project designs, maintaining these facilities, and providing amenities incentivizing their use; and planning for and building local bicycle projects that connect with the regional network.
- Improving transit access to rail and bus routes by incentives for construction and transit facilities within developments, and/or providing dedicated shuttle service to transit stations.
- Designate a percentage of parking spaces for ride-sharing vehicles or high-occupancy vehicles, and provide adequate passenger loading and unloading for those vehicles.

In their 2022 Scoping Plan, CARB recommends that new residential projects “[use] all-electric appliances without any natural gas connections and [do] not use propane or other fossil fuels for space heating, water heating, or indoor cooking” in order to reduce Project-related GHG emissions.<sup>11</sup>

CEQA Guidelines 15126.4 (c)(3) include “[o]ffsite measures, including offsets that are not otherwise required, to mitigate a project’s emissions” as viable options for GHG mitigation.<sup>12</sup> While the use of local carbon offset programs to reduce a project's GHG impacts should be considered as a measure of last resort, around 5% of project have implemented such strategies to mitigate residual emissions.<sup>13</sup> There are many instances of projects implementing similar strategies, one example is the Otay Ranch Village

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<sup>10</sup> “Mitigating Air Quality and Climate Impacts.” BAAQMD, 2022, *available at*:

[https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-8-mitigation\\_final-pdf.pdf?rev=5a4aa8d31c394498b8b4de4e9eb46edc](https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-guidelines-2022/ceqa-guidelines-chapter-8-mitigation_final-pdf.pdf?rev=5a4aa8d31c394498b8b4de4e9eb46edc), p. 8-2 and 3.

<sup>11</sup> “2022 Scoping Plan For Achieving Carbon Neutrality” CARB, November 2022, *available at*:

<https://ww2.arb.ca.gov/sites/default/files/2022-11/2022-sp-appendix-d-local-actions.pdf>, Appendix D, p. 23, Table 3.

<sup>12</sup> “Cal. Code Regs. tit. 14 § 15126.4.” CEQA Guidelines, May 2024, *available at*:

<https://casetext.com/regulation/california-code-of-regulations/title-14-natural-resources/division-6-resources-agency/chapter-3-guidelines-for-implementation-of-the-california-environmental-quality-act/article-9-contents-of-environmental-impact-reports/section-151264-consideration-and-discussion-of-mitigation-measures-proposed-to-minimize-significant-effects>.

<sup>13</sup> “Local CEQA Mitigation Best Practices and Lessons Learned.” CARB and California EPA, September 2023, *available at*: <https://ww2.arb.ca.gov/sites/default/files/2023-11/CARB%2021STC001%20White%20Paper.pdf>, p. ix, 46.

13 Project in San Diego County which proposed the use of carbon offsets to mitigate its GHG emissions.<sup>14</sup> Another example of this was in the case of the Oakland Sports and Mixed-Use Project, where off-site reduction measures in the neighboring communities were recommended.<sup>15</sup>

The California Air Pollution Control Officers Association recommends the establishment of community gardens as a method of mitigation for greenhouse gas.<sup>16</sup> Community gardens can provide local food sources, potentially reducing VMT for grocery shopping and displacing carbon-intensive food production practices. The reduced VMT could minimize CO, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> emissions from the operations of future projects under the Specific Plan.

The measures provided offer feasible ways to incorporate lower-emitting design features into the proposed Project, which can subsequently reduce emissions released during the construction and operation of the future projects.

We recommend a revised EIR be prepared to include all feasible mitigation measures, as well as updated air quality and GHG analyses to ensure that the necessary mitigation measures are implemented. The revised EIR should also demonstrate a commitment to the implementation of these measures prior to Specific Plan approval to ensure that the potentially significant emissions from future projects are reduced to the maximum extent possible.

## Disclaimer

SWAPE has received limited documentation regarding this project. Additional information may become available in the future; thus, we retain the right to revise or amend this report when additional information becomes available. Our professional services have been performed using that degree of care and skill ordinarily exercised, under similar circumstances, by reputable environmental consultants practicing in this or similar localities at the time of service. No other warranty, expressed or implied, is made as to the scope of work, work methodologies and protocols, site conditions, analytical testing results, and findings presented. This report reflects efforts which were limited to information that was reasonably accessible at the time of the work, and may contain informational gaps, inconsistencies, or otherwise be incomplete due to the unavailability or uncertainty of information obtained or provided by third parties.

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<sup>14</sup> "List Of Mitigation Measures and Environmental Design Considerations." Otay Ranch Resort Village FEIR, County of San Diego, September 2020, *available at*: <https://www.sandiegocounty.gov/content/dam/sdc/pds/ceqa/OtayRanchVillage13Resort/PreBoard/DFEIR/7.0%20List%20of%20Mitigation%20Measures%20.pdf>, Chapter 7.0, p. 7-50.

<sup>15</sup> "Cal. Pub. Resources Code § 21168.6.7." 2024, *available at*: <https://casetext.com/statute/california-codes/california-public-resources-code/division-13-environmental-quality/chapter-6-limitations/section-2116867-oakland-sports-and-mixed-use-project-conditions-for-approval-certification-of-project-for-streamlining>.

<sup>16</sup> "Quantifying Greenhouse Gas Mitigation Measures." CAPCOA, August 2010, *available at*: <https://www.aqmd.gov/docs/default-source/ceqa/handbook/capcoa-quantifying-greenhouse-gas-mitigation-measures.pdf>, p. 448.

Sincerely,

A handwritten signature in blue ink that reads "Matt Hagemann". The signature is fluid and cursive, with a long horizontal stroke at the end.

Matt Hagemann, P.G., C.Hg.

A handwritten signature in blue ink that reads "Paul Rosenfeld". The signature is cursive and clearly legible.

Paul E. Rosenfeld, Ph.D.

**Attachment A: Matt Hagemann CV**

**Attachment B: Paul Rosenfeld CV**



**Matthew F. Hagemann, P.G., C.Hg., QSD, QSP**

**Geologic and Hydrogeologic Characterization  
Investigation and Remediation Strategies  
Litigation Support and Testifying Expert  
Industrial Stormwater Compliance  
CEQA Review**

**Education:**

M.S. Degree, Geology, California State University Los Angeles, Los Angeles, CA, 1984.

B.A. Degree, Geology, Humboldt State University, Arcata, CA, 1982.

**Professional Certifications:**

California Professional Geologist

California Certified Hydrogeologist

Qualified SWPPP Developer and Practitioner

**Professional Experience:**

Matt has 30 years of experience in environmental policy, contaminant assessment and remediation, stormwater compliance, and CEQA review. He spent nine years with the U.S. EPA in the RCRA and Superfund programs and served as EPA's Senior Science Policy Advisor in the Western Regional Office where he identified emerging threats to groundwater from perchlorate and MTBE. While with EPA, Matt also served as a Senior Hydrogeologist in the oversight of the assessment of seven major military facilities undergoing base closure. He led numerous enforcement actions under provisions of the Resource Conservation and Recovery Act (RCRA) and directed efforts to improve hydrogeologic characterization and water quality monitoring. For the past 15 years, as a founding partner with SWAPE, Matt has developed extensive client relationships and has managed complex projects that include consultation as an expert witness and a regulatory specialist, and a manager of projects ranging from industrial stormwater compliance to CEQA review of impacts from hazardous waste, air quality and greenhouse gas emissions.

Positions Matt has held include:

- Founding Partner, Soil/Water/Air Protection Enterprise (SWAPE) (2003 – present);
- Geology Instructor, Golden West College, 2010 – 2014, 2017;
- Senior Environmental Analyst, Komex H2O Science, Inc. (2000 -- 2003);

- Executive Director, Orange Coast Watch (2001 – 2004);
- Senior Science Policy Advisor and Hydrogeologist, U.S. Environmental Protection Agency (1989–1998);
- Hydrogeologist, National Park Service, Water Resources Division (1998 – 2000);
- Adjunct Faculty Member, San Francisco State University, Department of Geosciences (1993 – 1998);
- Instructor, College of Marin, Department of Science (1990 – 1995);
- Geologist, U.S. Forest Service (1986 – 1998); and
- Geologist, Dames & Moore (1984 – 1986).

**Senior Regulatory and Litigation Support Analyst:**

With SWAPE, Matt’s responsibilities have included:

- Lead analyst and testifying expert in the review of over 300 environmental impact reports and negative declarations since 2003 under CEQA that identify significant issues with regard to hazardous waste, water resources, water quality, air quality, greenhouse gas emissions, and geologic hazards. Make recommendations for additional mitigation measures to lead agencies at the local and county level to include additional characterization of health risks and implementation of protective measures to reduce worker exposure to hazards from toxins and Valley Fever.
- Stormwater analysis, sampling and best management practice evaluation at more than 100 industrial facilities.
- Expert witness on numerous cases including, for example, perfluorooctanoic acid (PFOA) contamination of groundwater, MTBE litigation, air toxins at hazards at a school, CERCLA compliance in assessment and remediation, and industrial stormwater contamination.
- Technical assistance and litigation support for vapor intrusion concerns.
- Lead analyst and testifying expert in the review of environmental issues in license applications for large solar power plants before the California Energy Commission.
- Manager of a project to evaluate numerous formerly used military sites in the western U.S.
- Manager of a comprehensive evaluation of potential sources of perchlorate contamination in Southern California drinking water wells.
- Manager and designated expert for litigation support under provisions of Proposition 65 in the review of releases of gasoline to sources drinking water at major refineries and hundreds of gas stations throughout California.

With Komex H2O Science Inc., Matt’s duties included the following:

- Senior author of a report on the extent of perchlorate contamination that was used in testimony by the former U.S. EPA Administrator and General Counsel.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of MTBE use, research, and regulation.
- Senior researcher in the development of a comprehensive, electronically interactive chronology of perchlorate use, research, and regulation.
- Senior researcher in a study that estimates nationwide costs for MTBE remediation and drinking water treatment, results of which were published in newspapers nationwide and in testimony against provisions of an energy bill that would limit liability for oil companies.
- Research to support litigation to restore drinking water supplies that have been contaminated by MTBE in California and New York.

- Expert witness testimony in a case of oil production-related contamination in Mississippi.
- Lead author for a multi-volume remedial investigation report for an operating school in Los Angeles that met strict regulatory requirements and rigorous deadlines.
- Development of strategic approaches for cleanup of contaminated sites in consultation with clients and regulators.

**Executive Director:**

As Executive Director with Orange Coast Watch, Matt led efforts to restore water quality at Orange County beaches from multiple sources of contamination including urban runoff and the discharge of wastewater. In reporting to a Board of Directors that included representatives from leading Orange County universities and businesses, Matt prepared issue papers in the areas of treatment and disinfection of wastewater and control of the discharge of grease to sewer systems. Matt actively participated in the development of countywide water quality permits for the control of urban runoff and permits for the discharge of wastewater. Matt worked with other nonprofits to protect and restore water quality, including Surfrider, Natural Resources Defense Council and Orange County CoastKeeper as well as with business institutions including the Orange County Business Council.

**Hydrogeology:**

As a Senior Hydrogeologist with the U.S. Environmental Protection Agency, Matt led investigations to characterize and cleanup closing military bases, including Mare Island Naval Shipyard, Hunters Point Naval Shipyard, Treasure Island Naval Station, Alameda Naval Station, Moffett Field, Mather Army Airfield, and Sacramento Army Depot. Specific activities were as follows:

- Led efforts to model groundwater flow and contaminant transport, ensured adequacy of monitoring networks, and assessed cleanup alternatives for contaminated sediment, soil, and groundwater.
- Initiated a regional program for evaluation of groundwater sampling practices and laboratory analysis at military bases.
- Identified emerging issues, wrote technical guidance, and assisted in policy and regulation development through work on four national U.S. EPA workgroups, including the Superfund Groundwater Technical Forum and the Federal Facilities Forum.

At the request of the State of Hawaii, Matt developed a methodology to determine the vulnerability of groundwater to contamination on the islands of Maui and Oahu. He used analytical models and a GIS to show zones of vulnerability, and the results were adopted and published by the State of Hawaii and County of Maui.

As a hydrogeologist with the EPA Groundwater Protection Section, Matt worked with provisions of the Safe Drinking Water Act and NEPA to prevent drinking water contamination. Specific activities included the following:

- Received an EPA Bronze Medal for his contribution to the development of national guidance for the protection of drinking water.
- Managed the Sole Source Aquifer Program and protected the drinking water of two communities through designation under the Safe Drinking Water Act. He prepared geologic reports, conducted

public hearings, and responded to public comments from residents who were very concerned about the impact of designation.

- Reviewed a number of Environmental Impact Statements for planned major developments, including large hazardous and solid waste disposal facilities, mine reclamation, and water transfer.

Matt served as a hydrogeologist with the RCRA Hazardous Waste program. Duties were as follows:

- Supervised the hydrogeologic investigation of hazardous waste sites to determine compliance with Subtitle C requirements.
- Reviewed and wrote "part B" permits for the disposal of hazardous waste.
- Conducted RCRA Corrective Action investigations of waste sites and led inspections that formed the basis for significant enforcement actions that were developed in close coordination with U.S. EPA legal counsel.
- Wrote contract specifications and supervised contractor's investigations of waste sites.

With the National Park Service, Matt directed service-wide investigations of contaminant sources to prevent degradation of water quality, including the following tasks:

- Applied pertinent laws and regulations including CERCLA, RCRA, NEPA, NRDA, and the Clean Water Act to control military, mining, and landfill contaminants.
- Conducted watershed-scale investigations of contaminants at parks, including Yellowstone and Olympic National Park.
- Identified high-levels of perchlorate in soil adjacent to a national park in New Mexico and advised park superintendent on appropriate response actions under CERCLA.
- Served as a Park Service representative on the Interagency Perchlorate Steering Committee, a national workgroup.
- Developed a program to conduct environmental compliance audits of all National Parks while serving on a national workgroup.
- Co-authored two papers on the potential for water contamination from the operation of personal watercraft and snowmobiles, these papers serving as the basis for the development of nationwide policy on the use of these vehicles in National Parks.
- Contributed to the Federal Multi-Agency Source Water Agreement under the Clean Water Action Plan.

### **Policy:**

Served senior management as the Senior Science Policy Advisor with the U.S. Environmental Protection Agency, Region 9.

Activities included the following:

- Advised the Regional Administrator and senior management on emerging issues such as the potential for the gasoline additive MTBE and ammonium perchlorate to contaminate drinking water supplies.
- Shaped EPA's national response to these threats by serving on workgroups and by contributing to guidance, including the Office of Research and Development publication, *Oxygenates in Water: Critical Information and Research Needs*.
- Improved the technical training of EPA's scientific and engineering staff.
- Earned an EPA Bronze Medal for representing the region's 300 scientists and engineers in negotiations with the Administrator and senior management to better integrate scientific

principles into the policy-making process.

- Established national protocol for the peer review of scientific documents.

### **Geology:**

With the U.S. Forest Service, Matt led investigations to determine hillslope stability of areas proposed for timber harvest in the central Oregon Coast Range. Specific activities were as follows:

- Mapped geology in the field, and used aerial photographic interpretation and mathematical models to determine slope stability.
- Coordinated his research with community members who were concerned with natural resource protection.
- Characterized the geology of an aquifer that serves as the sole source of drinking water for the city of Medford, Oregon.

As a consultant with Dames and Moore, Matt led geologic investigations of two contaminated sites (later listed on the Superfund NPL) in the Portland, Oregon, area and a large hazardous waste site in eastern Oregon. Duties included the following:

- Supervised year-long effort for soil and groundwater sampling.
- Conducted aquifer tests.
- Investigated active faults beneath sites proposed for hazardous waste disposal.

### **Teaching:**

From 1990 to 1998, Matt taught at least one course per semester at the community college and university levels:

- At San Francisco State University, held an adjunct faculty position and taught courses in environmental geology, oceanography (lab and lecture), hydrogeology, and groundwater contamination.
- Served as a committee member for graduate and undergraduate students.
- Taught courses in environmental geology and oceanography at the College of Marin.

Matt is currently a part time geology instructor at Golden West College in Huntington Beach, California where he taught from 2010 to 2014 and in 2017.

### **Invited Testimony, Reports, Papers and Presentations:**

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Presentation to the Public Environmental Law Conference, Eugene, Oregon.

**Hagemann, M.F.**, 2008. Disclosure of Hazardous Waste Issues under CEQA. Invited presentation to U.S. EPA Region 9, San Francisco, California.

**Hagemann, M.F.**, 2005. Use of Electronic Databases in Environmental Regulation, Policy Making and Public Participation. Brownfields 2005, Denver, Colorado.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Nevada and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Las Vegas, NV (served on conference organizing committee).

**Hagemann, M.F.**, 2004. Invited testimony to a California Senate committee hearing on air toxins at schools in Southern California, Los Angeles.

Brown, A., Farrow, J., Gray, A. and **Hagemann, M.**, 2004. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to the Ground Water and Environmental Law Conference, National Groundwater Association.

**Hagemann, M.F.**, 2004. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in Arizona and the Southwestern U.S. Presentation to a meeting of the American Groundwater Trust, Phoenix, AZ (served on conference organizing committee).

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River and Impacts to Drinking Water in the Southwestern U.S. Invited presentation to a special committee meeting of the National Academy of Sciences, Irvine, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a tribal EPA meeting, Pechanga, CA.

**Hagemann, M.F.**, 2003. Perchlorate Contamination of the Colorado River. Invited presentation to a meeting of tribal representatives, Parker, AZ.

**Hagemann, M.F.**, 2003. Impact of Perchlorate on the Colorado River and Associated Drinking Water Supplies. Invited presentation to the Inter-Tribal Meeting, Torres Martinez Tribe.

**Hagemann, M.F.**, 2003. The Emergence of Perchlorate as a Widespread Drinking Water Contaminant. Invited presentation to the U.S. EPA Region 9.

**Hagemann, M.F.**, 2003. A Deductive Approach to the Assessment of Perchlorate Contamination. Invited presentation to the California Assembly Natural Resources Committee.

**Hagemann, M.F.**, 2003. Perchlorate: A Cold War Legacy in Drinking Water. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. From Tank to Tap: A Chronology of MTBE in Groundwater. Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. A Chronology of MTBE in Groundwater and an Estimate of Costs to Address Impacts to Groundwater. Presentation to the annual meeting of the Society of Environmental Journalists.

**Hagemann, M.F.**, 2002. An Estimate of the Cost to Address MTBE Contamination in Groundwater (and Who Will Pay). Presentation to a meeting of the National Groundwater Association.

**Hagemann, M.F.**, 2002. An Estimate of Costs to Address MTBE Releases from Underground Storage Tanks and the Resulting Impact to Drinking Water Wells. Presentation to a meeting of the U.S. EPA and State Underground Storage Tank Program managers.

**Hagemann, M.F.**, 2001. From Tank to Tap: A Chronology of MTBE in Groundwater. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Cleanup Cost for MTBE in Groundwater Used as Drinking Water. Unpublished report.

**Hagemann, M.F.**, 2001. Estimated Costs to Address MTBE Releases from Leaking Underground Storage Tanks. Unpublished report.

**Hagemann, M.F.**, and VanMouwerik, M., 1999. Potential Water Quality Concerns Related to Snowmobile Usage. Water Resources Division, National Park Service, Technical Report.

VanMouwerik, M. and **Hagemann, M.F.** 1999, Water Quality Concerns Related to Personal Watercraft Usage. Water Resources Division, National Park Service, Technical Report.

**Hagemann, M.F.**, 1999, Is Dilution the Solution to Pollution in National Parks? The George Wright Society Biannual Meeting, Asheville, North Carolina.

**Hagemann, M.F.**, 1997, The Potential for MTBE to Contaminate Groundwater. U.S. EPA Superfund Groundwater Technical Forum Annual Meeting, Las Vegas, Nevada.

**Hagemann, M.F.**, and Gill, M., 1996, Impediments to Intrinsic Remediation, Moffett Field Naval Air Station, Conference on Intrinsic Remediation of Chlorinated Hydrocarbons, Salt Lake City.

**Hagemann, M.F.**, Fukunaga, G.L., 1996, The Vulnerability of Groundwater to Anthropogenic Contaminants on the Island of Maui, Hawaii. Hawaii Water Works Association Annual Meeting, Maui, October 1996.

**Hagemann, M. F.**, Fukunaga, G. L., 1996, Ranking Groundwater Vulnerability in Central Oahu, Hawaii. Proceedings, Geographic Information Systems in Environmental Resources Management, Air and Waste Management Association Publication VIP-61.

**Hagemann, M.F.**, 1994. Groundwater Characterization and Clean up at Closing Military Bases in California. Proceedings, California Groundwater Resources Association Meeting.

**Hagemann, M.F.** and Sabol, M.A., 1993. Role of the U.S. EPA in the High Plains States Groundwater Recharge Demonstration Program. Proceedings, Sixth Biennial Symposium on the Artificial Recharge of Groundwater.

**Hagemann, M.F.**, 1993. U.S. EPA Policy on the Technical Impracticability of the Cleanup of DNAPL-contaminated Groundwater. California Groundwater Resources Association Meeting.

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**Hagemann, M.F.**, 1992. Dense Nonaqueous Phase Liquid Contamination of Groundwater: An Ounce of Prevention... Proceedings, Association of Engineering Geologists Annual Meeting, v. 35.

**Other Experience:**

Selected as subject matter expert for the California Professional Geologist licensing examinations, 2009-2011.



Technical Consultation, Data Analysis and  
Litigation Support for the Environment

SOIL WATER AIR PROTECTION ENTERPRISE

Attn: Paul Rosenfeld, Ph.D.

## ***Paul Rosenfeld, Ph.D.***

*Principal Environmental Chemist*

**Chemical Fate and Transport & Air Dispersion Modeling**

**Risk Assessment & Remediation Specialist**

### **Education**

Ph.D. Soil Chemistry, University of Washington, 1999. Dissertation on volatile organic compound filtration.

M.S. Environmental Science, U.C. Berkeley, 1995. Thesis on organic waste economics.

B.A. Environmental Studies, U.C. Santa Barbara, 1991. Focus on wastewater treatment.

### **Professional Experience**

Dr. Rosenfeld has over 25 years of experience conducting environmental investigations and risk assessments for evaluating impacts to human health, property, and ecological receptors. His expertise focuses on the fate and transport of environmental contaminants, human health risk, exposure assessment, and ecological restoration. Dr. Rosenfeld has evaluated and modeled emissions from oil spills, landfills, boilers and incinerators, process stacks, storage tanks, confined animal feeding operations, industrial, military and agricultural sources, unconventional oil drilling operations, and locomotive and construction engines. His project experience ranges from monitoring and modeling of pollution sources to evaluating impacts of pollution on workers at industrial facilities and residents in surrounding communities. Dr. Rosenfeld has also successfully modeled exposure to contaminants distributed by water systems and via vapor intrusion.

Dr. Rosenfeld has investigated and designed remediation programs and risk assessments for contaminated sites containing lead, heavy metals, mold, bacteria, particulate matter, petroleum hydrocarbons, chlorinated solvents, pesticides, radioactive waste, dioxins and furans, semi- and volatile organic compounds, PCBs, PAHs, creosote, perchlorate, asbestos, per- and poly-fluoroalkyl substances (PFOA/PFOS), unusual polymers, fuel oxygenates (MTBE), among other pollutants. Dr. Rosenfeld also has experience evaluating greenhouse gas emissions from various projects and is an expert on the assessment of odors from industrial and agricultural sites, as well as the evaluation of odor nuisance impacts and technologies for abatement of odorous emissions. As a principal scientist at SWAPE, Dr. Rosenfeld directs air dispersion modeling and exposure assessments. He has served as an expert witness and testified about pollution sources causing nuisance and/or personal injury at sites and has testified as an expert witness on numerous cases involving exposure to soil, water and air contaminants from industrial, railroad, agricultural, and military sources.

## **Professional History:**

Soil Water Air Protection Enterprise (SWAPE); 2003 to present; Principal and Founding Partner  
UCLA School of Public Health; 2007 to 2011; Lecturer (Assistant Researcher)  
UCLA School of Public Health; 2003 to 2006; Adjunct Professor  
UCLA Environmental Science and Engineering Program; 2002-2004; Doctoral Intern Coordinator  
UCLA Institute of the Environment, 2001-2002; Research Associate  
Komex H<sub>2</sub>O Science, 2001 to 2003; Senior Remediation Scientist  
National Groundwater Association, 2002-2004; Lecturer  
San Diego State University, 1999-2001; Adjunct Professor  
Anteon Corp., San Diego, 2000-2001; Remediation Project Manager  
Ogden (now Amec), San Diego, 2000-2000; Remediation Project Manager  
Bechtel, San Diego, California, 1999 – 2000; Risk Assessor  
King County, Seattle, 1996 – 1999; Scientist  
James River Corp., Washington, 1995-96; Scientist  
Big Creek Lumber, Davenport, California, 1995; Scientist  
Plumas Corp., California and USFS, Tahoe 1993-1995; Scientist  
Peace Corps and World Wildlife Fund, St. Kitts, West Indies, 1991-1993; Scientist

## **Publications:**

**Rosenfeld P. E.**, Spaeth K., Hallman R., Bressler R., Smith, G., (2022) Cancer Risk and Diesel Exhaust Exposure Among Railroad Workers. *Water Air Soil Pollution*. **233**, 171.

Remy, L.L., Clay T., Byers, V., **Rosenfeld P. E.** (2019) Hospital, Health, and Community Burden After Oil Refinery Fires, Richmond, California 2007 and 2012. *Environmental Health*. 18:48

Simons, R.A., Seo, Y. **Rosenfeld, P.**, (2015) Modeling the Effect of Refinery Emission On Residential Property Value. *Journal of Real Estate Research*. 27(3):321-342

Chen, J. A, Zapata A. R., Sutherland A. J., Molmen, D.R., Chow, B. S., Wu, L. E., **Rosenfeld, P. E.**, Hesse, R. C., (2012) Sulfur Dioxide and Volatile Organic Compound Exposure To A Community In Texas City Texas Evaluated Using Aermid and Empirical Data. *American Journal of Environmental Science*, 8(6), 622-632.

**Rosenfeld, P.E.** & Feng, L. (2011). *The Risks of Hazardous Waste*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2011). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Agrochemical Industry*, Amsterdam: Elsevier Publishing.

Gonzalez, J., Feng, L., Sutherland, A., Waller, C., Sok, H., Hesse, R., **Rosenfeld, P.** (2010). PCBs and Dioxins/Furans in Attic Dust Collected Near Former PCB Production and Secondary Copper Facilities in Sauget, IL. *Procedia Environmental Sciences*. 113–125.

Feng, L., Wu, C., Tam, L., Sutherland, A.J., Clark, J.J., **Rosenfeld, P.E.** (2010). Dioxin and Furan Blood Lipid and Attic Dust Concentrations in Populations Living Near Four Wood Treatment Facilities in the United States. *Journal of Environmental Health*. 73(6), 34-46.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2010). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Wood and Paper Industries*. Amsterdam: Elsevier Publishing.

Cheremisinoff, N.P., & **Rosenfeld, P.E.** (2009). *Handbook of Pollution Prevention and Cleaner Production: Best Practices in the Petroleum Industry*. Amsterdam: Elsevier Publishing.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. *WIT Transactions on Ecology and the Environment, Air Pollution*, 123 (17), 319-327.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). A Statistical Analysis Of Attic Dust And Blood Lipid Concentrations Of Tetrachloro-p-Dibenzodioxin (TCDD) Toxicity Equivalency Quotients (TEQ) In Two Populations Near Wood Treatment Facilities. *Organohalogen Compounds*, 70, 002252-002255.

Tam L. K., Wu C. D., Clark J. J. and **Rosenfeld, P.E.** (2008). Methods For Collect Samples For Assessing Dioxins And Other Environmental Contaminants In Attic Dust: A Review. *Organohalogen Compounds*, 70, 000527-000530.

Hensley, A.R. A. Scott, J. J. J. Clark, **Rosenfeld, P.E.** (2007). Attic Dust and Human Blood Samples Collected near a Former Wood Treatment Facility. *Environmental Research*. 105, 194-197.

**Rosenfeld, P.E.**, J. J. J. Clark, A. R. Hensley, M. Suffet. (2007). The Use of an Odor Wheel Classification for Evaluation of Human Health Risk Criteria for Compost Facilities. *Water Science & Technology* 55(5), 345-357.

**Rosenfeld, P. E.**, M. Suffet. (2007). The Anatomy Of Odour Wheels For Odours Of Drinking Water, Wastewater, Compost And The Urban Environment. *Water Science & Technology* 55(5), 335-344.

Sullivan, P. J. Clark, J.J.J., Agardy, F. J., **Rosenfeld, P.E.** (2007). *Toxic Legacy, Synthetic Toxins in the Food, Water, and Air in American Cities*. Boston Massachusetts: Elsevier Publishing

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash. *Water Science and Technology*. 49(9),171-178.

**Rosenfeld P. E.**, J.J. Clark, I.H. (Mel) Suffet (2004). The Value of An Odor-Quality-Wheel Classification Scheme For The Urban Environment. *Water Environment Federation's Technical Exhibition and Conference (WEFTEC) 2004*. New Orleans, October 2-6, 2004.

**Rosenfeld, P.E.**, and Suffet, I.H. (2004). Understanding Odorants Associated With Compost, Biomass Facilities, and the Land Application of Biosolids. *Water Science and Technology*. 49(9), 193-199.

**Rosenfeld, P.E.**, and Suffet I.H. (2004). Control of Compost Odor Using High Carbon Wood Ash, *Water Science and Technology*, 49( 9), 171-178.

**Rosenfeld, P. E.**, Grey, M. A., Sellew, P. (2004). Measurement of Biosolids Odor and Odorant Emissions from Windrows, Static Pile and Biofilter. *Water Environment Research*. 76(4), 310-315.

**Rosenfeld, P.E.**, Grey, M and Suffet, M. (2002). Compost Demonstration Project, Sacramento California Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Integrated Waste Management Board Public Affairs Office, Publications Clearinghouse (MS-6)*, Sacramento, CA Publication #442-02-008.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Characterization of odor emissions from three different biosolids. *Water Soil and Air Pollution*. 127(1-4), 173-191.

**Rosenfeld, P.E.**, and Henry C. L., (2000). Wood ash control of odor emissions from biosolids application. *Journal of Environmental Quality*. 29, 1662-1668.

**Rosenfeld, P.E.**, C.L. Henry and D. Bennett. (2001). Wastewater dewatering polymer affect on biosolids odor emissions and microbial activity. *Water Environment Research*. 73(4), 363-367.

**Rosenfeld, P.E.**, and C.L. Henry. (2001). Activated Carbon and Wood Ash Sorption of Wastewater, Compost, and Biosolids Odorants. *Water Environment Research*, 73, 388-393.

**Rosenfeld, P.E.**, and Henry C. L., (2001). High carbon wood ash effect on biosolids microbial activity and odor. *Water Environment Research*. 131(1-4), 247-262.

Chollack, T. and **P. Rosenfeld**. (1998). Compost Amendment Handbook For Landscaping. Prepared for and distributed by the City of Redmond, Washington State.

**Rosenfeld, P. E.** (1992). The Mount Liamuiga Crater Trail. *Heritage Magazine of St. Kitts*, 3(2).

**Rosenfeld, P. E.** (1993). High School Biogas Project to Prevent Deforestation On St. Kitts. *Biomass Users Network*, 7(1).

**Rosenfeld, P. E.** (1998). Characterization, Quantification, and Control of Odor Emissions From Biosolids Application To Forest Soil. Doctoral Thesis. University of Washington College of Forest Resources.

**Rosenfeld, P. E.** (1994). Potential Utilization of Small Diameter Trees on Sierra County Public Land. Masters thesis reprinted by the Sierra County Economic Council. Sierra County, California.

**Rosenfeld, P. E.** (1991). How to Build a Small Rural Anaerobic Digester & Uses Of Biogas In The First And Third World. Bachelors Thesis. University of California.

## **Presentations:**

**Rosenfeld, P.E.**, "The science for Perfluorinated Chemicals (PFAS): What makes remediation so hard?" Law Seminars International, (May 9-10, 2018) 800 Fifth Avenue, Suite 101 Seattle, WA.

**Rosenfeld, P.E.**, Sutherland, A; Hesse, R.; Zapata, A. (October 3-6, 2013). Air dispersion modeling of volatile organic emissions from multiple natural gas wells in Decatur, TX. *44th Western Regional Meeting, American Chemical Society*. Lecture conducted from Santa Clara, CA.

Sok, H.L.; Waller, C.C.; Feng, L.; Gonzalez, J.; Sutherland, A.J.; Wisdom-Stack, T.; Sahai, R.K.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Atrazine: A Persistent Pesticide in Urban Drinking Water. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

Feng, L.; Gonzalez, J.; Sok, H.L.; Sutherland, A.J.; Waller, C.C.; Wisdom-Stack, T.; Sahai, R.K.; La, M.; Hesse, R.C.; **Rosenfeld, P.E.** (June 20-23, 2010). Bringing Environmental Justice to East St. Louis, Illinois. *Urban Environmental Pollution*. Lecture conducted from Boston, MA.

**Rosenfeld, P.E.** (April 19-23, 2009). Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS) Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*, Lecture conducted from Tuscon, AZ.

**Rosenfeld, P.E.** (April 19-23, 2009). Cost to Filter Atrazine Contamination from Drinking Water in the United States" Contamination in Drinking Water From the Use of Aqueous Film Forming Foams (AFFF) at Airports in the United States. *2009 Ground Water Summit and 2009 Ground Water Protection Council Spring Meeting*. Lecture conducted from Tuscon, AZ.

Wu, C., Tam, L., Clark, J., **Rosenfeld, P.** (20-22 July, 2009). Dioxin and furan blood lipid concentrations in populations living near four wood treatment facilities in the United States. Brebbia, C.A. and Popov, V., eds., *Air Pollution XVII: Proceedings of the Seventeenth International Conference on Modeling, Monitoring and Management of Air Pollution*. Lecture conducted from Tallinn, Estonia.

**Rosenfeld, P. E.** (October 15-18, 2007). Moss Point Community Exposure To Contaminants From A Releasing Facility. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). The Repeated Trespass of Tritium-Contaminated Water Into A Surrounding Community Form Repeated Waste Spills From A Nuclear Power Plant. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Platform lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld, P. E.** (October 15-18, 2007). Somerville Community Exposure To Contaminants From Wood Treatment Facility Emissions. *The 23<sup>rd</sup> Annual International Conferences on Soils Sediment and Water*. Lecture conducted from University of Massachusetts, Amherst MA.

**Rosenfeld P. E.** (March 2007). Production, Chemical Properties, Toxicology, & Treatment Case Studies of 1,2,3-Trichloropropane (TCP). *The Association for Environmental Health and Sciences (AEHS) Annual Meeting*. Lecture conducted from San Diego, CA.

**Rosenfeld P. E.** (March 2007). Blood and Attic Sampling for Dioxin/Furan, PAH, and Metal Exposure in Florida, Alabama. *The AEHS Annual Meeting*. Lecture conducted from San Diego, CA.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (August 21 – 25, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *The 26th International Symposium on Halogenated Persistent Organic Pollutants – DIOXIN2006*. Lecture conducted from Radisson SAS Scandinavia Hotel in Oslo Norway.

Hensley A.R., Scott, A., **Rosenfeld P.E.**, Clark, J.J.J. (November 4-8, 2006). Dioxin Containing Attic Dust And Human Blood Samples Collected Near A Former Wood Treatment Facility. *APHA 134 Annual Meeting & Exposition*. Lecture conducted from Boston Massachusetts.

**Paul Rosenfeld Ph.D.** (October 24-25, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. Mealey's C8/PFOA. *Science, Risk & Litigation Conference*. Lecture conducted from The Rittenhouse Hotel, Philadelphia, PA.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, *Toxicology and Remediation PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel, Irvine California.

**Paul Rosenfeld Ph.D.** (September 19, 2005). Fate, Transport, Toxicity, And Persistence of 1,2,3-TCP. *PEMA Emerging Contaminant Conference*. Lecture conducted from Hilton Hotel in Irvine, California.

**Paul Rosenfeld Ph.D.** (September 26-27, 2005). Fate, Transport and Persistence of PDBEs. *Mealey's Groundwater Conference*. Lecture conducted from Ritz Carlton Hotel, Marina Del Ray, California.

**Paul Rosenfeld Ph.D.** (June 7-8, 2005). Fate, Transport and Persistence of PFOA and Related Chemicals. *International Society of Environmental Forensics: Focus On Emerging Contaminants*. Lecture conducted from Sheraton Oceanfront Hotel, Virginia Beach, Virginia.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Fate Transport, Persistence and Toxicology of PFOA and Related Perfluorochemicals. *2005 National Groundwater Association Ground Water And Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld Ph.D.** (July 21-22, 2005). Brominated Flame Retardants in Groundwater: Pathways to Human Ingestion, Toxicology and Remediation. *2005 National Groundwater Association Ground Water and Environmental Law Conference*. Lecture conducted from Wyndham Baltimore Inner Harbor, Baltimore Maryland.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. and Rob Hesse R.G. (May 5-6, 2004). Tert-butyl Alcohol Liability and Toxicology, A National Problem and Unquantified Liability. *National Groundwater Association. Environmental Law Conference*. Lecture conducted from Congress Plaza Hotel, Chicago Illinois.

**Paul Rosenfeld, Ph.D.** (March 2004). Perchlorate Toxicology. *Meeting of the American Groundwater Trust*. Lecture conducted from Phoenix Arizona.

Hagemann, M.F., **Paul Rosenfeld, Ph.D.** and Rob Hesse (2004). Perchlorate Contamination of the Colorado River. *Meeting of tribal representatives*. Lecture conducted from Parker, AZ.

**Paul Rosenfeld, Ph.D.** (April 7, 2004). A National Damage Assessment Model For PCE and Dry Cleaners. *Drycleaner Symposium. California Ground Water Association*. Lecture conducted from Radison Hotel, Sacramento, California.

**Rosenfeld, P. E.**, Grey, M., (June 2003) Two stage biofilter for biosolids composting odor control. *Seventh International In Situ And On Site Bioremediation Symposium Battelle Conference Orlando, FL*.

**Paul Rosenfeld, Ph.D.** and James Clark Ph.D. (February 20-21, 2003) Understanding Historical Use, Chemical Properties, Toxicity and Regulatory Guidance of 1,4 Dioxane. *National Groundwater Association. Southwest Focus Conference. Water Supply and Emerging Contaminants..* Lecture conducted from Hyatt Regency Phoenix Arizona.

**Paul Rosenfeld, Ph.D.** (February 6-7, 2003). Underground Storage Tank Litigation and Remediation. *California CUPA Forum*. Lecture conducted from Marriott Hotel, Anaheim California.

**Paul Rosenfeld, Ph.D.** (October 23, 2002) Underground Storage Tank Litigation and Remediation. *EPA Underground Storage Tank Roundtable*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Understanding Odor from Compost, *Wastewater and Industrial Processes. Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Suffet, M. (October 7- 10, 2002). Using High Carbon Wood Ash to Control Compost Odor. *Sixth Annual Symposium On Off Flavors in the Aquatic Environment. International Water Association*. Lecture conducted from Barcelona Spain.

**Rosenfeld, P.E.** and Grey, M. A. (September 22-24, 2002). Biocycle Composting For Coastal Sage Restoration. *Northwest Biosolids Management Association*. Lecture conducted from Vancouver Washington..

**Rosenfeld, P.E.** and Grey, M. A. (November 11-14, 2002). Using High-Carbon Wood Ash to Control Odor at a Green Materials Composting Facility. *Soil Science Society Annual Conference*. Lecture conducted from Indianapolis, Maryland.

**Rosenfeld, P.E.** (September 16, 2000). Two stage biofilter for biosolids composting odor control. *Water Environment Federation*. Lecture conducted from Anaheim California.

**Rosenfeld, P.E.** (October 16, 2000). Wood ash and biofilter control of compost odor. *Biofest*. Lecture conducted from Ocean Shores, California.

**Rosenfeld, P.E.** (2000). Bioremediation Using Organic Soil Amendments. *California Resource Recovery Association*. Lecture conducted from Sacramento California.

**Rosenfeld, P.E.**, C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. *Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings*. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.**, and C.L. Henry. (1999). An evaluation of ash incorporation with biosolids for odor reduction. *Soil Science Society of America*. Lecture conducted from Salt Lake City Utah.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Comparison of Microbial Activity and Odor Emissions from Three Different Biosolids Applied to Forest Soil. *Brown and Caldwell*. Lecture conducted from Seattle Washington.

**Rosenfeld, P.E.,** C.L. Henry. (1998). Characterization, Quantification, and Control of Odor Emissions from Biosolids Application To Forest Soil. *Biofest*. Lecture conducted from Lake Chelan, Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. Harrison. (1998). Oat and Grass Seed Germination and Nitrogen and Sulfur Emissions Following Biosolids Incorporation With High-Carbon Wood-Ash. Water Environment Federation 12th Annual Residuals and Biosolids Management Conference Proceedings. Lecture conducted from Bellevue Washington.

**Rosenfeld, P.E.,** C.L. Henry, R. B. Harrison, and R. Dills. (1997). Comparison of Odor Emissions From Three Different Biosolids Applied to Forest Soil. *Soil Science Society of America*. Lecture conducted from Anaheim California.

## **Teaching Experience:**

UCLA Department of Environmental Health (Summer 2003 through 2010) Taught Environmental Health Science 100 to students, including undergrad, medical doctors, public health professionals and nurses. Course focused on the health effects of environmental contaminants.

National Ground Water Association, Successful Remediation Technologies. Custom Course in Sante Fe, New Mexico. May 21, 2002. Focused on fate and transport of fuel contaminants associated with underground storage tanks.

National Ground Water Association; Successful Remediation Technologies Course in Chicago Illinois. April 1, 2002. Focused on fate and transport of contaminants associated with Superfund and RCRA sites.

California Integrated Waste Management Board, April and May, 2001. Alternative Landfill Caps Seminar in San Diego, Ventura, and San Francisco. Focused on both prescriptive and innovative landfill cover design.

UCLA Department of Environmental Engineering, February 5, 2002. Seminar on Successful Remediation Technologies focusing on Groundwater Remediation.

University Of Washington, Soil Science Program, Teaching Assistant for several courses including: Soil Chemistry, Organic Soil Amendments, and Soil Stability.

U.C. Berkeley, Environmental Science Program Teaching Assistant for Environmental Science 10.

## **Academic Grants Awarded:**

California Integrated Waste Management Board. \$41,000 grant awarded to UCLA Institute of the Environment. Goal: To investigate effect of high carbon wood ash on volatile organic emissions from compost. 2001.

Synagro Technologies, Corona California: \$10,000 grant awarded to San Diego State University. Goal: investigate effect of biosolids for restoration and remediation of degraded coastal sage soils. 2000.

King County, Department of Research and Technology, Washington State. \$100,000 grant awarded to University of Washington: Goal: To investigate odor emissions from biosolids application and the effect of polymers and ash on VOC emissions. 1998.

Northwest Biosolids Management Association, Washington State. \$20,000 grant awarded to investigate effect of polymers and ash on VOC emissions from biosolids. 1997.

James River Corporation, Oregon: \$10,000 grant was awarded to investigate the success of genetically engineered Poplar trees with resistance to round-up. 1996.

United State Forest Service, Tahoe National Forest: \$15,000 grant was awarded to investigating fire ecology of the Tahoe National Forest. 1995.

Kellogg Foundation, Washington D.C. \$500 grant was awarded to construct a large anaerobic digester on St. Kitts in West Indies. 1993

## **Deposition and/or Trial Testimony:**

In the Superior Court of the State of California, County of San Bernardino  
Billy Wildrick, Plaintiff vs. BNSF Railway Company  
Case No. CIVDS1711810  
Rosenfeld Deposition 10-17-2022

In the State Court of Bibb County, State of Georgia  
Richard Hutcherson, Plaintiff vs Norfolk Southern Railway Company  
Case No. 10-SCCV-092007  
Rosenfeld Deposition 10-6-2022

In the Civil District Court of the Parish of Orleans, State of Louisiana  
Millard Clark, Plaintiff vs. Dixie Carriers, Inc. et al.  
Case No. 2020-03891  
Rosenfeld Deposition 9-15-2022

In The Circuit Court of Livingston County, State of Missouri, Circuit Civil Division  
Shirley Ralls, Plaintiff vs. Canadian Pacific Railway and Soo Line Railroad  
Case No. 18-LV-CC0020  
Rosenfeld Deposition 9-7-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division  
Jonny C. Daniels, Plaintiff vs. CSX Transportation Inc.  
Case No. 20-CA-5502  
Rosenfeld Deposition 9-1-2022

In The Circuit Court of St. Louis County, State of Missouri  
Kieth Luke et. al. Plaintiff vs. Monsanto Company et. al.  
Case No. 19SL-CC03191  
Rosenfeld Deposition 8-25-2022

In The Circuit Court of the 13th Judicial Circuit Court, Hillsborough County, Florida Civil Division  
Jeffery S. Lamotte, Plaintiff vs. CSX Transportation Inc.  
Case No. NO. 20-CA-0049  
Rosenfeld Deposition 8-22-2022

In State of Minnesota District Court, County of St. Louis Sixth Judicial District  
Greg Bean, Plaintiff vs. Soo Line Railroad Company  
Case No. 69-DU-CV-21-760  
Rosenfeld Deposition 8-17-2022

In United States District Court Western District of Washington at Tacoma, Washington  
John D. Fitzgerald Plaintiff vs. BNSF  
Case No. 3:21-cv-05288-RJB  
Rosenfeld Deposition 8-11-2022

In Circuit Court of the Sixth Judicial Circuit, Macon Illinois  
Rocky Bennyhoff Plaintiff vs. Norfolk Southern  
Case No. 20-L-56  
Rosenfeld Deposition 8-3-2022

In Court of Common Pleas, Hamilton County Ohio  
Joe Briggins Plaintiff vs. CSX  
Case No. A2004464  
Rosenfeld Deposition 6-17-2022

In the Superior Court of the State of California, County of Kern  
George LaFazia vs. BNSF Railway Company.  
Case No. BCV-19-103087  
Rosenfeld Deposition 5-17-2022

In the Circuit Court of Cook County Illinois  
Bobby Earles vs. Penn Central et. al.  
Case No. 2020-L-000550  
Rosenfeld Deposition 4-16-2022

In United States District Court Easter District of Florida  
Albert Hartman Plaintiff vs. Illinois Central  
Case No. 2:20-cv-1633  
Rosenfeld Deposition 4-4-2022

In the Circuit Court of the 4<sup>th</sup> Judicial Circuit, in and For Duval County, Florida  
Barbara Steele vs. CSX Transportation  
Case No.16-219-Ca-008796  
Rosenfeld Deposition 3-15-2022

In United States District Court Easter District of New York  
Romano et al. vs. Northrup Grumman Corporation  
Case No. 16-cv-5760  
Rosenfeld Deposition 3-10-2022

In the Circuit Court of Cook County Illinois  
Linda Benjamin vs. Illinois Central  
Case No. No. 2019 L 007599  
Rosenfeld Deposition 1-26-2022

In the Circuit Court of Cook County Illinois  
Donald Smith vs. Illinois Central  
Case No. No. 2019 L 003426  
Rosenfeld Deposition 1-24-2022

In the Circuit Court of Cook County Illinois  
Jan Holeman vs. BNSF  
Case No. 2019 L 000675  
Rosenfeld Deposition 1-18-2022

In the State Court of Bibb County State of Georgia  
Dwayne B. Garrett vs. Norfolk Southern  
Case No. 20-SCCV-091232  
Rosenfeld Deposition 11-10-2021

In the Circuit Court of Cook County Illinois  
Joseph Ruepke vs. BNSF  
Case No. 2019 L 007730  
Rosenfeld Deposition 11-5-2021

In the United States District Court For the District of Nebraska  
Steven Gillett vs. BNSF  
Case No. 4:20-cv-03120  
Rosenfeld Deposition 10-28-2021

In the Montana Thirteenth District Court of Yellowstone County  
James Eadus vs. Soo Line Railroad and BNSF  
Case No. DV 19-1056  
Rosenfeld Deposition 10-21-2021

In the Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois  
Martha Custer et al.cvs. Cerro Flow Products, Inc.  
Case No. 0i9-L-2295  
Rosenfeld Deposition 5-14-2021  
Trial October 8-4-2021

In the Circuit Court of Cook County Illinois  
Joseph Rafferty vs. Consolidated Rail Corporation and National Railroad Passenger Corporation d/b/a  
AMTRAK,  
Case No. 18-L-6845  
Rosenfeld Deposition 6-28-2021

In the United States District Court For the Northern District of Illinois  
Theresa Romcoe vs. Northeast Illinois Regional Commuter Railroad Corporation d/b/a METRA Rail  
Case No. 17-cv-8517  
Rosenfeld Deposition 5-25-2021

In the Superior Court of the State of Arizona In and For the Cunty of Maricopa  
Mary Tryon et al. vs. The City of Pheonix v. Cox Cactus Farm, L.L.C., Utah Shelter Systems, Inc.  
Case No. CV20127-094749  
Rosenfeld Deposition 5-7-2021

In the United States District Court for the Eastern District of Texas Beaumont Division  
Robinson, Jeremy et al vs. CNA Insurance Company et al.  
Case No. 1:17-cv-000508  
Rosenfeld Deposition 3-25-2021

In the Superior Court of the State of California, County of San Bernardino  
Gary Garner, Personal Representative for the Estate of Melvin Garner vs. BNSF Railway Company.  
Case No. 1720288  
Rosenfeld Deposition 2-23-2021

In the Superior Court of the State of California, County of Los Angeles, Spring Street Courthouse  
Benny M Rodriguez vs. Union Pacific Railroad, A Corporation, et al.  
Case No. 18STCV01162  
Rosenfeld Deposition 12-23-2020

In the Circuit Court of Jackson County, Missouri  
Karen Cornwell, Plaintiff, vs. Marathon Petroleum, LP, Defendant.  
Case No. 1716-CV10006  
Rosenfeld Deposition 8-30-2019

In the United States District Court For The District of New Jersey  
Duarte et al, Plaintiffs, vs. United States Metals Refining Company et. al. Defendant.  
Case No. 2:17-cv-01624-ES-SCM  
Rosenfeld Deposition 6-7-2019

In the United States District Court of Southern District of Texas Galveston Division  
M/T Carla Maersk vs. Conti 168., Schiffahrts-GMBH & Co. Bulker KG MS “Conti Perdido” Defendant.  
Case No. 3:15-CV-00106 consolidated with 3:15-CV-00237  
Rosenfeld Deposition 5-9-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica  
Carole-Taddeo-Bates et al., vs. Ifran Khan et al., Defendants  
Case No. BC615636  
Rosenfeld Deposition 1-26-2019

In The Superior Court of the State of California In And For The County Of Los Angeles – Santa Monica  
The San Gabriel Valley Council of Governments et al. vs El Adobe Apts. Inc. et al., Defendants  
Case No. BC646857  
Rosenfeld Deposition 10-6-2018; Trial 3-7-19

In United States District Court For The District of Colorado  
Bells et al. Plaintiffs vs. The 3M Company et al., Defendants  
Case No. 1:16-cv-02531-RBJ  
Rosenfeld Deposition 3-15-2018 and 4-3-2018

In The District Court Of Regan County, Texas, 112<sup>th</sup> Judicial District  
Phillip Bales et al., Plaintiff vs. Dow Agrosiences, LLC, et al., Defendants  
Cause No. 1923  
Rosenfeld Deposition 11-17-2017

In The Superior Court of the State of California In And For The County Of Contra Costa  
Simons et al., Plaintiffs vs. Chevron Corporation, et al., Defendants  
Cause No. C12-01481  
Rosenfeld Deposition 11-20-2017

In The Circuit Court Of The Twentieth Judicial Circuit, St Clair County, Illinois  
Martha Custer et al., Plaintiff vs. Cerro Flow Products, Inc., Defendants  
Case No.: No. 0i9-L-2295  
Rosenfeld Deposition 8-23-2017

In United States District Court For The Southern District of Mississippi  
Guy Manuel vs. The BP Exploration et al., Defendants  
Case No. 1:19-cv-00315-RHW  
Rosenfeld Deposition 4-22-2020

In The Superior Court of the State of California, For The County of Los Angeles  
Warrn Gilbert and Penny Gilbert, Plaintiff vs. BMW of North America LLC  
Case No. LC102019 (c/w BC582154)  
Rosenfeld Deposition 8-16-2017, Trail 8-28-2018

In the Northern District Court of Mississippi, Greenville Division  
Brenda J. Cooper, et al., Plaintiffs, vs. Meritor Inc., et al., Defendants  
Case No. 4:16-cv-52-DMB-JVM  
Rosenfeld Deposition July 2017

In The Superior Court of the State of Washington, County of Snohomish  
Michael Davis and Julie Davis et al., Plaintiff vs. Cedar Grove Composting Inc., Defendants  
Case No. 13-2-03987-5  
Rosenfeld Deposition, February 2017  
Trial March 2017

In The Superior Court of the State of California, County of Alameda  
Charles Spain., Plaintiff vs. Thermo Fisher Scientific, et al., Defendants  
Case No. RG14711115  
Rosenfeld Deposition September 2015

In The Iowa District Court In And For Poweshiek County  
Russell D. Winburn, et al., Plaintiffs vs. Doug Hoksbergen, et al., Defendants  
Case No. LALA002187  
Rosenfeld Deposition August 2015

In The Circuit Court of Ohio County, West Virginia  
Robert Andrews, et al. v. Antero, et al.  
Civil Action No. 14-C-30000  
Rosenfeld Deposition June 2015

In The Iowa District Court for Muscatine County  
Laurie Freeman et. al. Plaintiffs vs. Grain Processing Corporation, Defendant  
Case No. 4980  
Rosenfeld Deposition May 2015

In the Circuit Court of the 17<sup>th</sup> Judicial Circuit, in and For Broward County, Florida  
Walter Hinton, et. al. Plaintiff, vs. City of Fort Lauderdale, Florida, a Municipality, Defendant.  
Case No. CACE07030358 (26)  
Rosenfeld Deposition December 2014

In the County Court of Dallas County Texas  
Lisa Parr et al, Plaintiff, vs. Aruba et al, Defendant.  
Case No. cc-11-01650-E  
Rosenfeld Deposition: March and September 2013  
Rosenfeld Trial April 2014

In the Court of Common Pleas of Tuscarawas County Ohio  
John Michael Abicht, et al., Plaintiffs, vs. Republic Services, Inc., et al., Defendants  
Case No. 2008 CT 10 0741 (Cons. w/ 2009 CV 10 0987)  
Rosenfeld Deposition October 2012

In the United States District Court for the Middle District of Alabama, Northern Division  
James K. Benefield, et al., Plaintiffs, vs. International Paper Company, Defendant.  
Civil Action No. 2:09-cv-232-WHA-TFM  
Rosenfeld Deposition July 2010, June 2011

In the Circuit Court of Jefferson County Alabama  
Jaeonette Moss Anthony, et al., Plaintiffs, vs. Drummond Company Inc., et al., Defendants  
Civil Action No. CV 2008-2076  
Rosenfeld Deposition September 2010

In the United States District Court, Western District Lafayette Division  
Ackle et al., Plaintiffs, vs. Citgo Petroleum Corporation, et al., Defendants.  
Case No. 2:07CV1052  
Rosenfeld Deposition July 2009

**From:** [Albert Casares](#)  
**To:** [LongRangePlanning](#)  
**Subject:** southeast Fresno's proposed mega-development comment  
**Date:** Tuesday, March 4, 2025 2:38:31 AM

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

Hello I'm Albert casares I have lived in southeast Fresno all my life and I have some comments about the current controversial mega project that I hope will happen soon because I think it's a great project because there is many pros that many would have not think of such economic gain for the surrounding area from businesses to housing availability which benefits pretty much all of Fresno due to the lack of housing which would accommodate our growing population and demand of housing that we lack, even accessing more green spaces which is great for quality of life and I know things come into play such as concerns for the environment from water to our air quality which we can find a solution through grants to funding from the state and the tax revenue that we would gain from this development and I'm all for it I just don't understand why others are against it how do they expect our city to grow and be more productive and have more job opportunities and all it takes is a well planned development that can optimize resources usage promote sustainable practices like public transportation and that would reduce per capita environmental impact alone and Fresno lacks infrastructure and I feel this project would improve that also, and a dense urban population has better access to public services from healthcare to educational institutions and more transportation options which all around is great which also a larger population base in a city would attract businesses leading to the job opportunities which creates higher income levels which is great because southeast Fresno is underprivileged than most of Fresno and has been for decades

From: [Susie Rodriguez](#)  
To: [LongRangePlanning](#)  
Subject: Re: fresno annexation of existing properties  
Date: Tuesday, March 18, 2025 8:08:05 PM

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

On Feb 24, 2025, at 8:27 PM, Susie Rodriguez [REDACTED] wrote:

i'm a homeowner at 7827 E. Floradora Ave., Fresno, CA 93737. My husband and i moved here in 2015 and not one word mentioned regarding annexation, So we were shocked to hear about this horrible plan for annexation and very unfair. We are both retired and in no way able to afford the outrages mentioned cost to hook up to the city. if Fresno City wants established homeowners to belong to the City, i feel Fresno City needs to pay for all expenses. i understand new development needing to be hooked up to the City, but very unfair for established homeowners to be forced to hook up to the City, we already paid for our water pump and septic tank and having to pay to remove is unfair!!! We chose to live here with our acreage and beautiful trees, now our trees will all die due to lack of water because we will be metered and can't afford to pay outrages prices. Please leave existing properties owners alone, people are going to be forced out of Fresno and less property taxes will be collected. A better solution would be to improve existing unoccupied properties in the City and make Fresno a better place to live!!! it makes sense to leave existing homeowners alone.

March 18, 2025

i'm resending this e-mail again, because i was told previous letters and e-mails were discarded, not a good idea, property owners concerns should be valid any time. By water being metered with this annexation, property owners could lose all their trees and bushes, etc. with lack of water which will be metered, who can afford to water 2 or more acres and think of the fire hazard it will create. Our beautiful properties will look like abandoned land, we could not even sell our properties and property taxes will go down, not good for Fresno!!! Who would want to buy dried up properties, an eye soar!!! Common sense will tell you this is wrong, wrong, wrong!!! More police and firefighters will be needed to police and put out fires and will probably need a new hospital, we are miles away to the closest hospital. Making a walkway next to the canal is a horrible idea, an accident waiting to happen!!! Fresno should concentrate on abandoned properties in the city limits, townhomes, condos, and houses could be built, water and sewer are already there!!! Make Fresno a beautiful city, not getting rid of historical sites, like the Fresno Courthouse, a huge misstate, lets improve not get rid of!!! There are a lot of abandoned businesses (buildings) in Fresno, why not put the new stores you are talking about so we could shop with more stores to choose from!!! Thank you for your time!!! Pease leave existing homeowners alone!!!

Attn: Andrew Janz

Teresa Pineda Ávila



NO TO- SEDA  
SOUTHEAST DEVELOPMENT AREA

I often wonder how much love there is for Fresno...and...what of respect for her? What is loved, is not abandoned nor neglected.

It's been said, anything worth having, is worth fighting for. Sometimes the fighting becomes a battle comparable to that of, David and Goliath....mortals vs presumed gods...citizens vs city council vs supervisors vs developers...as appears to be the case with SEDA.

SEDA- who is pushing this plan? Appearances and numerous, past city council votes would indicate that developers build and expand when and where THEY choose...too often given free reign by local government. Tell the developers something they don't hear very often- NO! Ignorance of city government is not to be confused with stupidity. I, and others, have lived long enough, have seen enough, to know what many times drives decisions proposed by those who know that- MONEY TALKS. Yes, when there is the need for growth and development, call in the cavalry of developers. However, now is not the time to develop outward when the interior is bleeding, and crying out to be tended to.

Fresno...at 74 years of age, I have infinite memories of my beloved place of birth. I am a lifelong resident, born in the GOLDEN WEST SIDE- borrowing a phrase from, HAPPY HAROLD (local rhythm and blues radio DJ).

At the age of 12, our family moved to the EASTSIDE of town- bordered by streets: BELMONT & OLIVE, CEDAR & ROWELL. I was 43 years of age when I became a first-time homeowner of a house that I had "eye-balled" since 6th grade! Living in my once dream house (streets:TULARE & VENTURA, CEDAR & FIRST) has given me an education that neither Roosevelt High School nor Fresno State could have. I have lived and worked (Rowell School) in this area, and the historic Huntington Boulevard region, the major portion of my life. I cannot fathom, nor entertain the thought of living ANYWHERE ELSE IN THE WORLD!!!

What of these lessons learned? That despite the present and past mayor(s) wishing aloud of a... ONE FRESNO...the opposite is true. As I see, as I have experienced, there are 2 Fresnos: the NORTH and the SOUTH...much like the CIVIL WAR. One Fresno? Certainly...one divided and fractured. The Fresno City Council demonstrates this with it's shenanigans and clear, full display of whom they are beholden to...very recent example- the city council vote regarding smoke shops. Despite the sinful amounts of money spent on TV & radio ads, print, etc. promising voters the Sun, Moon and Stars, we voters are often left with a, "bag of chips, no soda"!!! You will,(most candidates) (pinky finger promise) "work for us, your constituents"...a time-worn and laughable utterance. There's a saying in Spanish: "Con

dinero baila el perro". Literally: "With money, the dog dances". Figuratively: "Money talks". To win an election, money must be spent. Small sums donated by the average citizen pale, seem paltry, in comparison to...say...a developer with deep pockets and fatter wallets...and influence. THE ELEPHANT IN THE ROOM: it's a part of life in politics...like taxes and death. We mere mortals cannot compete monetarily with the developers who dictate votes...and policy. Without developer money, how else to pad the ladder to higher office? I'M GENERALIZING. Feel offended ONLY if the shoe fits.

Sorrowfully, the center of Fresno is being neglected, parts left to deteriorate and die. Will prayers and a miracle resurrect our city? I've heard many a city leader, council member and supervisor invoke the name of God. Heaven has yet to rain money down on us. But we humans are blessed with a heart, a brain, common sense, and judgement to guide us in making sound, ethical and moral decisions.

Southeast Fresno is a great and grand lady. From time to time she receives a manicure, a pedicure, a little lipstick now and then. And IF she should be sooo lucky...have her hair done! Band-aids. Her knees cry out for a replacement, her arthritic limbs struggle to keep her upright. Do we watch, do we stare, do we lament her forthcoming demise? She fights a gallant battle to survive, to stay standing. Her eyes still luster; they sparkle with hope. Her heart is broken...but still beats with blood infused with love and respect from those loyal to her.

Our STREETS are at the worst that they have EVER been. Riding down these streets rattles cars and nerves. CRACKED SIDEWALKS with tree roots raising walkways ...with many a person tripping and/or falling. TREES DYING, or dead. Their withered limbs a ghostly reminder of neglect and abandonment. Infrastructure...LACK of BUS BENCHES with SHELTER to shield waiting bus patrons (MANY ELDERLY) from the winter cold and rain. I've helped a few seniors who fell and slipped in the mud as they exited a bus stop...a stop where dirt awaited the disembarking... dirt-unleveled and full of weeds. Our famous/infamous summer heat bakes into the skin of those waiting for city transportation. I CHALLENGE, I DARE, EVERY city council member to shop and wait with several, filled shopping bags (standing- and in the open) for an entire month to personally experience what is expected of us who rely on the bus system for transportation...I suggest the southeast corner of Tulare Street. For the adventurous, there are many more locations to consider...no seating, no shelter and a frustrating and disrespectful situation. With our air pollution, the investment in promoting clean air (via public transport) is a given.

Our weather. Our fickle rainy season. Where is the SERIOUS plan to deal with energy costs and water usage? To many, Fresno is a laughingstock to those living in or out of the city...the joke is that Fresno doesn't know what it wants to be. We can...,we should be...

a MODEL of how to remedy, INTELLIGENTLY, a better way of life for it's citizens. AFFORDABLE drought-tolerant trees and landscaping...aggressively advocated, financed and implemented. There are households, parts of SE Fresno where income makes these improvements impossible to adopt. Our weather, our limited water resources, expensive energy

costs- glaringly cry out for sane and effective remedies...want to spend money? HERE'S THE SPOT...ONE OF MANY!!!

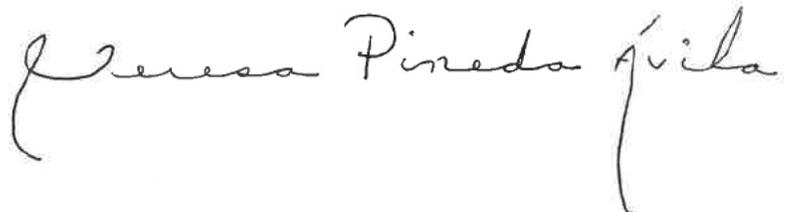
Our homes, located in the older part of Fresno makes them aged...many not so gracefully. A developer's dream, I imagine, is to develop and build. Start here. Our homes, this area is a majestic and beautiful blend of styles and architecture not to be replicated anywhere in Fresno...much like Southwest Fresno and the Tower District. It's people proud and welcoming...be it with small talk, conversation, community involvement and sharing of food...all are welcome to our table. Yes, crime exists... as it does in ALL parts of Fresno. Security is welcomed, for our homes and neighborhood. Invest in us, our young and our old ...those working...those retired...those struggling...those homeless. Our schools and churches and organizations welcome the investment...does the city council welcome and embrace them? Don't TELL US- SHOW US!!! "Las palabras se las lleva el viento...Words are gone with the wind...words are hollow".

Fresno has given birth to countless numbers of children, and received many who've chosen to adopt her. Cities- much like mothers... are loved and respected. Others are neglected and abandoned. How we esteem Fresno...or not...is telling of who we are...what example we set for future generations to either emulate... or cringe at the thought of how we chose to take care of this lady named, Fresno. Building outward is akin to leaving this, "Older Woman" for a younger mistress whose "youthful buildings" may console those, "blinded by youth"...offering a false sense of rejuvenation. How is Fresno rejuvenated when internally, central Fresno is left ailing and alone...occasional and spotty "make up/lipstick" won't do...we require more than patchwork and excuses.

There are BILLIONS of dollars to be spent. SE Fresno has MILLIONS of projects yet to be addressed...

No apologies for this lengthy and perhaps rambling rant. I LOVE FRESNO!!!! With all her, pimples, warts and scars (which ALL cities bear) she remains a beautiful place to live. Fresno- a region that feeds much of the country and world- should be held in high esteem...more so those parts of her- older and historic... alive and fighting a valiant battle to be appreciated and valued. We don't want nor (in the future) wait to be razed. We want to rise and prosper. What cannot be saved, what is burned or thoroughly destroyed, can be replaced with what fits our character and spirit. Too costly?! But to expand outside of our area is rarely a financial burden...excuses are infinite.

We are SOUTHEAST FRESNO...  
WE MATTER

A handwritten signature in black ink that reads "Teresa Pineda Avila". The signature is written in a cursive, flowing style with a large initial 'T' and 'A'.

From: [Heather Balcom](#)  
To: [LongRangePlanning](#)  
Subject: SEDA Public Comment from District 3 resident Heather Balcom  
Date: Saturday, March 22, 2025 8:27:50 PM

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

Dear Fresno Long Range Planning Team,

I am a resident of the City of Fresno District 3. I am writing in response to the new proposed SEDA Environmental Impact Report draft.

The SEDA plan as currently described will harm the city of Fresno. SEDA is expensive and the plan does not explain how the city proposes to pay for it while meeting its existing obligations. Population growth has slowed, but Fresno will be responsible for paying for the development, regardless of if lots sell.

The good ideas from SEDA, such as increased green space and new affordable housing, can be implemented within current city limits at much lower cost. These are improvements that existing residents and businesses have been asking for and which the communities of county residents in the area that would be transformed by SEDA have clearly indicated that they do not want.

I submitted a public records request for the city's assessment of infrastructure repair and improvement needs in my neighborhood on February 23rd and have yet to receive the response. The city should identify and meet its existing obligations before considering taking on new ones.

Please reject SEDA and protect the City of Fresno from the long term negative impacts it would bring.

Sincerely,  
Heather Balcom



From: [William Beekman](#)  
To: [LongRangePlanning](#)  
Cc: [Jerry Dyer](#); [Todd Stermer](#); [Nelson Esparza](#); [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nick Richardson](#)  
Subject: SEDA EIR Comment Response Ref.3436, [REDACTED]  
Date: Monday, March 24, 2025 3:48:35 PM

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

City of Fresno  
Planning and Development Department  
Sophia Pagoulatos, Planning Manager, City of Fresno, Planning and Development Dept

3.2 Ag Resources

William Beekman, resident 7791 E. Carmen Ave. 2.5 Acres Property. Presently grows 2 Acres of producing Oranges. With a dense population around we can no longer function as an income ( approx. \$ 8000 to 12000 wholesale yearly) producing farm. Spraying of Insecticides & Herbicides, Beehive Honey gathering, gifting oranges to neighbors, loss of labor income (approx. \$3000) for local HighSchool Children and Farm Laborers,

3.3 Air Quality

With the more dense population air quality will suffer tremendously! This is evidenced by the already heavy population increase north of us. We are experiencing smog now that prevents us from seeing the mountains. I can even smell the food being cooked 1/2 mile away from us. Coming in via air you can really notice the smog emitting from the new more dense population areas near us! I am sure this affects our health.

3.6 Energy, Need study to determine what Electrical Resources are needed? Would there be enough?

3.8 Greenhouse Gas Emissions,

Unable to plant enough trees to offset the Greenhouse gas emissions

3.9 Hazards and Hazardous Materials. Garbage disposal increase would be tremendous. We do not have appropriate locations to dump this stuff.

3.10 Hydrology and Water Quality.

Probably the most difficult impact caused by a large increase in population would be the shortage of water!! We are already overdrafted with ground water levels. There is not enough water to be transported from the already river water shortage!!

Where will all the sewage be disposed of? Present facilities already at Max.

3.11 Land Use and Planning

Many hundreds of acres of valuable agricultural land will be gone! Believe there is a law preventing this!!

3.13 Noise

Already with population increase north of us, we have a high increase in sirens from police and fire departments and general traffic noise. WHERE IS OUR OLD SILENT COMMUNITY!! I must close our bedroom window about 6-7 AM to keep out the noise so I can sleep. Will have much more noise with population increase.

3.14 Population and Housing

This is Rural suburban farmland and not meant to be a heavily populated area. An increase in crime is already happening here in our community. It will only increase with a greater population.

### 3.15 Public Services,

In our location Taxation costs for these services have risen tremendously. We are paying about \$260 per year increase in school taxes from year 2008 for more schools that new people's children need, Sure to be more with population increase. Too bad the Housing Developers are not paying for this!

### 3.17 Transportation and Traffic

Road Transportation Conveyance increase in our area is TERRIBLE! It will become worse with more housing. Presently we avoid the rush hour traffic due to long waits at our stop signs and lights. It now takes us 10-15 minutes longer to get into town in non rush hour traffic due to the many new stop signs and traffic lights. Roads here are continually torn up with new utilities being buried. Traffic must be rerouted. Something drastic needs to be done to solve this problem. Contractors make millions from new home building and we suffer!!

### 3.18 Utilities and Service Systems.

We already have our own 3 HP well pump for water service. Also have our own sewage disposal system. Mandatory connecting fees for the City of Fresno estimated to be as high as \$30K for each service and in addition to Monthly usage charges is not acceptable. We have a Solar Array size large enough to omit electric power costs. We are retired and need to have reduced living costs.

William(89) & Marjory(83) Beekman, [REDACTED] - Built home 1977 on 2.5 acres. Raised family here in Clovis School District.

## SOUTHEAST DEVELOPMENT AREA

### DRAFT EIR COMMENT LETTER

The proposed EIR for the Southeast Development Project addresses the loss of farmland (AG1 and AG2) by delaying any mitigation plan and handing off that responsibility to the developers of individual projects within the area. Delaying any attention to mitigation is inappropriate given that the entire area is specifically being planned and organized as a conversion of ag land into housing. This plan requires some mitigation for the loss of that land in this EIR.

There seems to be inconsistencies in the document. On ES -5 where it lists significant and unavoidable impacts, in reference to Williamson Act lands (but also relevant to other adjacent ag land), that the conversion of land to non-agricultural uses does not have any available mitigation. While saying this, it lists possible mitigation approaches that might be taken by individual project developers. Again, the effort here is to avoid the clear responsibility for enunciating a plan for this development area.

Richard and Kay Bertken

From: [Deborah Bigham](#)  
To: [LongRangePlanning](#)  
Cc: [Annalisa Perea](#); [Mike Karbassi](#); [miguel.arias@fresno.com](mailto:miguel.arias@fresno.com); [Tyler Maxwell](#); [Nick Richardson](#); [Nelson Esparza](#); [Todd Stermer](#)  
Subject: Comment onEIR  
Date: Monday, March 24, 2025 3:39:10 PM

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

### Section 3.14 Population and Housing

SEDA's original estimated annual population growth through 2050 was 1.5%. The revised population growth estimate is only .18%. Bigger than necessary for population growth is 8.3 X. This alone undermines the entire basis of the SEDA project. How do you propose to make this feasible.

### Section 3.14 Population and Housing

SEDA has planned for 44,000 units when based on the latest population projections. The unit's actually needed is 5,300. There is plenty of land within the City of Fresno. Why can't these units be built on empty acres within city limits and save our farmland?

### Section 3.15 Public Services

Who will be paying for the massive bill to build schools to accommodate the high density population located in the Sanger School District? Since Sanger Unified has replied to this Project in writing with great concern, please document the projected costs involved with the School district and the plan to fund these schools. Why have no estimated cost been revealed? Are you concerned that the truth would be detrimental to the project? Going forward with no plan to implement school growth is unacceptable and needs to be corrected. Asking taxpayers to fund a "blank check" is unacceptable and needs to be corrected.

### Section 3.17 Transportation and Traffic

After close to 20 years, there is no City Infrastructure cost estimate, Financial feasibility study or Financing strategy. Why is that. There needs to be a cost estimate for accountability before moving forward.

### Section 3.17 Transportation and Traffic

The potential SEDA Infrastructure Cost is \$1,000,000,000 plus and some are guessing it will run as high as 2 billion. But we don't know because no one seems to know. So, where is the money coming from? The Fresno City budget Deficit for 2025 is \$20,000,000. Fresno is struggling with potential budget cuts to balance the budget. So how is it feasible we can afford OVER 1 BILLION DOLLARS for

SEDA infrastructure. It's been reported that this will be ironed out after the council approves the massive project. Where's the accountability? What is the infrastructure cost? The budget needs to be disclosed before the EIR is accepted. This needs to happen before prior approval. This blank check is unacceptable.

### Section 3.11 Land use and Planning

Fresno (City Limits) has 8,200 vacant Acres which = 134,000 Units. This vacant land already exists within the city limits and can accommodate all the growth anticipated through 2050 and beyond, without the billion plus infrastructure costs of SEDA. Why not start there then move out as needed. It doesn't make sense unless you're a home builder looking for cheap land and a City with taxpayers happy to provide a billion extra dollars to subsidize "your" dream development.

### Section 3.18 Utilities and Services Systems

What will the long term impact on the environment be when expanding or relocating electric, natural gas, or telecommunications facilities for a project of this magnitude? Can you and will you site your studies? Not having this information is unacceptable and needs addressed.

### Section 3.19 Wildfire

Because of the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, what is your plan to protect the occupants from feared disasters such as the fires in Los Angeles this year. With no plan in place this is unacceptable and needs to be corrected.

### Section 5.2 Project Objectives

On 3-7-25 A Public Records request was made for information on the SB2 Grant that funded the SEDA EIR. As of 3-23-25 documents have not been released. In an article in FresnoLand March 3, 2025 by reporter Gregory Weaver said, "Officials have yet to publicly disclose a cost estimate, despite consultants delivering one to City Manager Georgeanne White last December. Where is the fiscal responsibility in this. Until the cost estimate is released and the public is able to make comments the comment period for the RDEIR should be extended 30 days from the release of the cost estimate to the public.

### 3.3 Air Quality

On August 28, 2024 a publication authored by Gregory Weaver of FresnoLand titled "Development projects suddenly in limbo as Fresno scrambles in wake of court ruling" "City officials estimate that the 9,000-acre SEDA project will increase Fresno's annual carbon emissions by 500,000 tons, effectively wiping out the city's progress on climate goals for the next two decades." According to city documents this project is estimated to triple air pollution levels in Southeast Fresno." So why is this quantification of information published prior to the recirculated draft deliberately excluded from the EIR? There is currently not enough information to quantify emissions of specific project development that may occur under the proposed project.

**From:** [Whitney Wall Bortz](#)  
**To:** [LongRangePlanning](#); [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nelson Esparza](#); [Nick Richardson](#); [Jerry Dyer](#); [Sarah Boren](#); [Georgeanne White](#); [Jennifer Clark](#); [Andrew Janz](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District6](#); [District7](#)  
**Cc:** [Rhonda Dueck](#)  
**Subject:** Concerned about the Southeast Development Area Specific Plan (SEDA)  
**Date:** Saturday, March 22, 2025 9:36:16 PM

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

Dear Representatives,

I am writing to you as a resident, employee, parent and tax payer in District 5. I live on Huntington Blvd. between 3rd and 4th with my husband and 3 kids who all attend Fresno Unified Schools.

We are very concerned about SEDA. We already notice that there is significant neglect in this neighborhood and those surrounding us with much need for infrastructure, repairs and the availability of law enforcement. We fear that this development will remove further attention from these neighborhoods in which many families live, and neglect of these areas may drive families out of this region. Please let me know what you are doing to ensure that this development does not lead to negative consequences for others in this area.

Best,

Whitney Bortz



To: [longrangeplanning@fresno.gov](mailto:longrangeplanning@fresno.gov)

With copy to:

Annalisa Perea: [annalisa.perea@fresno.gov](mailto:annalisa.perea@fresno.gov)

Mike Karbassi: [mike.karbassi@fresno.gov](mailto:mike.karbassi@fresno.gov)

Miguel Arias: [miguel.arias@fresno.gov](mailto:miguel.arias@fresno.gov)

Tyler Maxwell: [tyler.maxwell@fresno.gov](mailto:tyler.maxwell@fresno.gov)

Nick Richardson: [nick.richardson@fresno.gov](mailto:nick.richardson@fresno.gov)

Nelson Esparza: [nelson.esparza@fresno.gov](mailto:nelson.esparza@fresno.gov)

Todd Stermer: [todd.stermer@fresno.gov](mailto:todd.stermer@fresno.gov)

Date: March 23, 2025

Re: Draft Recirculated Program Environmental Impact Report Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California (the “EIR”) and SEDA Southeast Development Area Specific Plan Draft (the “SEDA Plan”)

Dear Sophia Pagoulatos, Planning Manager, Planning and Development Department, City of Fresno:

I am writing this letter in reference to the EIR and SEDA Plan and have the following questions regarding the proposed implementation of the SEDA Plan and the EIR:

1. On ES-2 under Quantified Objectives, the EIR states that its objectives are to accommodate 40,000 - 45,000 dwelling units with only 30,000 - 37,000 jobs as per Chapters 3.14 and 2.3 respectively. What is the rationale on building more houses than actual jobs for people? How will future residents be able to buy a home here without enough jobs to accommodate the same number of dwelling units?
2. On ES-2 under Fiscal Responsibility, the EIR states that the SEDA Plan will provide self-financing for the development and ongoing maintenance while not reducing the City of Fresno’s resources already dedicated to the City while not burdening residents outside of the SEDA however the cost of the SEDA Plan and the self-financing thereof is not listed anywhere with the EIR nor the SEDA Plan. How much is the SEDA Plan expected to cost and what is the cost of self-financing? If the cost of the SEDA Plan will not burden residents outside of the SEDA, how does the City of Fresno plan on burdening the residents inside the SEDA and at what costs? How much will SEDA residents’ taxes increase?
3. Under the same page and section (ES-2, Fiscal Responsibility) and in regards to Chapters 3.11 and 3.18, why isn’t the City of Fresno considering the renovation and adaptive reuse of existing structures since this is typically much less expensive than large-scale new construction. The City of Fresno could prioritize retrofitting underutilized spaces instead of

spending millions, if not billions, on new infrastructure, utilities (including water, sewer and power), and roads.

4. On ES-2 under Social Equity, the EIR states that the SEDA Plan will promote health by reducing harmful emissions from cars and industry in Chapter 3.8 (Greenhouse Gas Emissions), but how can the SEDA Plan accomplish this during the building phase with all of the emissions from building equipment, subsequent air pollution, hazardous materials, etc.? What steps will be taken and upheld to ensure the safety of residents, workers and wildlife? Prolonged exposure to fine particulate matter and diesel exhaust has been linked to an increase in heart attacks, strokes, and other cardiovascular conditions. What is the City of Fresno going to do to mitigate this exposure?
5. On ES-5 under Impact AG-2 which refers to Chapter 3.2 (Agricultural Resources and Forestry Resources) of the EIR, it states that the SEDA Plan includes land under the Williamson Act and convert it to non-agricultural uses without any mitigation to reduce it to less than significant which contradicts the purpose of this program. Please provide details on how the City of Fresno plans to pay for the monetary penalties of up to 25% of the market value of the land plus 25% of the value of any incompatible improvements? Will SEDA residents' taxes be used to pay for these penalties?
6. In reference to Chapter 3.10 (Hydrology and Water Quality), what is the budget for the stormwater systems, water supply, altering the existing drainage patterns, capturing the substantial increase in runoff and building additional areas/sources for capturing additional flood water?
7. Where is the City of Fresno planning on getting the millions of gallons of water required to build 40,000-45,000 dwelling units as per Chapter 3.10 (Hydrology and Water)?
8. On page 2-18 and in reference to Chapter 3.17 (Transportation and Traffic), the EIR states that the City of Fresno will provide "high quality transit service" without any information on how this will be accomplished. What the budget is for such high quality transit service? Please provide the environmental impact report for such transit service? A blank check is unacceptable and such questions must be addressed prior to approval.
9. How does the City of Fresno plan on acquiring and funding the necessary resources of adding additional police, fire, ambulatory and other emergency and protective services to accommodate the additional population and increase of businesses and other infrastructure to not only maintain, but reduce both crime and response time to emergencies based on the proposed SEDA Plan (referencing Chapter 3.15 (Public Services))?
10. How much money or other financial and non-financial kickbacks are you, all those copied herein and other city officials receiving from land developers, builders, contractors, corporations, etc. to get the SEDA Plan approved?
11. With reference to Chapter 3.9 (Hazards and Hazardous Materials), what is the City of Fresno's plan to prevent public and environmental hazards caused by accidents involving the release of hazardous materials into the environment both in the air and water? What is the City of Fresno's plan to mitigate the increase in construction waste in our landfills?
12. Referencing Chapter 3.2 (Agricultural Resources and Forestry Resources), the proposed plan will permanently convert thousands of acres of Prime Farmland and Farmland of Statewide Importance into non-agricultural uses, with no feasible mitigation to preserve this essential resource. What is the City of Fresno doing to preserve this fundamental resource and at the very least mitigate this issue? Why isn't the City of Fresno considering focusing on urban infill development, instead of destroying farmland, in an effort to preserve Fresno's farmland and agricultural economy and maintain food production stability?
13. Referencing Chapter 3.3 (Air Quality), the SEDA Plan will generate significant criteria air pollutants during construction and operation, exceeding San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds. Mitigation measures cannot fully reduce these

emissions and this needs to be addressed by the City of Fresno since we have been working to reduce the pollution for the last twenty years and just within the last decade we have finally seen an improvement where we can actually see the surrounding mountains. The SEDA Plan could reverse all those efforts. Please detail how the City of Fresno would address the following in regards to air quality:

- air pollution and respiratory issues due to the increase emissions of particulate matter, ozone, nitrogen dioxide and diesel particulate matter, all of which are linked to asthma, bronchitis and lung cancer.
- exposure to Toxic Air Contaminants that have been linked to severe illnesses including leukemia

14. One of the SEDA Plan's goals is to reduce vehicle miles traveled (see pages 6, 12, 25, 33, 64, 78 and 110 in accordance with Chapters 3.14 and 3.17). However, per the SEDA plan, only 37,000 jobs are estimated to be created with 40,000-45,000 dwelling units to be built. How can the SEDA Plan accomplish a reduction in vehicle miles travelled when (at the absolute least, assuming 1 person per household) a minimum of 8,000 people (difference between 45,000 dwelling units and 37,000 jobs created) will have to travel outside of the plan area to commute to their jobs when more and more companies are implementing a return to office policy? Additionally if people must travel outside of the plan area, this leads to increased vehicle emissions and traffic resulting in higher rates of health issues (respiratory and cardiovascular diseases) due to prolonged exposure to vehicle exhaust.

The above questions barely scratch the surface in the number of holes and inconsistencies when trying to understand why the SEDA Plan is still trying to get approved after all these years. The City of Fresno continually attempts to make it make sense, but it never does. There are other alternatives that would benefit all residents, not just the sub-mediocre elected officials, land developers, builders and contractors. It is clear that the best interests of the community have not been considered.

Regards,  
Stephanie Brimmer

**From:** [Cheryl Smith](#)  
**To:** [LongRangePlanning](#); [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nelson Esparza](#); [Nick Richardson](#); [Jerry Dyer](#); [Sarah Boren](#); [Georgeanne White](#); [Jennifer Clark](#); [Andrew Janz](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District6](#); [District7](#)  
**Subject:** Opposition to SEDA  
**Date:** Sunday, March 23, 2025 4:24:58 PM

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External Email: Use caution with links and attachments

To Whom It May Concern,

I am writing to express my concern about SEDA. City money should e going toward existing neighborhoods, not new developments where the developers make a huge profit at the expense of those in the city that need attention and ongoing services. I live in the hIstoric Huntington area and Jackson Neighborhood. We need ongoing maintenance for our sidewalks, streets, lights, police presence, funding for school, etc. The city owes established neighborhoods their money and attention.

Thank you,

Cheryl Dueck Smith



From: [Cheyenne J.](#)  
To: [LongRangePlanning](#)  
Cc: [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [District5](#); [Nick Richardson](#); [Nelson Esparza](#); [Todd Stermer](#)  
Subject: Concerns About the SEDA Recirculated EIR  
Date: Thursday, March 20, 2025 8:52:05 PM

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

Dear Council Member & City Clerk,

I am writing to express my concerns about the SEDA Recirculated Environmental Impact Report (EIR). Below are the key areas that I find alarming and we Fresnoians, WANT ANSWERS:

**#1: Section 4-2 Growth-Induced Impacts:** The SEDA plan relies on outdated population growth projections to justify its development. The report claims Fresno will grow by 226,000 people by 2035, but the new data from the California Department of Finance shows a much smaller growth of just 72,000 and only 19,000 more by 2070. There is **NO NEED to expand** as suggested in the SEDA plan when Fresno's population is growing much slower than originally predicted. This projection does NOT support the representation of people in Fresno who need affordable housing! Stop building & take care of existing communities & buildings that are the history of Fresno. **NO to "Fresnoland" and MORE FARMLAND!!! Revitalize Fresno! NO to "Fresnoland", NO to SEDA!**

**#2: Section 3.3.4 Air Quality:** Fresno **ALREADY** has some of the worst air quality in the nation, and the SEDA plan admits it will create high levels of pollution. Why worsen our air when the project isn't even necessary? Many already have health issues and struggle in Fresno due to the air quality. Asthma, allergies and smog are among the many critical issues affecting Fresno citizens who did **NOT VOTE for this nor approve of this!** SEDA will make these issues worse, thus, lessening the quality of life for those living in Fresno. **NO to "Fresnoland" and MORE FARMLAND!!! Revitalize Fresno! NO to "Fresnoland", NO to SEDA!**

**#3: Section 4-1 Impact AG-1 (Farmland Loss):** The project will destroy 6,700 acres of farmland - land that helps clean our air and supports local agriculture. Replacing it with development will increase pollution and hurt our local economy. Again, stop building & take care of existing communities & buildings that are the history of Fresno. Not only will this save money but it will improve Fresno as a whole! **NO to "Fresnoland" and MORE FARMLAND!!! Revitalize Fresno! NO to "Fresnoland", NO to SEDA!**

**#4: Section 3.17 Transportation & Traffic:** The report claims that by 2025, people in SEDA will drive only 5 miles per day -- 80% less than what experts predict. This assumption is unrealistic and ignores Fresno's existing car-dependent infrastructure. This is beyond the allocated \$1-\$4 billion SEDA plans to divert from resources of critical needs such as our broken roads, sidewalks and neighborhoods. Stop building & take care of existing communities & buildings that are the history of Fresno. **NO to "Fresnoland" and MORE FARMLAND!!! Revitalize Fresno! NO to "Fresnoland", NO to SEDA!**

This SEDA project is wrong on SO many levels in my personal opinion. Having lived here all my 47 years of life, I have watched my hometown, which I love, turn into the "next LA" **which I HATE and many DO NOT WANT!!!** Fresno is an agriculture town. Fresno is rich in its history. Fresno has many depleted areas of which the money proposed to SEDA could almost 'reinvent' Fresno in a MUCH BETTER way as the "next LA" than SEDA could ever do! What you are doing is completely wrong and this project will break Fresno entirely. This project **will push out our farmers** and force them elsewhere to farm. This project will **NOT support the existing homeless issues and only increase the lack of affordable housing to the existing citizens of Fresno.** Who are you building this for? Not those in the valley! **SEDA is ONLY for outsiders, who will not spend & consume here but just sleep here and travel outside Fresno to work and consume elsewhere.** SEDA plans need to be stopped and those in charge must look at the amazing opportunity right under your noses here in beautiful Fresno. **Revitalize Fresno! NO to "Fresnoland", NO to SEDA!**

If you need to contact me, feel free. [REDACTED]. Thank you for your time!

*~Live Vertically~  
Cheyenne Jenvey*

**From:** [connie young](#)  
**To:** [LongRangePlanning](#)  
**Cc:** [District1](#)  
**Subject:** Concerns about the SEDA recirculated EIR  
**Date:** Monday, March 24, 2025 4:48:19 PM

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

Dear Ms. Pagoulatos,

I'm writing to express my concern about the following aspects of the SEDA Recirculated EIR:

#### 4-2 Growth-induced Impacts

New data from the California Department of Finance shows much slower growth projections for the Fresno area than the EIR predicts. Let's not contribute to urban sprawl by building homes that will not be needed. Furthermore, let's prioritize increasing affordable housing and complete neighborhoods within existing city limits.

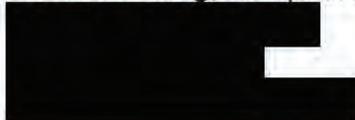
#### 3.3.4 Air Quality

By increasing urban sprawl, this project will increase air pollution. Considering that our air basin already fails attainment standards for several criteria air pollutants, we must not increase the vehicular pollution in our air basin. Air pollution diminishes the quality and longevity of Fresno residents.

Fresno has many blighted areas. Sadly, it is known in other parts of the state as "the armpit of California". We can do better! Let's stop urban sprawl and inner city blight by focusing our resources on what we already have.

Sincerely,

Connie Young, RN (retired)



City of Fresno  
City of Fresno Planning and Development Department  
Sophia Pagoulatos, Planning Manager  
2600 Fresno Street, Room 3065  
Fresno, California 93721  
[longrangeplanning@fresno.gov](mailto:longrangeplanning@fresno.gov)

Re: "Recirculated Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Pagoulatos,

I contest Section 3.2 Agricultural Resources and Forest Resources for the following reasons:

1. Under the mitigation plan, MM AG-1, Fresno City has no plan to preserve farm land at a 1:1 ratio, so how will this mitigation be implemented and enforced? The alternative in MM AG-1 is unacceptable because it relies on the City to develop a Farmland Preservation Program by 2025. Since the plan is not in place, the environmental impact cannot be determined. Therefore, this plan must not be accepted until a plan is in place and can be adequately evaluated. Having the plan in place with clear requirements provides predictability of the environmental impact.

2. In reference to MM AG-1, the City's General Plan Policy RC-9-c does not provide the sole legal basis for mitigation for the loss of farmland to urban development. As you are aware, the California Environmental Quality Act ("CEQA"), Pub. Res. Code 221000 et seq., requires agencies to analyze the significant environmental impacts of projects that they approve or carry out, and to *mitigate those impacts*, where feasible, to a less than significant level. The Legislature has declared that CEQA "plays an important role" in effectuating the important public policy of preserving agricultural lands within the state. Stats. 1993, ch. 812, 1, p. 4428. Accordingly, CEQA's environmental analysis and mitigation requirements extend to farmland conversion. See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 11 733 (EIR deficient due to an inaccurate assessment of the amount of prime farmland to be converted as a direct result of the development project); *Citizens for Open Government v City of Lodi* (2012) 205 Cal. App. 4th 296, p. 320-322 (EIR found conversion of 40 acres of farmland a significant impact even after purchase of conservation easements at a 1;1 ratio). Impact AG-1 states that there is "significant and unavoidable impact." This is not acceptable under CEQA mandates and must be corrected.

3. The EIR summarized the total of farmland that would be lost in this plan at 6,661 acres. The SEDA plan states that the Level of Significance After Mitigation (MM AG-1) is Significant and unavoidable. The plan does not conserve any farmland. Alternative 3 would

conserve only 648.61 acres. This is not acceptable. Farmland conservation at a 1:1 ratio does not save farm land from destruction in the SEDA area. This destruction reduces food production for feeding people as well as loss of income for families that farm in the area. Alternative 1 (No project alternative) would have the least impact on conversion of farmland to housing. The SEDA plan, plans for 45,000 homes compared to the 17,900 on the existing plan (Alternate 1). Therefore, a large amount of farmland would not be converted to houses under the existing plan and the SEDA plan should be rejected. With the increase in this number of homes and residents, the number of jobs would only be increased from 29,600 to 37,000 jobs. This is unacceptable and will have an adverse on the environment of the planned area.

4. The City of Fresno's General Plan conceived of the development of SEDA in Growth Area II to occur after other infill initiatives, to give those time to gain momentum. The Project History in Appendix A of the EIR states "there is still ample residential capacity within the current city limits and in Growth Area I (which Southwest Fresno and the West Area Neighborhoods Specific Plan areas)." Also refer to 2013-2031 Fresno County Multi-Jurisdictional Housing Element Appendix 1-E Fresno. This mitigation measure has been completely ignored in the EIR and has not been addressed as a reasonable option. Therefore the SEDA plan must not be developed until the space within the current city limits and Growth Area I are utilized.

5. The plan has made no consideration at all for the social and economic impact on minority groups. A large number of Hmong and Southeast Asia descendants that farm in this area will lose their income and livelihood as their farms are converted to houses and non-agricultural industries. This is a social injustice and has to be addressed before this EIR can move forward.

6. There are no mitigation measures to conserve over 900 acres of agriculture land that is already within the Williamson Act. This is totally unacceptable under CEQA guidelines. This EIR cannot move forward until these lands are secured as agriculture land.

7. The public comment received during the EIR scoping period asking for an assessment of the impacts that the plan will have on current and future agricultural operations has not been adequately addressed. Housing, especially high density houses, is incompatible with farming. Mitigation measures in these situations have not been adequately described so a full environmental impact cannot be made. Planning for only organic farming in the area is not adequate as organic sprays are governed at the same level as conventional pesticides and approved by the Environmental Protection Agency (EPA) and California Department of Pesticide Regulation. Therefore, to plan only for the use of organic pesticides will not provide home owners with peace of mind of safety.

8. Policy RC-5.2 Hazardous Materials. Prevent contamination of the ground water table and surface water resources and discourage all pesticide use for agricultural and landscaping uses

within the SEDA area. This policy is outside the jurisdiction of the City of Fresno. The use of all pesticides for agricultural and landscaping is under the jurisdiction of the Federal EPA and California Department of Pesticide Regulation. This policy is just another way to reduce the feasibility to farm in the SEDA plan area, forcing agriculture out so housing can be built without regard to preserving agriculture land. This policy is not consistent with CEQA's mandate to preserve agriculture land and reasonable measures must be shown how to mitigate hazardous materials in groundwater and surface water and still preserve agriculture land.

9. The measure to mitigate agricultural conversion, page 3.2-15 is stated as "To counter the effects of agricultural conversion, The Specific Plan includes a policy framework to support the integration of agriculture within the urban sphere. Programs that would be integrated into the Specific Plan may include school and neighborhood gardens, community orchards, agricultural education centers." This does not mitigate in any way the loss of agricultural land for production that feeds Fresno, California, and the United States. Community gardens are very limited in their production as well as their use. Limited plantings of nut and fruit trees are susceptible to pests, disease and bird damage without adequate pest control measures and will be a liability. These plantings will become reservoirs for pests and invasive species that could destroy all commercial agriculture in the San Joaquin Valley of California. Therefore, these measures are inadequate to satisfy CEQA mandates for preservation of farmland.

Based on these reasons, the Recirculated Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as any staff reports pertaining to this project.

Very truly yours,

Dr. David Ramming  
Retired Research Horticulturist, USDA/ARS  
SEDA area property owner  
Member Southeast Property Owner's Association

████████████████████

Please send CC to all City Council Members as they will be voting on this.

cc: Sophia Pagoulatos, Planning Manager: [Sophia.pagoulatos@fresno.gov](mailto:Sophia.pagoulatos@fresno.gov)  
District 1: Annalisa Pera: [annalisa.perea@fresno.gov](mailto:annalisa.perea@fresno.gov)  
District 2: Mike Karbassi: [mike.karbassi@fresno.gov](mailto:mike.karbassi@fresno.gov)

District 3: Miguel Arias: miguel.arias@fresno.gov  
District 4: Tyler Maxwell: tyler.maxwell@fresno.gov  
District 5: Special Election on March 18th  
District 6: Nick Richardson: nick.richardson@fresno.gov  
District 7 Nelson Esparza: nelson.esparza@fresno.gov  
City Clerk: Todd Stermer: todd.stermer@fresno.gov  
Mayor Jerry Dyer: jerry.dyer@fresno.gov

City of Fresno  
City of Fresno Planning and Development Department  
Sophia Pagoulatos, Planning Manager  
2600 Fresno Street, Room 3065  
Fresno, California 93721  
[longrangeplanning@fresno.gov](mailto:longrangeplanning@fresno.gov)

Re: "Recirculated Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486"

Dear Ms. Pagoulatos,

I contest Section 3.10 Hydrology and Water Quality for the following reasons:

1. Impact HYD-2: States "The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin." The mitigation measure MM HYD-2d has not been adequately demonstrated in showing that the existing groundwater recharge facilities have produced adequate infiltration into the underground aquifers. Gallons of water input is shown but the real results would be revealed by the change in groundwater table near the basins. There is a large amount of water lost due to evaporation that has not been accounted for. Therefore, inadequate information is available to adequately assess the impact these basins are having. In addition, no studies are provided that show what the infiltration rate of proposed groundwater facilities in the SEDA area would be. The Fresno Irrigation District is building all its groundwater recharge facilities on the west side of its district as they feel the east side is less effective for groundwater recharge facilities. The United States Department of Agriculture, Agricultural Research Service, Sustainable Agricultural Water Systems Research Laboratory at Davis, CA should be contacted and methodology they have developed be used to verify that the proposed sites for groundwater recharge facilities are indeed adequate to mitigate the overdraft of the North Kings Groundwater Basin. Even with the infiltration rate determined, these recharge facilities are only functional when adequate water is available in "wet" rainfall years. Therefore, they are only adequate part of the time. Data is lacking needs to be developed to show how many recharge facilities would be needed on an average during wet and dry rainfall years to have no significant impact on the groundwater levels.

2. The hydrology and Water Quality Section 3.10 now completely ignores developing a plan, prior to exceeding existing water demands, and that the City shall pursue provision of adequate water supplies by securing additional water sources and shall not approve development per the Specific Plan for the Plan Area until additional water supply is provided. The city of Fresno is already using nearly all its allocation of surface water from the Fresno Irrigation

District (FID). The only way the city of Fresno can obtain additional water is by taking it away from other recipients. Agriculture is the main recipient of water from FID and reducing its water would have serious environmental impact. Important impacts would be: 1. Removal of agricultural land from production. 2. Reduction in the amount of food that could be produced. 3. Less water available for groundwater recharge basins in agricultural areas to replenish North Kings Groundwater basin that extends beyond Fresno City limits and sphere of influence.

3. Public comments received during the Draft Program Environmental Impact Report identified that groundwater overdraft is an issue in the City and requires that the Draft PEIR evaluates the SEDA Specific Plan's impact on groundwater resources. The recirculated EIR states in Impact HYD-2: The proposed project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. MM HYD-2d states the City shall develop new and expand existing groundwater recharge facilities to balance increased water demands resulting from the Project Area. The City's plan of reducing its reliance on wells and relying more on surface water, using more surface water to recharge the groundwater through recharge basins sounds great. However, the City of Fresno is already using the majority of its surface water allocation from FID. MM HYD-2c says the City of Fresno will seek additional water sources. No potential additional water resources are identified, therefore this EIR cannot be adequately evaluated based on unknown water sources.

4. Under Objective RC-6: Ensure that Fresno has a reliable, long-range source of drinkable water, Policy RC-6-1, Natural Recharge. Support removal of concrete from existing canals and change the practice of lining new and existing canals with concrete to allow for natural recharge is unacceptable and is under the control of FID, not the City. Without concrete lining of canals: 1. Delivery of water to the city of Fresno and agriculture would be less efficient, meaning less water for both consumers at the city level and in agriculture. 2. The maintenance costs of the canals would be higher due to erosion of the banks and for weed control. There would be an increase in the soil particulates and contaminants in the water from the soil banks of the canal. 4. There will be damage to the canal banks by rodents and other animals, causing the loss of water from leaks and flooding. This policy and mitigation measure should not be implemented until the EIR is amended with a full report of impact on the environment and water quality.

5. Objective RC-6 "Ensure that Fresno has a reliable long-range source of drinkable water" is based on plans to be developed. Example: Policy RC-6-p Water plans. Adopt and implement ordinances, standards and policies to achieve... The effect of building in the SEDA area on the long range sources of drinkable water cannot be determined on plans that have yet to be developed.

6. Impact HYD-5 The proposed project will impact the sustainable groundwater management plan by requiring more water for the increased population in the plan area. If increased surface water is used directly through water treatment facilities, it is not available for groundwater recharge, i.e. directly negatively affecting groundwater sustainability. Therefore mitigation measures are required.

7. Impact HYD-1. No support is given for the statement that "the proposed project would not ... degrade surface or groundwater quality." Industrial areas are incorporated in this plan and what they produce needs to be evaluated. What studies have been done that the oils in the asphalt roads will not be leached into the surface and groundwater?

Based on these reasons, the recirculated Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as any staff reports pertaining to this project.

Very truly yours,

Dr. David Ramming  
Retired Research Horticulturist, USDA/ARS  
SEDA area property owner  
Member Southeast Property Owner's Association

████████████████████

Please send CC to all City Council Members as they will be voting on this.

cc: Sophia Pagoulatos, Planning Manager: [Sophia.pagoulatos@fresno.gov](mailto:Sophia.pagoulatos@fresno.gov)  
District 1: Annalisa Pera: [annalisa.perea@fresno.gov](mailto:annalisa.perea@fresno.gov)  
District 2: Mike Karbassi: [mike.karbassi@fresno.gov](mailto:mike.karbassi@fresno.gov)  
District 3: Miguel Arias: [miguel.arias@fresno.gov](mailto:miguel.arias@fresno.gov)  
District 4: Tyler Maxwell: [tyler.maxwell@fresno.gov](mailto:tyler.maxwell@fresno.gov)  
District 5: Special Election on March 18th  
District 6: Nick Richardson: [nick.richardson@fresno.gov](mailto:nick.richardson@fresno.gov)  
District 7 Nelson Esparza: [nelson.esparza@fresno.gov](mailto:nelson.esparza@fresno.gov)  
City Clerk: Todd Stermer: [todd.stermer@fresno.gov](mailto:todd.stermer@fresno.gov)  
Mayor Jerry Dyer: [jerry.dyer@fresno.gov](mailto:jerry.dyer@fresno.gov)

**From:** [beatrice deleon](#)  
**To:** [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nick Richardson](#); [Nelson Esparza](#); [Todd Stermer](#);  
[LongRangePlanning](#)  
**Subject:** EIR  
**Date:** Wednesday, March 19, 2025 8:17:24 PM

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External Email: Use caution with links and attachments

#### Section 3.15 Public Service

Question: Who will pay for the massive bill to build schools to accommodate the high density population located in the Sanger Unified School District?

Since Sanger Unified has replied to this project in writing with great concern, please document the project's costs involved with the school district and the plan to fund these schools. Why have no estimated costs been given? Are you concerned that that truth would be detrimental to the project? Going forward with no plan to implement school growth is unacceptable and needs to be corrected. Asking taxpayers to fund a "blank check" is unacceptable and needs to be corrected also.

#### Section 3.17 Transportation and Traffic

Question: How is the City of Fresno planning to pay for the infrastructure cost?

It has been reported that this will be ironed out after the council approves the massive project. What is the proposed infrastructure cost? The budget needs to be disclosed before the EIR is accepted. This "blank check" is unacceptable and needs to be addressed prior to any approval.

#### Section 3.18 Utilities and Service Systems

Question: What will the long term impact on the environment be when expanding or relocating electrical, natural gas, or telecommunication facilities for a project of this magnitude? Please site your studies. No information concerning this is unacceptable and needs to be addressed.

#### Section 3.19 Wildfire

Question: Due to the close proximity of the high density, and therefore, the high wildfire risk of rapid spreading, please state your plan to protect the occupancy from disasters like what happened in Los Angeles this year. Without a plan in place, this plan is unacceptable and needs to be corrected.

Sent from my iPhone

From: [Rhonda Dueck](#)  
To: [LongRangePlanning](#); [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nelson Esparza](#); [Nick Richardson](#); [Jerry Dyer](#); [Sarah Boren](#); [Georgeanne White](#); [Jennifer Clark](#); [Andrew Janz](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District6](#); [District7](#)  
Subject: VOTE NO on SEDA!!  
Date: Sunday, March 23, 2025 10:26:46 PM

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

Dear Fresno City Leaders,

As Fresno city leaders you are called to make decisions that are for the common good of our One Fresno.

The city of Fresno has a history of poor planning and poor decision making for development often due to significant pressure and promises from developers who often contribute towards election campaigns. This might seem like it is hidden, but the truth is that we can see this happening. It is obvious. This can stop now. Poor choices in the past do not need to continue. Please be people of integrity who make decisions that are best for Fresno - for now and into the future.

The SEDA project does not make good sense for our city as a whole for many reasons and I will highlight just a few here.

1. The research and investigation into the environmental impacts is insufficient and incomplete. This study needs to be expanded and completed so the implications are clear. The results need to be made public and easily accessible and written to make sense to the common citizen.
2. The actual cost for infrastructure including sidewalks, sewers, lights, roads, fire station, police patrols, etc. needs to be accounted for in extensive and detailed lists and given real numbers. My understanding is that some estimates only included some of the services required in order to make the numbers more acceptable. Deceiving the public is not acceptable!
3. There is only so much money for the city to spend to keep infrastructure working and appropriately repaired. If a new housing development is going to be developed where the infrastructure does not currently exist, it means there will not be as much, if any, money available for the areas of the city where there are already homes, businesses, and schools in existence. Our current neighborhoods are desperate for upgrades and repairs. The number of reports the GOFresno receives everyday is plenty to keep our city workers busy and budget used.
4. We are lacking in efficient and sufficient public transit in the city of Fresno and expanding the city bounds will require expanding this route without significant funding available which will only make the system worse. We need to rather spend money to expand the current routes to run more often and to more places within the city limits already developed.
5. We can all agree that additional housing is needed in Fresno, but the estimates that are being used to justify this development are out of sync with estimates from those who are

studying these trends closely. Also, we need affordable housing that are going to help people be closer to shopping, school, and jobs. Increasing city sprawl will not help this. Let's rather give incentives for contractors to build in the infill spaces available so that we can use the space available that already have the existing infrastructure attached to it.

6. The downtown of a city is a reflection of the priorities and vitality of the city. The further from downtown we build and develop, the less focus and resources we will have for downtown. It seems often when there are resources reserved to focus on downtown, they get reallocated to another project further out, thus increasing the decline of our city center. Energy and resources must be focused on downtown for revitalization for the good of our city.

I am passionate about Fresno and take great pride in living here. The decisions that you make about SEDA will impact Fresno for many years to come. Please do not make this decision lightly and do not be influenced by your political ambitions that allow people to negotiate with you in ways that benefit them, rather than our city. Rather, make the right decision that is best for Fresno. Our future is depending on you to lead well!!

Thank you for your time,  
Rhonda Dueck



**Rhonda Dueck**  
*Executive Director*  
**Jackson Community Development Corporation**

- [REDACTED]
- [REDACTED]
- [jacksoncdc.org](http://jacksoncdc.org)

**EMPOWERED RESIDENTS = THRIVING COMMUNITY**



**From:** [Kevin Dueck](#)  
**To:** [LongRangePlanning](#); [Annalisa Jaquez](#); [Mike Karbassi](#); Miguel  
**Subject:** I oppose SEDA!  
**Date:** Sunday, March 23, 2025 9:03:20 PM

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External Email: Use caution with links and attachments

Arias <miguel.arias@fresno.gov>,  
Tyler Maxwell <tyler.maxwell@fresno.gov>,  
Nelson Esparza <Nelson.Esparza@fresno.gov>,  
"Nick.Richardson@fresno.gov" <Nick.Richardson@fresno.gov>,  
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District5 <DISTRICT5@fresno.gov>,  
District6 <District6@fresno.gov>,  
DISTRICT7@fresno.gov  
X-Mailer: Apple Mail (2.3826.400.131.1.6)

City council and City government

I am very concerned about SEDA! I am concerned about how the city thinks it will be able to afford this. I am concerned that the infrastructure needs of my neighborhood will be met if all these funds are going to this new development. I am concerned that this is being done instead of infill. I am concerned because there are many neighborhoods in Fresno that have been neglected and this action would further enhance the problem.

Please vote to end SEDA!

Kevin Dueck  


March 24, 2025

City of Fresno Planning and Development Department  
Sophia Pagoulatos, Planning Manager  
2600 Fresno Street, Room 3065, Fresno California 93721  
Email: [longrangeplanning@fresno.gov](mailto:longrangeplanning@fresno.gov)

Re: Comments on Revised Draft Program Environmental Impact Report for Fresno Southeast Development Area (SEDA) Specific Plan Project City of Fresno, Fresno County, California State Clearinghouse Number 2022020486 dated February 7, 2025

Dear Ms. Pagoulatos,

I am submitting the following comments on the Fresno Southeast Development Area (SEDA) Specific Plan project Recirculated Draft EIR (RDEIR).

Comments on Recirculated Draft EIR (RDEIR)

### **3.2 - Agricultural Resources and Forestry Resources**

**Policy CF-3.1 Organic and Pesticide-Free Farming.** Promote ecologically sensitive farming methods that are safe for farm workers, consumers, and residents by restricting pesticide use and promoting integrated pest management practices within the SEDA.

Comments:

Pesticide Use and Regulation is regulated and monitored by the California Department of Pesticide Regulation.

What law and regulation gives the City of Fresno the authority to restrict pesticide use within SEDA?

California Pesticide Law-

Pesticide products include insecticides, herbicides, algicides (such as swimming pool products like chlorine), disinfectants and sanitizers, repellants, rodenticides, and fungicides.

The use of pool chlorine is quite extensive considering the number of pools in the City of Fresno.

Toilet bowl cleaners that claim to sanitize or disinfect are also classified as pesticides.

Pool chlorine for swimming pools and toilet bowl cleaner both have the signal word DANGER.

Signal words are found on pesticide product labels, and they describe the acute (short-term) toxicity of the formulated pesticide product. The signal word can be either: DANGER, WARNING or CAUTION. Products with the DANGER signal word are the most toxic.

If SEDA is planning on restricting pesticide use for farming does SEDA also plan to restrict pesticide use for home owners, renters, or any other persons residing or working in SEDA?

What will SEDA say is organic farming as it may mean different things to different people.

This is the USDA definition of organic:

Produce can be called organic if it's certified to have grown on soil that had no prohibited substances applied for three years prior to harvest. Prohibited substances include most synthetic fertilizers and pesticides.

If the soil history is not known for the last three years the soil will need to be free of prohibited substances before it can be called organic by the USDA definition.

**Policy CF-4.4 Strategic Plan for Agriculture.** Encourage the long-term economic viability of Fresno County agriculture by creating a strategic plan that comprehensively addresses the needs of farmers and farmworkers. The plan should be developed in partnership with the County and private agricultural institutions. The plan should focus on, but is not limited to:

- Develop a pathway for protection of agricultural land at risk of conversion to nonagricultural uses through a review of why and to what extent agricultural land is being converted to other uses.
- Identify how to support agricultural land conservation and what economic, environmental, and public health co-benefits arise from conservation.
- Analyze the existing agricultural land base and its function in the regional food system.

- Recognize and protect environmental co-benefits of conserving agricultural lands and analyze how to reduce greenhouse gas emissions.
- Identify the benefit of agricultural land for priority populations such as beginning or Veteran farmers and ranchers; residents of disadvantaged or low-income communities; or California Native American Tribes.

**Comments:**

This Strategic Plan for Agriculture needs to be created and applied to SEDA before SEDA is approved and 6,741 acres of farmland are destroyed in SEDA. According to the Plan Area in the RDEIR there is approximately 2,475 acres of Prime Farmland, approximately 1,352 acres of Farmland of Statewide Importance, approximately 1,189 acres of Farmland of Local Importance, and approximately 1,725 acres of Unique Farmland. Further, the majority of land under Williamson Act Contract in the City and SOI is located in the Plan Area.

The destruction of farmland in SEDA would be significant and non reversible once it occurs. Agricultural Resources Impacts are Not Sufficiently Mitigated. Farmland must be protected and SEDA must account for farmland preservation.

The West Neighborhoods Specific Plan is to be considered for adoption by the Fresno City Council in Summer 2025. The West Neighborhoods Specific Plan encompasses approximately 7,077 acres in the City of Fresno city limits and unincorporated Fresno County. 62.7% of the plan area is already in City of Fresno city limits. Only 37.3% is in unincorporated Fresno County. Acreage of land zoned AL20: Limited Agriculture is 226.26 acres, acreage of land zoned AE20: Exclusive Agriculture is 66.68 acres, for a total of 292.94 acres. 9.96% of the 2,940 acres that is in the unincorporated area of Fresno County and only 4.17% of the total plan acreage of 7,077 acres. Contrast that to SEDA's 6,741 acres of farmland which is 76.60% of SEDA's total plan acreage of 8,800 acres.

The City of Fresno would be better served and farmland preserved by prioritizing the development of the West Neighborhoods Specific Plan. As stated earlier 62.7% of the plan area is already in the City of Fresno city limits and it also has City of Fresno infrastructure already in place.

### 3.3 Air Quality

**Impact AIR-1:** The proposed project would conflict with or obstruct implementation of the applicable air quality plan.

Significant and unavoidable impact.

**Impact AIR-2:** The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non attainment under an applicable federal or State ambient air quality standard.

Significant and unavoidable impact.

**Impact AIR-3:** The proposed project would expose sensitive receptors to substantial pollutant concentrations.

Significant and unavoidable impact.

**Impact AIR-4:** The proposed project could result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Less than significant impact with mitigation incorporated.

**Cumulative Impact:** The proposed project would have significant and unavoidable cumulative impacts to air quality.

Significant and unavoidable impact.

#### **Comments:**

Rankings by American Lung Association rank the air of Fresno-Madera-Hanford area as follows:

Ranked 4th worst for high ozone days out of 228 metropolitan areas.

Ranked 2nd worst for 24-hour particle pollution out of 223 metropolitan areas.

Ranked 3rd worst for annual particle pollution out of 204 metropolitan areas.

The metropolitan areas are from across the United States.

Air quality is a major problem and concern in Fresno and the San Joaquin Valley.

There are serious health and environmental consequences that are not being addressed and need to be addressed in the RDEIR.

### 3.8 Greenhouse Gas Emissions

From Recirculated Draft EIR Executive Summary Matrix:

**Impact GHG-1:** The proposed project would not generate direct and indirect greenhouse gas emissions, **and these emissions would result in a significant impact on the environment.**

**Impact GHG-2:** The proposed project **would not conflict** with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation Measures:  
None Required

Level of Significance After Mitigation:  
N/A

**Cumulative Impact:** The proposed project **would have a less than significant cumulative impact on greenhouse gas emissions.**

Mitigation Measures:  
None required

Level of Significance after Mitigation:  
N/A

From Recirculated Draft Program EIR: Greenhouse Gas Emissions

Page 3.8-41

#### 3.8.5 - Project Impacts and Mitigation Measures

**Impact GHG-1:** The proposed project could generate direct and indirect greenhouse gas emissions, **and these emissions would result in a significant impact on the environment.**

**Impact GHG-2:** The proposed project **could conflict** with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Page 3.8-57

### **3.8.6 - Cumulative Impacts**

The geographic scope of the cumulative impact analysis for energy use is the Plan Area and portions of the City of Fresno, City of Clovis, and unincorporated Fresno County adjacent to the Plan Area. This analysis evaluates whether impacts of the proposed project, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to GHG emissions. This analysis then considers whether incremental contribution of the impacts associated with implementation of the proposed project would be significant. Both conditions must apply for cumulative effects to rise to the level of significance. **Based on this analysis, there is a potentially significant cumulative effect resulting from the proposed project.**

As previously discussed, no single land use project could generate enough GHG emissions to noticeably change the global average temperature. **Cumulative GHG emissions, however, contribute to global climate change and its significant adverse environmental impacts.**

The proposed project would be consistent with relevant plans, policies, and regulations associated with GHGs, notably the most recent version 2022 version of ARB's Scoping Plan, as well as the SJCOG's 2022 RTP/SCS and the City's General Plan. The proposed project would not impede upon the State's ability to reach mandated GHG reduction targets in the future and will support State-level efforts to reduce GHG emissions. Therefore, development of the proposed project would have a less than significant cumulative impact relative to this environmental topic. In addition, the implementation of MM AIR-1b, MM AIR-1c, and MM AIR-1d would serve to further reduce GHG emissions along with criteria air pollutants and toxic air contaminants. **Accordingly, impacts related to GHG emissions would result in a less than cumulatively considerable contribution.**

Level of Cumulative Significance Before Mitigation:  
Less than significant impact.

Cumulative Mitigation Measures:

None required.

From the 2023 Draft EIR Executive Summary Matrix:

**Impact GHG-1:** The proposed project would generate direct and indirect greenhouse gas emissions, **and these emissions would result in a significant impact on the environment.**

Mitigation Measures:  
No feasible mitigation available.

Level of Significance After Mitigation:  
Significant and unavoidable impact.

**Impact GHG-2:** The proposed project would conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases.

Mitigation Measures:  
No feasible mitigation available.

Level of Significance After Mitigation:  
Significant and unavoidable impact.

**Cumulative Impact:** The project would have a significant and unavoidable cumulative impact on greenhouse gas emissions.

Mitigation Measures:  
None available.

Level of Significance After Mitigation:  
Significant and unavoidable impact.

**Comments:**

The RDEIR seems to be inconsistent regarding the findings of **Impact GHG-1** and **Impact GHG-2**. Seems to be differing conclusions between the Recirculated Draft EIR Executive Summary Matrix and the Recirculated Draft Program EIR.

The 2023 Draft EIR concluded the level of significance was significant and unavoidable with no feasible mitigation available.

Was the data altered or different standards used for the 2023 Draft EIR and the 2025 Recirculated Draft EIR?

Common sense says the Level of Significance of Greenhouse Gas Emissions didn't go away since the 2023 Draft EIR and are still significant and have an unavoidable impact and need to be addressed.

### **3.14 Population and Housing**

Page 1E-2-11 of the Fresno Multi-Jurisdictional Housing Element / December 2024:

#### **Sites Inventory**

State law requires that jurisdictions demonstrate in the Housing Element that the land inventory is adequate to accommodate that jurisdiction's share of the region's projected growth (RHNA).

Fresno has many vacant residential development opportunities along with underutilized non-vacant sites with redevelopment potential with sufficient capacity to meet and exceed the identified housing need for 2023- 2031. The detailed sites inventory is contained in Section 1E-7 (Detailed Sites Inventory Tables), **Table 1E- 7.1** and **Table 1E-7.2**. The opportunities shown in this inventory consist of vacant and non-vacant land in residential, mixed-use sites, and commercial districts that allow residential development. No identified constraints on these sites would prevent development or reuse during the Housing Element period.

Page 1E-2-70 of the Fresno Multi-Jurisdictional Housing Element / December 2024:

#### **RHNA Summary**

**Table 1E-2.15** provides a summary of Fresno's ability to meet the 2023-2031 RHNA of 36,866 housing units. Within the city limits, available vacant and underutilized sites are adequate to accommodate the RHNA for all income categories. The city has capacity for 18,783 lower-income units, which is 3,459 lower-income units in excess of the lower-income RHNA.

**Comments:**

The Sites Inventory states Fresno has sufficient capacity to meet and exceed the identified housing need for 2023-2031. The RHNA Summary shows there is a surplus of 6,834 units for all income levels.

In 2023 the City of Fresno announced the state's \$250 million state fund to upgrade the city's downtown. In a FresnoLand article dated May 12, 2023, Mayor Jerry Dyer announced the funding would include \$80 million for infrastructure investments that promote building more housing and revitalizing neighborhoods. Mayor Dyer was quoted saying, "The city's goal is to accelerate the building of 10,000 new homes downtown. Great cities, have great downtowns. We can't be a great city, without a great downtown."

Resolution No 2023-292 was passed on November 16, 2023 by the Fresno City Council accepting the State funding of \$250 million to the City of Fresno

The West Neighborhoods Specific Plan is to be considered for adoption by the Fresno City Council in Summer 2025. The plan has estimated 50,800 new housing units consisting of 28,700 mixed use dwelling units and 22,100 residential dwelling units. The West Neighborhoods Specific Plan encompasses approximately 7,077 acres in the City of Fresno city limits and unincorporated Fresno County. 62.7% of the plan area is already in City of Fresno city limits. Only 37.3% is in unincorporated Fresno County.

The citizens of Fresno and Fresno County would be better served by investing in the city limits of Fresno before they look to annexing 8,800 acres of land in unincorporated Fresno County into the City of Fresno.

## **5.2 - Project Objectives**

### **Fiscal Responsibility**

- Provide self-financing for the development and on going maintenance of the SEDA that does not reduce City of Fresno resources dedicated to other areas of the City or burden Fresno residents outside of the SEDA.

**Comments:**

Until the analysis of infrastructure costs and funding are released to the public, the RDEIR is not complete. Public officials are unable to make an informed decision on the economic costs of the SEDA and the public is unable to comment before the close of the comment period. Estimates for infrastructure costs are upwards of \$3-\$4 billion dollars.

A public records request was made for the infrastructure costs on March 4, 2025. As of March 21, 2025 the documents have not been released. Fresnoland reporter Gregory Weaver in a March 3, 2025 article reported “Officials have yet to publicly disclose a cost estimate, despite consultants delivering one to City Manager Georgeanne White last December.”

Until the cost estimate is released and the public is able to make comments the comment period for the RDEIR should be extended 30 days from the release of the cost estimate of infrastructure to the public.

As reported in a Fresnoland article dated February 21, 2025, the City of Fresno is facing a projected budget deficit of at least \$20 million. One potential strategy could be raising taxes on Fresno residents.

Officials with the Sanger School District have estimated Sanger would need to add 16 schools to handle the anticipated school age population. Money that they say they don't have.

SEDA will also put an enormous financial burden on property owners of parcels zoned Rural Residential or Rural Cluster Residential for mandatory sewer and water connections required by the City of Fresno. Minimum estimates are \$50,000 for sewer connection and \$50,000 for water connection.

Fiscal responsibility of SEDA cannot be determined until the costs and funding of SEDA is released. Without that information the RDEIR is incomplete and the City of Fresno approval of the RDEIR should not even be considered.

Your consideration of the comments is appreciated.

Sincerely,

Elizabeth Sandberg  
SEDA area property owner  
Member Southeast Property Owner's Association  


cc:

District 1: Annalisa Perea: [annalisa.perea@fresno.gov](mailto:annalisa.perea@fresno.gov)

District 2: Mike Karbassi: [mike.karbassi@fresno.gov](mailto:mike.karbassi@fresno.gov)

District 3: Miguel Arias: [miguel.arias@fresno.gov](mailto:miguel.arias@fresno.gov)

District 4: Tyler Maxwell: [tyler.maxwell@fresno.gov](mailto:tyler.maxwell@fresno.gov)

District 5: Special Election on March 18th

District 6: Nick Richardson: [nick.richardson@fresno.gov](mailto:nick.richardson@fresno.gov)

District 7: Nelson Esparza: [nelson.esparza@fresno.gov](mailto:nelson.esparza@fresno.gov)

City Clerk: Todd Stermer: [todd.stermer@fresno.gov](mailto:todd.stermer@fresno.gov)

Mayor Jerry Dyer: [jerry.dyer@fresno.gov](mailto:jerry.dyer@fresno.gov)

From: [Connie Enns-Rempel](#)  
To: [LongRangePlanning](#)  
Subject: SEDA  
Date: Saturday, March 22, 2025 9:19:39 PM

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

Hello! My name is Connie Enns-Rempel, and I have lived in the downtown Fresno area for over 50 years. I live in this area by choice, as I love the community, and I also love the larger city of Fresno. I am concerned that once again the city is spending its focus on expansion through housing developments rather than tending to the areas that are already established. We need our resources to go toward the care of the areas that already exist, to repair roads and sidewalks, tend to the street and freeway medians that are often neglected and littered up, clean up graffiti, repair lights, pay for fire and police. There are empty lots that could be filled in. There is much to be done to care for what we have. Please invest resources into tending to the wonderful but neglected areas of our beloved city, rather than once again add to the sprawl.

Thank you for your consideration.

My business phone number is [REDACTED]

Sincerely,

Connie Enns-Rempel

SEDA states that the plan intends to incorporate small scale agricultural operations to honor the heritage of the area. The plan neglects to mention the degradation of already existing agricultural land. SEDA's proposed project area crosses both North Kings Groundwater Sustainability Agency and Central Kings Groundwater Sustainability Agency (GSA) boundaries. (SEDA Draft Specific Plan & CA.Gov, 2025) Both of these GSAs are required by the Department of Water Resources (DWR) and State Water Resource Control Board (SWRCB) to implement groundwater sustainability plans (GSPs). The potential projects included in these plans are: incentivizing lower water use, constructing groundwater recharge facilities, improving pre-existing irrigation infrastructure, fallowing agricultural land for reduced water use, constructing habitat, etc. In order to fund these projects, DWR has awarded 139.5 million dollars to GSP development, implementation, modification, etc. The DWR has also allotted 176.5 million dollars to critically overdrafted basins specifically, which require a great deal more planning and work to reach groundwater sustainability goals, also for GSP implementation (CA.GOV, 2025) . This may sound like a large sum of money awarded to GSAs, but with over 260 GSAs (CA.GOV, 2025), this money disappears quickly.

In order to cover costs for GSP implementation, GSAs have the authority to hold Proposition 218 votes. These votes are usually based on acreage ownership and result in an increase in the local tax to be invested in the GSPs planned projects (lao.ca.gov, 1996). While Proposition 218 fees are required to be charged proportionally to the cost of services provided, this still goes against the benefits listed in the SEDA plan. New, lower-income residents would be required to contribute to the City of Fresno GSA assessment fees, with this being added as a property tax (if they own the property). If they do not, the owner of said property must cover the fees and will most likely charge the residents a higher rent in order to cover the disparity. Despite SEDA proposing that the new developments are intended to help new owners move into their own spaces, it does not seem that the negative effects SGMA requirements have on lower income/younger families has been discussed.

The SEDA plan also lists that the preservation of agriculture and farms is a high priority of theirs. However, the plan removes large swaths of land that would be contributing to both Central Kings and North Kings GSA Proposition 218 fees as well as irrigation fees (which do not require a Proposition 218 vote to be implemented). This increases the associated costs for all farms in their respective GSAs, but the smaller family farms suffer severely. An example of a sudden fee increase is Chowchilla Water District's recent fee increase to cover expenses related to the GSP projects they are responsible for in their section of the Chowchilla Subbasin. The district went from charging water users \$110 an acre-foot to \$165 an acre-foot for irrigation water. This means a small operation could have a sudden 1.5x increase in their payments for water services alone, with a much

larger potential for a higher fee if there is less farmland to account for the charge. This does not account for the potential increase resulting from a Proposition 218 vote, which could be held in an attempt to raise funds for projects and potential result in farmers paying two “separate” entities at the same time for the same service.

I highly discourage the development of a new part of Fresno, specifically one that removes farmland from operation and puts unnecessary financial strain on residential areas intended to benefit from it.

Thank you, and I urge a reconsideration of how to best manage Fresno’s need for integrated/affordable housing.

Erik Rodriguez

Citation:

California, S. of. (n.d.-a). *Groundwater Sustainability Agencies*. Department of Water Resources.

<https://water.ca.gov/Programs/Groundwater-Management/SGMA-Groundwater-Management/Groundwater-Sustainable-Agencies#:~:text=SGMA%20required%20Groundwater%20Sustainability%20Agencies,by%20SGMA's%20initial%20planning%20milestone>

California, S. of. (n.d.-b). *Sustainable Groundwater Management Grant Program*. Department of Water Resources.

<https://water.ca.gov/work-with-us/grants-and-loans/sustainable-groundwater>

Sustainable Groundwater Management Act (SGMA) portal - Department of Water Resources. (n.d.). <https://sgma.water.ca.gov/webgis/index.jsp?appid=gasmaster&rz=true>

Understanding proposition 218. (n.d.).

[https://lao.ca.gov/1996/120196\\_prop\\_218/understanding\\_prop218\\_1296.html](https://lao.ca.gov/1996/120196_prop_218/understanding_prop218_1296.html)

From: [Linda Foster](#)  
To: [LongRangePlanning](#)  
Subject: Concerns About the SEDA Recirculated EIR  
Date: Sunday, March 23, 2025 11:59:55 PM

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

Dear Ms. Pagoulatos.

Subject: I am Concerned about SEDA.

I do not believe that Fresno needs to rip up farmland in the southeast Fresno area to build more expensive, single family homes.

### FRESNO'S REAL NEEDS

Invest in Fresno's Existing Communities.

What Fresno severely needs, is for truly affordable housing to be developed in already existing neighborhoods. Not more huge, single family houses built in the boondocks.

### AFFORDABILITY

\$400,000.00 is not affordable to people making \$15.00 an hour. We need housing for waiters, care providers, shop clerks, and other regular people living here. Housing for the people who keep things running and working.

### 3.17 - TRANSPORTATION AND TRAFFIC

What we really need is housing that is small, centrally located, easy to maintain, and located on bus routes. We need single and multi-family housing that is reasonably priced, safe, well built, environmentally conscious, near shopping, jobs, and other services.

### IDEAS

Convert older homes, vacant big box stores, Manchester Center, vacant lots, and go up, not out to the farmland. Small to moderate multiple unit, multiple story buildings. Tuck them in everywhere . Convert, repurpose, rethink, reuse, reinvent.

### 3.3.4 - AIR QUALITY ISSUES

Our air quality will suffer from all the extra miles driven by residents commuting from this former farmland. On top of the effects of destroying the farmland and losing the cleaner air from that area.

This is not a viable idea. It does not solve the actual housing issues we have here in Fresno. It will just add even worse issues and ramp up inequality.

Submitted by:

Linda Foster

[REDACTED]

City of Fresno District 2

[REDACTED]

**From:** [Bette.francis41@gmail.com](mailto:Bette.francis41@gmail.com)  
**To:** [LongRangePlanning](#)  
**Cc:** [Nick Richardson](#)  
**Subject:** Concerns about the SEDA Recirculated EIR  
**Date:** Friday, March 21, 2025 7:07:22 PM

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External Email: Use caution with links and attachments

Friday, March 21, 2025

Dear Ms. Pagoulatos:

I am writing to express my concerns about the SEDA Recirculated Environmental Impact Report (EIR). These are some of the areas that alarm me:

Section 4-2: Growth-Induced Impacts

While the SEDA plan estimates that the population of Fresno will increase by 226,000 people by 2035, the most recent data from the State of California Department of Finance estimates a much smaller growth, 72,000 by 2035 and an additional 19,000 by 2070! The commitment to transform this agricultural land to an entirely new suburb could be a financial disaster for the City.

Section 3.3.4 Air Quality

Fresno already has some of the worst air quality in the U.S. The SEDA plan admits it will increase the levels of pollution. Knowing that, why would you pursue this development?

Section 3.17 Transportation and Traffic

The report claims that the residents of this new suburb of Fresno, larger than the current population of Clovis, will drive only 5 miles per day. Experts estimate that is 80% less than what they will drive. It is inconceivable that the adult residents of this new suburb, possibly 70,000 people, will find employment within a 2-1/2 mile radius of their new home. And that does not even account for travel for shopping and leisure activities!

I live near the Herndon/Cedar intersection. There are cars zooming everywhere, nearly 24 hours a day, in this Northeast quadrant of Fresno. I can't believe your EIR is correct about how those new homeowners will hunker down in their new community. Fresno would be much better positioned as a desirable place to live if the City Council would energize itself around creating a 21st-century downtown. I cannot think of a major city in California that makes a worse impression than Fresno's downtown does. That is the heart of the City. There are so many things the City Council can do to make Fresnoans proud. SEDA will take money from all those necessary investments.

Sincerely,  
Bette Blythe Francis



Sent from my iPad

To: [longrangeplanning@fresno.gov](mailto:longrangeplanning@fresno.gov)

With copy to:

Annalisa Perea: [annalisa.perea@fresno.gov](mailto:annalisa.perea@fresno.gov)

Mike Karbassi: [mike.karbassi@fresno.gov](mailto:mike.karbassi@fresno.gov)

Miguel Arias: [miguel.arias@fresno.gov](mailto:miguel.arias@fresno.gov)

Tyler Maxwell: [tyler.maxwell@fresno.gov](mailto:tyler.maxwell@fresno.gov)

Nick Richardson: [nick.richardson@fresno.gov](mailto:nick.richardson@fresno.gov)

Nelson Esparza: [nelson.esparza@fresno.gov](mailto:nelson.esparza@fresno.gov)

Todd Stermer: [todd.stermer@fresno.gov](mailto:todd.stermer@fresno.gov)

Date: March 24, 2025

Re: Draft Recirculated Program Environmental Impact Report Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California (the "EIR") and SEDA Southeast Development Area Specific Plan Draft (the "SEDA Plan")

Dear Sophia Pagoulatos, Planning Manager, Planning and Development Department, City of Fresno:

To Whom It May Concern,

I am writing in reference to the Environmental Impact Report (EIR) and the proposed implementation of the South East Development Area (SEDA) Plan. After a thorough review of the documentation, I have several concerns and questions regarding the rationale, feasibility, financial implications, environmental impact, and long-term effects on both the residents within the proposed development area and the broader Fresno community.

#### Housing vs. Employment Disparity

According to the EIR (Section ES-2, Quantified Objectives), the SEDA Plan intends to accommodate between 40,000 to 45,000 new dwelling units while only planning for the creation of approximately 30,000 to 37,000 jobs (Chapters 3.14 and 2.3, respectively). This raises a serious concern: What is the justification for building significantly more housing units than there are jobs to support future residents? Without adequate local employment opportunities, how are prospective homeowners expected to afford living in the area? What mechanisms will the City of Fresno implement to ensure this imbalance does not lead to increased economic instability, traffic congestion, or further strain on regional resources?

#### Fiscal Responsibility and Transparency

The EIR claims that the SEDA Plan will be self-financing and will not detract from existing citywide resources, nor place a financial burden on residents outside the project area (Section ES-2, Fiscal Responsibility). However, the actual cost of the SEDA Plan and details surrounding its financing structure are conspicuously absent from both the EIR and the Plan itself. What is the projected total cost of the SEDA Plan? What mechanisms constitute this “self-financing,” and how reliable are they? If outside residents are not expected to shoulder the financial burden, does this mean those within the SEDA area will? If so, how much will taxes increase for SEDA residents? Without full transparency, the claim of fiscal responsibility remains unsubstantiated.

#### Neglected Alternatives: Adaptive Reuse of Existing Infrastructure

Chapters 3.11 and 3.18, and again on ES-2, fail to consider the potential cost savings and sustainability benefits of adaptive reuse and renovation of existing structures. Adaptive reuse is widely known to be more cost-effective than large-scale new developments and would reduce the need for expensive new infrastructure such as roads, water, sewer, and power lines. Why has the City of Fresno not prioritized this option as a viable alternative?

#### Contradictory Emissions Claims and Health Risks

The EIR (Section ES-2, Social Equity; Chapter 3.8) claims that the SEDA Plan will promote health by reducing harmful emissions. However, this fails to address the substantial environmental and health impacts during the construction phase. The use of heavy machinery and diesel-powered equipment will release hazardous pollutants into the air and soil. What specific steps will be taken to mitigate this impact during construction? How will the city protect the health of current and future residents, workers, and wildlife from prolonged exposure to fine particulate matter, diesel exhaust, and other toxic emissions known to increase the risk of cardiovascular disease, respiratory illness, and cancer?

#### Loss of Agricultural Resources and Williamson Act Violations

Section ES-5 (Impact AG-2; Chapter 3.2) outlines that the SEDA Plan will convert land currently under the Williamson Act into non-agricultural uses without any mitigation measures. This directly contradicts the Act’s intended purpose. Has the City calculated the monetary penalties—potentially up to 25% of the market value of the land and 25% of the value of incompatible improvements? How will these penalties be paid, and will they fall on SEDA residents in the form of higher taxes? Why does the plan ignore the irreversible damage caused by eliminating thousands of acres of prime farmland when more sustainable, infill development options are available?

#### Water Resources and Infrastructure Concerns

Chapter 3.10 (Hydrology and Water Quality) presents no clear financial plan or resource management strategy for the enormous water requirements this project will demand. What is the projected budget for developing adequate stormwater systems, adjusting drainage patterns, and capturing runoff? Most importantly, where will the City of Fresno source the millions of gallons

of water needed to build and maintain 40,000–45,000 homes in a region already experiencing water scarcity?

### Transportation and Transit Infrastructure

On page 2-18 and within Chapter 3.17 (Transportation and Traffic), the EIR mentions plans for “high-quality transit service,” yet there are no specifics on implementation, budget, timeline, or environmental impact. How will such transit systems be funded? Where is the corresponding environmental review? Without concrete details, these claims appear speculative and do not justify proceeding with such a large-scale development.

### Public Safety and Emergency Services

Chapter 3.15 (Public Services) does not adequately address how the city plans to expand and fund critical emergency services—including police, fire, and medical response—to meet the demands of a significantly larger population and expanded infrastructure. How will Fresno ensure not just the maintenance but the improvement of emergency response times and safety outcomes? What is the budget, hiring plan, and timeline for scaling up these essential services?

### Ethics, Transparency, and Accountability

Given the scale and stakes of the SEDA Plan, transparency is non-negotiable. I ask directly: how much money or other benefits—financial or otherwise—are City of Fresno officials, developers, contractors, or consultants receiving in connection to this project? Taxpayers deserve to know whether public decisions are being influenced by private gain.

### Environmental and Health Impacts from Hazardous Materials

Chapter 3.9 (Hazards and Hazardous Materials) raises yet another serious concern. What measures will be taken to prevent accidental releases of toxic substances during construction and operation phases? What is the City’s mitigation plan to address the increased burden on landfills due to construction waste?

### Permanent Loss of Prime Farmland

As stated in Chapter 3.2, the proposed development will irreversibly convert essential farmland into non-agricultural uses. No meaningful mitigation efforts are outlined. Why is Fresno choosing to sacrifice its agricultural heritage and economic base rather than explore higher-density urban infill options? How does the city reconcile this with its commitment to sustainability and food security?

### Air Quality Degradation

According to Chapter 3.3, the SEDA Plan will generate pollutant levels that exceed the thresholds established by the San Joaquin Valley Air Pollution Control District. This is particularly troubling considering the region’s long history of fighting air pollution. After

decades of progress, we now enjoy improved visibility and cleaner air—yet this plan threatens to undo all of that. What is the City’s plan to mitigate the increase in particulate matter, ozone, nitrogen dioxide, and diesel exhaust—pollutants known to cause asthma, lung disease, and cancer?

#### Vehicle Miles Traveled (VMT) and Commuting Realities

While the SEDA Plan emphasizes its goal to reduce vehicle miles traveled (VMT), it paradoxically proposes 40,000–45,000 housing units but only 37,000 local jobs (referencing Chapters 3.14 and 3.17). This means thousands of residents will be forced to commute outside the area for work—driving more, not less. With companies increasingly requiring employees to return to the office, this discrepancy will likely increase VMT, vehicle emissions, and health issues tied to prolonged traffic exposure. How does the City intend to square this contradiction?

#### Conclusion

These questions and concerns merely scratch the surface of the numerous inconsistencies, oversights, and gaps in the SEDA Plan and EIR. Despite years of planning, it remains unclear how this project serves the best interest of the community at large. There are more equitable, sustainable, and fiscally responsible alternatives that would benefit all residents—not just elected officials, developers, and contractors. It is imperative that the City of Fresno halt approval of the SEDA Plan until it can offer clear, transparent, and comprehensive answers to these concerns.

Sincerely,

Joe Gamradt

[REDACTED]

[REDACTED]

From: [Gerry Bill](#)  
To: [LongRangePlanning](#)  
Cc: [Nelson Esparza](#)  
Subject: SEDA Recirculated EIR  
Date: Sunday, March 23, 2025 7:43:30 PM

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

March 23, 2025

From:

Gerald Bill



To:

City of Fresno  
Planning and Development Department  
Attn: Sophia Pagoulatos, Planning Manager

**Subject: SEDA Recirculated EIR**

Dear Ms. Pagoulatos,

I am deeply troubled by the way the recirculated EIR for the Southeast Development Area (SEDA) is being handled, and specifically with some of the provisions contained within it.

**Section 3.17 Transportation & Traffic**

There is a claim in EIR Section 3.17 that by 2035, people living in SEDA would, on average, drive only five miles per day. That seems way off base, and is clearly an overly-optimistic projection. The SEDA development will not resemble a place like New York City, with an extensive subway system connecting all parts of the city. Realistically, in the SEDA, people are going to drive, not walk, and go to various locations in the city proper, not limited to the development area. The wildly exaggerated claim about how few miles people are likely to drive undermines the credibility of the report, which appears to be based on excessively rosy assumptions designed to hide the true negative impacts of the SEDA project.

**Section 3.3.4 Air Quality**

The huge increase in miles driven will further pollute the air. We live in one of the three worst areas of the state for dirty air, and the SEDA project is going to make our air even worse. There is no way around that if such a large number of households is added to our city in outlying areas. This sort of urban sprawl development will produce far more air pollution than would alternatives based on infill, rather than sprawl. Worsening our air in this way will be harmful to people's health, and it is not necessary.

**Section 4-2 Growth-Induced Impacts**

One reason the SEDA project is not necessary is that it is based on false assumptions about the likely population growth. The growth projection it uses, 226,000 population growth by 2035, is roughly three times higher than the newest projections from the California Department of Finance. Again, the SEDA

project is trying to cherry-pick its numbers to try to justify the plan, even if better population projections are now available. Again, this undermines the credibility of the plan, and puts misleading figures into the EIR.

**There are Better Ways to Use City Resources to Plan for the Future**

I have many other objections to the Draft Recirculated EIR for the SEDA project, including its failure to adequately address its impact on existing Fresno neighborhoods. The SEDA plan fails to address the financing of the infrastructure for the SEDA. With no financing plan in place, the massive cost of infrastructure for SEDA is likely to drain resources from existing neighborhoods in the City that will be needed for infrastructure maintenance, repair and improvements in those neighborhoods. I live in the area sometimes described as the Greater Tower District, bordering on Old Fig Garden. Public transit in my area is poor. I need to walk approximately half a mile to the closest bus stop. There are many streets in the area without curbs and gutters, leaving storm water to collect and partially cover some of the streets near me. Just two blocks from me, within the City Limits, there is a street that floods after every heavy rainstorm, and it is not possible to walk down that street without walking through water and getting one's feet wet (there are no curbs, gutters or sidewalks on that street). There are many other places in the City where this is going on. If SEDA is adopted, it is likely that City money will go there, instead of to improvements in City infrastructure in existing neighborhoods. It would be much better to improve infrastructure in existing neighborhoods and create more infill housing than to divert our precious resources to SEDA.

Sincerely,

Gerald Bill



March 23, 2025

City of Fresno  
Long Range Planning  
longrangeplanning@fresno.gov

Re: Southeast Development Area Specific Plan

Dear City of Fresno Planning,

My name is Rebecca Gottselig and I am a resident of Fresno District 5. I am writing to you rather than my council member as my district does not currently have a representative. I would appreciate your time in answering some questions I have pertaining to the Southeast Development Area Specific Plan ("SEDA"). While I, like most people, am concerned with how SEDA will impact the quality of life in my own neighborhood, I also am writing with concern for the long-term health of Fresno as a whole. I have lived, worked, and been educated in many parts of Fresno and am hopeful none of our city will be negatively impacted by SEDA.

The main question I hope can be answered: **Is SEDA an economically viable plan for the City of Fresno ("COF")?**

For the developers, SEDA will undoubtedly be profitable. But what will SEDA cost COF, and can it be afforded without diminishing current services or raising taxes? If so, what information can be provided in support of that assertion?

There are established neighborhoods throughout Fresno with existing infrastructure needs. Will COF be able to address the present and forthcoming needs of existing infrastructure while also funding the infrastructure needed for SEDA? For example, in my own neighborhood, we have huge trees that provide beauty and shade for residents and visitors alike. The majority of these trees are in COF easements and ultimately the responsibility of COF. Many of the trees are aging and in need of regular maintenance or replacement that they don't receive. Multiple of these trees are in front of my own property. The loss of these trees would be a huge detriment to my own longstanding neighborhood in Fresno if infrastructure funds are diverted from current projects, or currently needed projects, to SEDA. These trees are lush, shade-giving, air-cleaning beauties – which are a huge asset COF possesses. These assets should be properly stewarded. If that can be done while also adding new infrastructure with SEDA – wonderful! But it would be a shame to have these assets deteriorate because COF can't fund both existing infrastructure and new, SEDA infrastructure. The same should be considered for all neighborhoods in Fresno: will SEDA financially require COF to neglect current assets in favor of newer prospects?

Apart from physical infrastructure, will COF be able to afford the cost SEDA requires for first responders without loss of services to existing COF residents? I am so grateful for the Fresno Police Department ("FPD") and all they do to serve our community. I regularly call FPD to report non-emergency issues. Last year I called FPD with concern of someone who rang my doorbell at 4:00am. It quickly became apparent the individual was on drugs or mentally unstable.

While the issue didn't present immediate threat to my life, it could have quickly turned unsafe. I waited for over an hour to have an officer dispatched to my home to address the situation. All the while my children were asleep inside with a potentially harmful stranger on my property. Thankfully this issue was resolved by FPD without harm to any party. However, I don't desire to live through the stress of that situation again, potentially for an even greater period of time, should the addition of SEDA overextend FPD resources.

Ultimately, I support growing our city if warranted, providing infrastructure to allow for that growth, and seeing economic returns for all involved in the process. However, I don't think that should be done at the expense of already existing neighborhoods and residents. If SEDA is not economically viable for COF, what alternatives can be proposed? For example, are SEDA developers open to discuss cost sharing with COF for the infrastructure needed that is above and beyond the capital deposit already being required?

I hope this question has already been thoroughly researched and thought through for those considering approving SEDA. And truly, I hope the answer is a clear "Yes, COF can afford SEDA without deferring funds from existing neighborhoods." With that, I will look forward to an exciting, profitable, new development that can create interest, health, and prosperity for our city. However, if answers are not available or clear, please consider postponing approval of SEDA until adequate answers can be available for all those affected by this huge decision.

Respectfully,

Rebecca Gottselig

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

From: [service@grossmayer.net](mailto:service@grossmayer.net)  
To: [LongRangePlanning](#)  
Cc: [Annalisa Perea](mailto:Annalisa.Perea); [Mike Karbassi](mailto:Mike.Karbassi); [Miguel Arias](mailto:Miguel.Arias); [Tyler Maxwell](mailto:Tyler.Maxwell); [Luis Chavez](mailto:Luis.Chavez); [Garry Bredefeld](mailto:Garry.Bredefeld); [Nelson Esparza](mailto:Nelson.Esparza); [todd.stermer@freno.gov](mailto:todd.stermer@freno.gov); [district1@fresnocountyca.gov](mailto:district1@fresnocountyca.gov); [district2@fresnocountyca.gov](mailto:district2@fresnocountyca.gov); [salquinterro@fresnocountyca.gov](mailto:salquinterro@fresnocountyca.gov); [district3@fresnocountyca.gov](mailto:district3@fresnocountyca.gov); [district5@fresnocountyca.gov](mailto:district5@fresnocountyca.gov); [clerkbos@fresnocountyca.gov](mailto:clerkbos@fresnocountyca.gov); [aolivas@fresnocountyca.gov](mailto:aolivas@fresnocountyca.gov); [Mayor](#); [Adrienne Asadoorian](#)  
Subject: In opposition to SEDA. EIR comments.  
Date: Monday, March 24, 2025 12:01:57 PM

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

## I. Quantified Objectives es-2.

A. The first objective documented by the SEDA-EIR is to **"accommodate between 40,000 and 45,000 dwelling units"**. Between 2021 and 2023 the population of the State of California declined by close to 1 million people. Although California's population grew slightly in 2024, the overall trend since 2019 has been downward. The slight increase in 2024 was attributed to "increased international immigration" which may not continue. The downward population decline was not forecasted. According to a June 2023 LA Times survey, 40% of the people in California are seriously considering leaving. While SEDA's plans assumed 1.5% annual population growth, the California Department of Finance now projects Fresno County will grow by just 0.18% annually over the next 50 years — a difference that fundamentally erodes the project's key assumption. The EIR and SEDA plan have failed to recognize the quickly changing current population statistics and need to be reconsidered in light of the potential for this trend to continue.

1. Have you accounted for an un-forecasted decline or flat population for Fresno per recent California Department of Finance projections?
2. What are the taxpayer and environmental costs of annexation on the key elements of the SEDA plan if Fresno's population declines or stays flat along with current California trend?
3. If Fresno's population does decline or stays flat, would this annexation still make sense?
  - a. Would you allow massive housing development without the new people to fill it?
  - b. Would it result in people abandoning city apartments for new housing?
  - c. Might this cause Fresno home resale values to plummet and the inner city to crumble?
  - d. Could it result in abandoned housing projects spoiling our prime agricultural land....Like the old Running Horse project?
4. What alternatives like city infill have you considered should the population trend continue?
5. Would it be wiser to invest Fresno's limited resources to improve infrastructure inside the current city limits instead of promoting this urban sprawl; potentially without the

population to support it?

6. Would it make better sense to postpone this plan for a few years to understand if the current population trends will continue?

Given the uncertainty about California's declining population trend, a massive city expansion via annexation is too risky. Ignoring this possibility and continuing with outdated population assumptions is simply irresponsible. It has the potential for a huge wasted investment that only benefits a few real estate developers at the expense of prime agricultural land, county property owners and residents, and the people of the City Fresno.

- B. A second objective noted in the EIR and the SEDA Plan is also under the Quantified Objectives section. It is to **“Accommodate between 30,000 and 37,000 jobs”**. There are currently 643 properties including offices, retail, and industrial spaces available for sale or lease in Fresno County. There are 8,400 available, vacant acres within the Fresno City limits. The Caesar Chavez corridor features vacancy rates of 25 to 30% while Downtown Fresno is becoming a Ghost Town.
1. What is the actual plan to create these alleged new jobs?
  2. If the city believes that simply annexing land and expanding Fresno’s boundaries can attract new businesses that employ tens of thousands of people, why can’t they wave that same magic wand and provide the incentives to bring businesses to areas of Fresno where there are vacant business properties and unemployed city residents who can immediately begin work....without any new infrastructure or land. Why not focus on fixing Fresno’s declining downtown and corridors of vacant businesses?
  3. Noted economist Tim Bartik, a senior economist and researcher at the W.E. Upjohn Institute for Employment Research points out that “few Americans work in the neighborhood they live in”. **Yet the SEDA EIR (3.3.4 - Impact Analysis, Mitigation Measures, and Level of Significance)** assumes “policies that promote active transit, clean air measures, and support the reduction in average vehicle trip distances, which contribute to reducing overall per capita VMT in the region”. Isn’t it equally likely that the businesses that locate in the SEDA area will cause longer ‘average vehicle trip distances? Many would move to the SEDA area for low-cost housing and have to drive further to work in the city. Many others would live in the city and be forced to drive longer distances to work in the SEDA area. Assumptions made in terms of reduction of ‘average vehicle trip distance’ are clearly wrong.

Given the wild assumption of the ability to create tens of thousands of new jobs, the City of Fresno and its residents would be better served simply creating those jobs within the current confines of the city limits. Clean up downtown and declining business corridors and incentivize businesses to locate there instead of trying to expand and ignore the blight. Urban sprawl is not the solution to urban decay.

## II. Fiscal Responsibility:es-2.

C. A third objective noted in the EIR and SEDA plan is to make the SEDA project “self-financed for the development and ongoing maintenance of the SEDA that does not reduce City of Fresno resources dedicated to other areas of the City or burden Fresno residents outside of the SEDA”. It is important to note that After close to 20 years the City of Fresno has looked at growing to the South East, there is still no published City Infrastructure Cost Estimate, Financial Feasibility Study or Financing Strategy.

1. Fiscal Responsibility is touted as a key objective of the SEDA plan and is included as a part of the EIR. It has been reported that much of the infrastructure cost information was available in December 2024, yet it has been withheld from public view. FOIA requests have been made regarding the cost estimates yet they are delayed until after the comment period on the EIR. How can concerned citizens comment on the ‘fiscal responsibility’ of the SEDA plan if the costs have been hidden from public view?
2. Once the costs and financing strategy are officially published by the City of Fresno, will that information be included in the SEDA plan and the EIR comments re-opened to allow citizen comments?
3. How is it fiscally responsible to require current county residents to connect to city water and sewer at a potential cost of over \$100,000? Shouldn't the City or the developers pay for that?
4. As the City of Fresno struggles to find cuts for their 20-million-dollar budget deficit, why continue this project that some estimate will require investments of 1-2 billion dollars... but we really don't know what it will cost.

Given the fact that cost estimates have been kept from public view, it's not only irresponsible but just wrong to proceed with approval of the EIN that touts Fiscal Responsibility as a key objective.

### Summary

Any plan is only as good as the assumptions that underpin its objectives. The objectives for SEDA as stated in the revised EIR are based on faulty or unproven assumptions such as:

1. Target housing levels of 40000-45000 units is based on incorrect estimates of population growth.
2. Adding 30,000 to 37,000 jobs is unrealistic and locating those jobs far from the current city limits will not reduce average vehicle trip distances.
3. The project cannot be considered fiscally responsible without actually providing any cost estimates, financial feasibility study or financing strategy.

Therefore, the SEDA plan and EIR are based on assumptions that are wrong or unproven and that undermine the viability of the project. Instead of spending more money on the dreams of local home builders, it's time to reject the EIR, stop the SEDA project, focus on infilling within

the current city boundaries and fix the real problems of the city.

Virtually every resident and property owner in the SEDA area is against the plan. Maybe it's time to put the SEDA plan to a county-wide vote to see what the voters really think.

Alan Cederquist

[REDACTED]  
[REDACTED]

From: [service@grossmayer.net](mailto:service@grossmayer.net)  
To: [LongRangePlanning](#)  
Cc: [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Luis Chavez](#); [Garry Bredefeld](#); [Nelson Esparza](#); [todd.stermer@freno.gov](mailto:todd.stermer@freno.gov); [district1@fresnocountyca.gov](mailto:district1@fresnocountyca.gov); [district2@fresnocountyca.gov](mailto:district2@fresnocountyca.gov); [salquinterro@fresnocountyca.gov](mailto:salquinterro@fresnocountyca.gov); [district3@fresnocountyca.gov](mailto:district3@fresnocountyca.gov); [district5@fresnocountyca.gov](mailto:district5@fresnocountyca.gov); [clerkbos@fresnocountyca.gov](mailto:clerkbos@fresnocountyca.gov); [aolivas@fresnocountyca.gov](mailto:aolivas@fresnocountyca.gov); [Mayor](#); [Adrienne Asadoorian](#)  
Subject: Comment on the EIR Report of the SEDA (South East Development Area) Plan Comments  
Date: Monday, March 24, 2025 11:45:31 AM

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

**1. Groundwater Supplies**

The majority of residents of the defined 9,000+ acres have their own sufficient water access via personal pumps: both residential and agricultural

--The EIR suggests that it will not approve any development plans until additional water capacity is provided through "...improvements..." in accordance with the City. I need to know who is going to pay for these improvements, what they may entail, if present residents can maintain their current water access and if not, who will subsidize the ENTIRE costs of upgrading or changing to city requirements.

**2. Light, Glare, Noise, Fire**

Presently, the proposed areas enjoy a less blatant exposure to the negative city atmosphere of street lights that permeate homes, glare that obliterates the evening skies, and incredible noise from hundreds and hundreds of homes, vehicles and properties that inevitably create excessive incursion into others private properties that will create disputes, hostilities and eventually complaints to law enforcement. Increased police and fire requirements will be vital for any area expecting this huge increase of population. Regulations and laws will have to be strictly enforced or it may be "handled" by established residents who find their lifestyles invaded and violated.

**3. Agriculture requirements of crop fertilizers/pesticides/soil enhancements**

Will there be new restrictions on presently used *and accepted* crop airborne soil and crop solutions? Will there be controls/limitations tomorrow what is perfectly fine today?

**4. Large and small animal ownership**

Will there be new restrictions on the animals that many residents typically own but are not customary or approved to city residences, such as cows, sheep, goats, horses, chickens, pigs, etc.

**5. Increase on present residential costs, such as sewer and water hook up? Agricultural pumps for water access? Any fencing changes for utility access? The present access to FID (Fresno Irrigation District) water canals? Fireplace usage for properties without access to natural gas hookup?**

- a. Who will cover the costs for these immense changes in utilities?
- b. Will there be property tax increases for the changes forced on the residents?
- c. Will there be increased costs for the access for police, fire, and emergency services?

d. What about the insurance cost increases create

d by companies who see fire dangers with so many homes so close together that can cause immediate need of emergency services?

e. Will the city still provide ditch tenderers, canal management and repair, weed abatement?

It seems like the City of Fresno already has a lot on it's plate without this land grab. Who is this for... developers and political donors?

***Property owners and residents in this area don't want to be annexed into the City of Fresno.***

We don't want Fresno to become another LA with this urban sprawl. If you care about the people who live here now, **put it to a vote** and let their voices be heard!

Elizabeth J Grossmayer

[REDACTED]  
[REDACTED]  
[REDACTED]

From: [Jeff Grunau](#)  
To: [LongRangePlanning](#)  
Cc: [District5](#); [Nelson Esparza](#); [Jerry Dyer](#); [Launa Grunau](#); [Adrienne Asadoorian](#); [Rhonda Dueck](#)  
Subject: SEDA Project Concerns  
Date: Sunday, March 23, 2025 1:46:55 PM

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

Good morning,

As I attended the Jackson Neighborhood Association meeting on Thursday night, we were informed of the SEDA project in District 5. I understand the push for more housing. Low inventory for rentals and houses for sale is pushing pricing up, making it difficult for many to afford to live without some major sacrifices.

First off, thank you for the Tulare Street project approval. It finishes the 109-year-old neighborhood where I live, and we finally have sidewalks surrounding the entire area! I also thank you for the progress toward the plans for the new park on Verrue between the 10th and 11th. I can't wait to see the plans after all of the neighbor's input. This leads me to believe the city council can listen to constituents when we bring concerns and ideas to the table.

I have some major concerns about the SEDA project.

Fresno is not known as a well-planned city. It has been developer-driven from day one. We are a case study on how ***not*** to plan a city. Our downtown has been struggling for decades now because our city government has followed the money rather than good long-term city planning. A friend of mine, Guido Periscone, the city planner for the City of Marina, is an AICP city planner with over 20 years of urban planning experience with a specialty in complex urban infill development that requires advanced knowledge of CEQA, and the Subdivision Map Act. He has said that Fresno does not do urban infill development well. We do urban sprawl that guts the older parts of the city in favor of chasing the developer's dollar. That is not a good way to be known around the state.

I also know there is a larger profit made for investors when developing new virgin acreage versus infill projects. My question to you is why is the profit for investors the highest priority? Why not put the existing constituents that live in Fresno above their profit margin?

We all see it. City Council is a stepping stone to higher government positions and in order to fund those campaigns, there needs to be big donors. Many of those

donors are developers, and the majority of the constituents in Fresno get left in the dust, because we don't have the ability to lift you to the next level monetarily. It would be nice to lift you up with votes because of your integrity and knowing you fought for us. In this last D5 election, I had to choose between the outgoing D5 council member's wife (odd to keep politics in the same house), a person on the Sanger Unified School Board, and a person with low integrity who has fought for SE Fresno for decades. They were not great choices but they had to have money from somewhere to run their campaigns.

The SEDA project is projected to cost between \$1.2 and \$4.2 billion dollars to extend the City's sphere of influence. Streets, storm drains, city water and sewer lines all have to run out to the 9,000 acres waiting to be developed.

If you need places to spend \$1-4 billion dollars in infrastructure, I can find a few places in Districts 5 and 7 that need help before spending that much extending the sphere of influence .

1. First Street from McKinley to Clinton got a wonderful repaving a few years ago! First and Fresno Street south of McKinley through Parallel could use repaving.
2. Huntington Blvd from 6th to Cedar has a few flooding spots and the roots from the Camphors have caused the road to buckle. I hear the trailers of different vendors rattle between 5:00-6:00 most weekday mornings over the raised parts of the street.
3. Speaking of camphors, the one in my front yard has pushed the curb out 4-5 inches into the road as it has grown. The asphalt is buckling from the root growth causing a small speed bump on the right shoulder. That could use a repair.
3. There are SEVEN undeveloped commercial lots on Cesar Chavez between First and Cedar that need businesses. One lot is an entire block between 7th and 8th Street. The new Farber Center between 9th and 10th is amazing! Keep the progress rolling! Incentivize businesses looking for infill spaces.
4. Using Google Maps I found 6 vacant lots in the Jackson neighborhood where houses have burned down and the house has not been rebuilt. The Jackson neighborhood is in an area of about 320 acres. How many infill projects are there in the city limits now that could alleviate the problem of the housing shortage without having to extend out to SEDA? The water and sewer, storm drains, and electrical grid are already in place. No need to spend \$1 billion to get the services to these lots.
5. If affordable housing is the goal, is the city aggressively making ADUs

accessible? That is a much cheaper option for the taxpayer. If 10,000 ADUs can be subsidized in the city limits it helps the housing crisis with very affordable options. There are \$7200-\$8400 in fees that can be waived. It would take 119,047 ADUs with fees waived to be equal to the initial cost required for the SEDA project. That is a ton of affordable housing! Even the largest ADU is under \$200,000 with building costs, permits and fees. Avalon Commins, the latest affordable housing project by the city was \$42 million for 105 units ([The Business Journal](#)) That is \$400,000 per unit. Again, why are we not pushing ADUs as in infill alternative for housing at half the cost. If the City is willing to spend \$400,000 per unit, we could get TWICE to FOUR TIMES as many people into housing using ADUs on existing empty lots!

6. If you need more places to spend \$1-4 billion dollars on existing residents, Mono, Balch, Platt, and Verrue all have poor street lighting in contrast to Huntington and Kerckhoff. The City could install the historic street lamps at 5 per block (vs the 2 per block currently in place) on the streets listed. We are the current taxpayers in an old neighborhood that could use the added historic feel for the entire neighborhood.

[Page 12](#): "Regional Town Center The Regional Town Center is at the top of the mixed-use center hierarchy in the Plan Area, serving 40,000 to 60,000 households across the site and within the surrounding communities." This is not sustainable with the water and energy shortage in the state.

Where are the projections coming from for the need to build 60,000 households to make an area in SE Fresno the size of Clovis and attend CUSD schools? Have the projections changed since COVID? The news keeps telling us that people are leaving CA at a rapid pace, not moving to the Central Valley. It does not make sense for the City of Fresno to extend out and add 120,000+ residents if the demand from people moving here is not materializing. I have proposed other, cheaper options with much less risk.

Another reason to stop the SEDA project: In 2025 we had a \$15 million budget deficit. The entire city budget is \$2 billion and the SEDA project is projected to cost between \$1.2 and \$4.2 billion over the next 20 years. I do a monthly budget for my household and can see this is not wise management of funds. Especially since the city is taking a huge risk if the city builds it and they do not come.

Please STOP the SEDA project. Developers have hedged a bet on you to continue to poorly plan the city and follow them around waiving their money. There are enough blight and infill projects within the current city limits that need to be addressed before adding 9,000 more acres and 120,000+ people when it is proven the city can not manage what it already has.

Contact information:

Jeff Grunau



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Thank you,

Jeff Grunau

From: [docandblondie](#)  
To: [LongRangePlanning](#)  
Date: Monday, March 24, 2025 10:06:53 AM

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

Attn: Planning and Development Department  
Sophia Pagoulatos, Planning Manager

Please read our concerns about the SEDA project.

EIR PLAN FOR SEDA

3:15 Public Service

Who is going to pay for the massive Bill to build schools to accommodate the high density population located in the Sanger School district? Please document the projected costs involved with the School Project and the plan to fund these schools.

Why no cost have been given? Going forward with no plan for school growth and cost is unacceptable and to be corrected. Asking taxpayers to fund a blank check is unacceptable also and needs to be corrected.

EIR Plan 3:17 Transportation and Traffic

How is the City of Fresno planning to pay for the infrastructure cost? It has been reported that this will be ironed out after the council approves the massive project. What is the proposed infrastructure cost? The budget needs to be disclosed before the EIR is accepted. This "blank check" is unacceptable and needs to be addressed prior to any approval.

There are many other areas of concern and we would appreciate hearing back from you.  
Thank you

Dr. and Mrs. Douglas Hampson

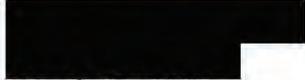
Sent from my Verizon, Samsung Galaxy smartphone

**From:** [Andy Hansen-Smith](#)  
**To:** [LongRangePlanning](#)  
**Subject:** Concerns about SEDA Recirculated EIR  
**Date:** Monday, March 24, 2025 12:43:09 PM

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

Hello Sophia Pagoulatos, Planning Manager



March 24, 2025

**4-2 Growth-Induced Impacts**

The SEDA plan relies on outdated population growth projections to justify its development. The report claims Fresno will grow by 226,000 people by 2035, but new data from the California Department of Finance shows a much smaller growth of just 72,000 and only 19,000 more by 2070! There is no need to expand as suggested in the SEDA Plan when Fresno's population is growing much slower than originally predicted.

Fresno needs to continue to increase density along our major corridors to induce more public transit opportunities and reduce our car-dependent infrastructure. SEDA will do very little for affordable housing, increase the use of vehicles for transportation as well as leave the current city's needs underfunded.

Thank you for your time,

Andy Hansen-Smith

March 23, 2025

Ms. Sophia Pagoulatos, Planning Manager  
Ms. Adrienne Asadoorian, Planner  
City of Fresno  
2600 Fresno Street, Third Floor, Room 3065  
Fresno, CA 93721

Re: "Program Environmental Impact Report, Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California State Clearinghouse Number 2022020486.

Dear Ms. Sophia Pagoulatos,  
Ms. Adrienne Asadoorian,

**Comment in General: This plan is basically a "blank check" plan. No mitigation is allowed in the controversial areas. Also, over and over again, it is stated that once the plan is adopted, the various areas of contention would then be worked out. This reminds me what has happened at the Federal level when Congressmen stated we must pass the legislation and afterwards analyze it to see what it says. THIS IS WRONG and so very unfair to property owners as well as tax payers who will have to cover the expenses of a blank check! I find it very hard to understand how your department can endorse something that is so blatantly wrong.**

**I also find it difficult to understand why you promote a plan that you do not have concrete answers for. At the Town Hall meetings we were given answers that were vague, indirect, seemingly deceptive, or contradictory. Considering how massive this plan is, how disruptive this is to hundreds of lives, how intrusive this is, and how it will ultimately change the dynamics of Fresno, residents should be entitled to clear answers from those who want to implement this plan. To be so unprepared with a project of this magnitude is inexcusable and offensive.**

**The first three words of the Constitution are "We the People". The way your organization is handling this portrays an abusive City Government with the "Almighty Dollar" taking priority. It is very disheartening, especially knowing that there are options besides taking the most fertile farmland.**

**The EIR is inadequate as it is based on ad hoc decisions to be made in the future and not on a set plan. Therefore, it cannot be properly evaluated and should be abandoned.**

**I contest the following areas of the EIR for the following reasons:**

## **PROJECT OBJECTIVES**

### **ES-2 Fiscal Responsibility**

Since you state that the goal of SEDA is to *"Provide self-financing for the development and ongoing maintenance of the SEDA that does not reduce City of Fresno resources, dedicated to other areas of the City or burden Fresno residents outside of the SEDA"*. then please answer the following question.

**Question:** What is the budget that shows you are implementing this policy? To date you are not transparent with the cost and implementation of this SEDA project. Please give concrete data -- not a blank check policy.

### **ES-2 Fiscal Responsibility**

Since you state you are planning "*Holistically coordinate infrastructure to integrate efficiencies*"

**Question:** What is the estimated cost of the infrastructure since you are taking pride in fiscal responsibility? Do you have this information, and if so, why is it not made public? If not, you are asking us to approve of the costs with a blank check. The information costs need to be documented and made public.

### **ES-2 Fiscal Responsibility**

Since you state the plan is to "*Invest in resource conserving techniques for storm water systems, water supply, etc*"

**Question:** What conserving techniques are you planning to implement and what is the estimated cost? Please document your information.

## **Cost Factors**

**Comment:** The City of Fresno has not addressed the taxpayer's cost to implement this development. This "blank check" is unacceptable and needs to be addressed.

## **Climate Factors**

**Comment:** The City of Fresno has not addressed the climate goals. This "blank check" is unacceptable and needs to be addressed.

## **Aesthetics, Light and Glare**

### **Impact AES-4 (Project-level Light and Glare)**

**Comment:** The Proposed Project states that there will be significant impact concerning the Light and Glare with lighting increased from streetlights etc. What are the significant impacts you are referring to? Please document them. What percentage of this proposed annexation will have streetlights? What is the estimated cost for implementing and maintaining this lighting system?

## **Section 3.2 Agriculture Resources and Forestry Resources**

### **Impact AG -1**

**Question:** With the loss of the Ag land, please site the studies done to accommodate the loss of income for the Hmong Farmers. Hurting a minority is unacceptable and needs to be addressed and must be corrected.

### **MM AG-1**

**Question:** Since the City of Fresno has documented their intent on preserving Prime Farmland, how can this plan be acceptable under the city's goals? Over riding signed documents of preserving Prime Farmland is unacceptable and must be corrected. **Please site documentation**

**showing that Prime Farmland is being preserved with the equivalent type and quantity of land at a 1:1 ration.**

### **Section 3.3 Air Quality**

#### **MM AIR 1b**

**Question:** How will there be enforcement of these ideas be handled - especially over the long term?

#### **MM AIR 1c**

**Question:** How is the increase in the electrical grid going to affect Fresno? Not knowing the impact is unacceptable and needs to be addressed.

**Question:** The document states that air pollution emissions will increase substantially in Southeast Fresno (possibly by 600% in some areas). The public health impacts of this pollution on local residents has not been analyzed in the EIR. Apparently the City wants to deal with this after the Project's approval. This "blank check" is unacceptable and needs to be addressed and documented prior to approval.

**Question:** How will there be enforcement of these ideas be handled - especially over the long term?

**Question:** What is the cost of implementing the plan stated in MM AIR 1c?

### **Section 3.5 Cultural Resources**

**Question:** How will the loss of the Hmong revenue impact the Hmong culture? Please site studies that support no consideration for the Hmong farmers. Hurting a minority is unacceptable and needs to be addressed and must be corrected.

### **Section 3.8 Greenhouse Gas Emissions**

**Question:** It is our understanding that the Greenhouse Gas Footprint will increase by 25% with this mega development. This plan is inconsistent with Fresno's climate change progress. What is the Greenhouse Gas Emissions goal of the City in this area and how will it be implemented in the SEDA development? The current plan is a "blank check" concerning climate change and is unacceptable until this is addressed in detail

**Question:** Fresno's goal was to reduce CO<sub>2</sub> emissions by 559,000 tons a year by 2035. With SEDA, the emissions will increase by 510,000 tons a year. How do you account for this discrepancy and how do you plan to remedy this problem? Without this information, this plan is unacceptable and this "blank check" needs to be addressed and corrected.

Impact GHG-1 It is stated "The proposed project would not generate direct and indirect gas emissions and these emissions....." How can any statement be more contradictory? Please explain the contradiction.

## **Section 3.11 Land Use and Planning**

### **Impact LAND-2**

**Question:** This plan contradicts Fresno's written policy of preserving prime farm land. Please explain how this plan is not in conflict with the preservation of prime farm land. Over riding signed documents of preserving Prime Farmland is unacceptable and must be corrected.

## **Section 3.14 Housing**

**Question:** How much of the 45,000 homes will be affordable housing? Jennifer Clark has been reported as saying this detail would be worked out after the City Council approves the project. This is a "blank check" and is unacceptable. This should be corrected and addressed prior to approval.

## **Section 3.15 Public Services**

**Question:** In the high density areas, how are firefighters, police and first responders going to be able to help people without roads within the areas? Public safety is the number one concern. This plan is unacceptable and needs to be corrected.

**Question:** Who is going to pay for the massive bill to build schools to accommodate the high density population located in the Sanger School District? Since Sanger Unified has replied to this Project with great concern, please document the projected costs involved with the School district and the plan to fund these schools. Why have no estimated costs been given? Are you concerned that that truth would be detrimental to the Project? Going forward with no plan to implement school growth is unacceptable and needs to be corrected. Asking taxpayers to fund a "blank check" is unacceptable and needs to be corrected.

## **Section 3.16 Recreation**

**Question:** We have been told at the Town Hall Meetings that Eminent Domain is not involved with the Project Plan. Please clarify. Does Eminent Domain occur only after the area is rezoned? Please state facts concerning the plans for Eminent Domain and Rezoning. The indirect answers we have been given are unacceptable. If Eminent Domain and rezoning will not occur, please give us a signed document stating such information.

## **Section 3.17 Transportation and Traffic**

**Question:** What transportation will be available for the residents in the high density areas to obtain high paying jobs in other areas of town? If the 15 minute cities are designed to confine residents to the area without opportunities to pursue jobs on the North side of town, this is unacceptable and needs to be corrected.

**Question:** How is the City of Fresno planning to pay for the infrastructure cost? It has been reported that this will be ironed out after the council approves the massive project. This "blank check" is unacceptable and needs to be addressed prior to any approval.

## Section 3.18 Utilities and Service Systems

### Impact UTIL – 1

**Question 1:** What are the significant environmental effects of constructing new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities? Please site the studies made and the data concerning the results of the studies. To accept this Plan without detailed information is endorsing a "blank check". This is unacceptable and needs to be corrected. Information and projected costs need to be published.

#### MMUTIL-1a

**Question:** What is the plan for additional water capacity? In the Town Hall Meetings we have not received any definite answers.

**Comment:** A definite plan should be in place prior to adopting the EIR as the water issue will be huge with the mega increase in the amount of people. The water issue will have a major impact on the city as a whole. To adopt the EIR without any plan in place is like giving someone a blank check to do whatever they want even if it was detrimental to the environment. The plan is unacceptable as is and needs to be corrected.

#### MMUTIL – 1b

**Comment:** The water supply system needs to be evaluated prior to the adoption of the plan. There is enough information in the plan to be able to be able to evaluate proposed water supply improvements as well as evaluate the environmental impact. To move forward without this information is unacceptable and needs to be addressed. Tax payers should not be endorsing a "blank check".

#### MMUTIL – 1d

**Question:** When you expand the wastewater system, are current property owners paying for hooking up to City Sewer? What will be the cost?

**Comment:** We have not received a clear answer at the Town Hall Meetings. However, we were told that the property owners were to pay for sewer hookup, the cost is around \$30,000, a loan would be available, and if the owner were to sell a lien would be placed on the home to cover the costs. Please give us exact information as to what it will mean for connecting to the City Sewer System and site your source of information. Keeping information from the property owners is unacceptable and needs to be corrected.

#### MMUTIL – 1f

**Question:** What will the long term impact on the environment be when expanding or relocating electric, natural gas, or telecommunication facilities for a project of this magnitude. Please site your studies. No information concerning this is unacceptable and needs to be addressed.

### Impact UTIL – 2

**Question:** The EIR states there are sufficient water supplies for this project and foreseeable future development. Please state your source and details to support this statement. Considering the water levels, the years of drought and the projected number of people you plan to accommodate, this is one of the most important issues that needs to be addressed. Stating that there are "sufficient water supplies" is totally unacceptable. This needs to be corrected and

addressed in detail as the ramifications of a limited water supply are huge! Allowing the Plan to address this after the Plan is adopted is endorsing a "blank check" for major problems ahead.

**Questions:**

1. Where are you drawing your water source from?
2. Is the Kings River considered a source even though it is already low?  
This project is huge and the lack of information is unacceptable.

**Questions:**

1. Once our wells run dry, we are not allowed to drill lower. How can you tell us that this will not impact our wells?
2. We have been told that if we are annexed into the City we have 5 years to hook up to City Water.

Our questions have been evaded and the answers given have been contradictory. This is unacceptable! This needs to be addressed and corrected!

**Questions:**

1. Is the property owner responsible for the cost of connecting to City water? If so, is the cost between \$30,000 - \$50,000? If the property owner doesn't have the money, is a loan required and is a lien put on the house if the owner intends to sell?  
We have not been given definite answers. This is unacceptable. A plan of this magnitude should have answers for the property owners.
2. We have also been told that if a property is on a corner, the owner is responsible for hooking up to water in two directions. Please clarify. If this is the case, this is unacceptable! Since when should the property owners be penalized for the developers' benefit?

**MM UTIL-2a**

**Question:** The summary refers to the refined measures and standards that the city plans to use to reduce the per capita water use and implement water saving and conservation standards. What are they? Please give details. Without details this plan is unacceptable. Again, this is endorsing a "blank check". Please address and correct.

**MM HYD -2C**

**Question:** It is stated that "*if it is determined that the development exceeds the water supply, the City will pursue the provision of adequate water supplies by securing additional water sources.*" What are the additional water sources you are referring to? How can you guarantee water when the water tables continue to drop?

## **Section 3.19 Wildfire**

**Impact WILD-1**

**Question 1:** With the proposed high density housing plan, what is the emergency response plan? If there is no plan, there needs to be one prior to the development of the project for the safety of human life. Without an emergency response plan in place, this plan is unacceptable. This needs to be corrected.

**Question 2:** What is the emergency evacuation plan in the high density housing area?

**Comment:** If there is no plan, there needs to be one prior to the development of the project for the safety of human life. Without an emergency evacuation plan in the high density housing area, this plan is unacceptable and needs to be corrected.

**Impact WILD 2**

**Question:** Due to the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, what is the plan to protect the occupants from pollutant concentrations? Without a plan in place, this plan is unacceptable and needs to be corrected.

**Question:** Due to the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, what is the plan to prevent rapid spreading? Without a plan in place preventing rapid spreading of fire, this plan is unacceptable and needs to be corrected.

**Impact – WILD 3**

**Question 1:** Without the infrastructure of roads, fuel breaks, etc., what plans will be implemented to protect the safety of occupants in the high density areas during an emergency?

**Comment:** If there is no plan, this is unacceptable and needs to be corrected. There needs to be a plan in place prior to the development of the project for the safety of human life.

**Question 2:** Without the infrastructure of roads, fuel breaks, etc. how will firefighters and rescue personnel be able to access various locations in the high density areas during an emergency? This needs to be addressed and corrected in the EIR or the plan is unacceptable.

**Impact – WILD 4**

**Question 1:** Should an unexpected potential threat develop from flooding, landslides, etc., what is the plan of evacuating people?

**Comment:** If there is no plan, this is unacceptable and needs to be corrected. There needs to be one prior to the development of the project for the safety of human life.

Based on the above reasons, the EIR for the Fresno Southeast Development Area, Clearinghouse Number 2022020486 should not be accepted.

Please send me notices of any future hearing dates as well as updates concerning this project.

Sincerely,

Helen Ramming  
SEDA area property owner  
Member of Southeast Property Owner's Association  


cc: City Council Members

Annalisa Pera  
Mike Karbassi  
Miguel Arias

Tyler Maxwell  
Nick Richardson  
Mayor Jerry Dyer



# COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

*Sec. 3.3 AIR QUALITY*

1) Site the studies done that show how air quality will change with reference to time.

*Sec. 3.17*

2) How will the influx of trucks impact the residents. Site data.

*Sec. 3.17*

3) What information do you have that supports the project is consistent with state and local plans and policies? Site data.



# COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

*Sec. 3.8*

1) How is this project consistent with Assembly Emissions Bill 32's statewide goal of 29% reduction of emissions from business as usual?

*Sec. 3.8*

2) How frequently and for what length of time will the level of particulate air pollution in the area surrounding the Project exceed the Threshold of Significance as outlined by CEQA?



# COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

*Section 3.8 and 3.3*

1) How will a potential cumulative expansion project affect pollutant concentrations? Please site studies.

*sec. 3.3 and 3.8*  
2) What were the studies and results that showed the effects of energy usage with respect to the projects potential impacts on air quality and GHG?

*sec 3.8*  
3) How does this project affect Global Warming. ~~the~~ *site statistics* ~~site~~ *studies*



# COMMENT CARD

Name:

Phone Number:

Email:

Address and Nearest Cross Streets:

For more information

(559) 621-8339

Adrienne.Asadoorian@fresno.gov

Please tell us your comments on the SEDA Draft EIR and Specific Plan

*Sec. 3.17*

1) what is the data concerning calculating the energy impacts of the project relating to vehicle trips?

*Sec. 3.8*  
2) In 2006, Governor Schwarzenegger promoted AB 32 to reduce GHG emissions to 1990 levels by the year 2020. Give data to support that this Project will comply with these standards.

*Sec. 3.8*  
3) What is the maximum single event noise level allowed by the City of Fresno and how would this project affect this level?

From: [REDACTED]  
To: [LongRangePlanning](#)  
Cc: [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nick Richardson](#); [neslon.esparza@fresno.gov](mailto:neslon.esparza@fresno.gov); [Todd Stermer](#)  
Subject: [Possible Scam Fraud]Recirculated EIR for SEDA  
Date: Friday, March 21, 2025 5:20:35 PM

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External Email: Use caution with links and attachments

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WARNING: Your email security system has determined the message below may be a potential threat.

The sender may trick victims into passing bad checks on their behalf.

If you do not know the sender or cannot verify the integrity of the message, please do not respond or click on links in the message. Depending on the security settings, clickable URLs may have been modified to provide additional security.

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----- Suspicious threat disclaimer ends here -----

To: Sophia Pagoulatos, Planning Manager of Planning and Development  
From: Paulette Hiraoka, SEDA resident  
Re: Recirculated EIR

Below you will find some selected aspects of the Recirculated EIR that are disturbing and will change my life. I wish I had the time and knowledge to address each and every section since the City Council wants to "take away" the rural way of life in southeast Fresno and make it an imaginary perfect future Fresno.

Since the city councils over the years have been unable to do it within the city limits, they want to take over southeast Fresno and try again when they have no pattern of success to prove that it is a wise decision and they are capable of succeeding. Urban sprawl is not the answer.

#### Section 3.1 Aesthetics, Light, and Glare

How can the City of Fresno expect that their plan for Southeast Fresno can be filled with "scenic" resources and landscaped "spaces?"

Currently, areas that were already planned and approved by the city are run down and eye sores. City parks and play areas are neglected and in need of repair. The money has not been in the budget to maintain what has already been built throughout Fresno.

#### Section 3.2 Agricultural Resources and Forestry Resources

How will taking 3,000 acres of farm land out of production for Regional Town Centers, residential structures (both mixed and neighborhood), and offices benefit Fresno's Way of Life?

It impacts Fresno County, small farmers, air quality, noise pollution, and increases crime. It brings all of the negative aspects of city life to our rural community upon which Fresno County was built. Small farmers will lose their livelihood

Fresno County had their sneaky and quick meeting to approve the

agreement with Fresno City to receive a bigger share of the taxes from SEDA but that, too, was purely money making based. The only negative vote was from our area representative.

### Section 3.3 Air Quality

How will the city justify the "urban heat island" effect created by the SEDA plan?

The EPA states that there is up to a 7-degree temperature difference between urban and rural temperatures. European studies cite up to a 10-degree difference. Living in the valley, this will affect the air quality which the city is already penalized for not meeting federal goals.

### Section 3.7 Geology, Soils, and Seismicity

#### Section 3.10 Hydrology and Water Quality

Who will pay for the existing home owners' connection to city sewer and water lines and the disposal of existing septic tanks and condemning our wells?

We have already paid to meet the requirements to build our homes. Now, we are to carry the burden of a decision made by the City of Fresno to give them a larger tax base.

We built our home with land so my husband could have a small orchard with trees from his family ranch. I have fruit trees that his father had developed and are now found only on my property. Without my well, I would not be able to keep those trees alive and his father's legacy would be gone forever.

### Section 3.13 Noise

How will the increase in noise level from traffic created by the hundreds of new residential homes/apartments and Town Centers/offices be measured?

It cannot because currently the area is rural. Our homes are surrounded by open areas where wildlife are the only sounds one hears. The people who live in Southeast Fresno would have stayed in the city if we enjoyed the sounds of cars driving through our neighborhoods. Adding 45,000 housing units, offices, and a shopping center will bring thousands of cars at all hours of the day.

### Section 3.14 Population and Housing

How will existing homeowners afford to connect to city water and sewage?

There have been estimates of \$10,000-50,000 for each hook up depending upon the distance and the obstacles in our already established yards. Home owners must pay to connect from the street to the dwelling which can be hundreds of feet under concrete driveways, landscaping, and the required drainage ponds we have on our properties. Septic tanks would have to be dug up and wells condemned. We have already paid thousands of dollars to have both installed so we could live in our dream home and area. Of course, that price will inflate by the time the city gets anything done. I am sorry but the city's track record for getting things accomplished in a timely manner is poor.

I am a widowed retired person living on my pension. My husband and I planned to live out our lives here. We paid off our mortgage! I maintain my home and myself off of one pension. To force me to take out a loan to pay for water and sewage connections to satisfy this imagined "Fresno future" is shameful.

Even trying to sell my home in the future would have the negative of having to disclose the added cost of a future connection cost. I

would be paying the cost regardless which would result in a significant loss to me.

#### Section 3.14 Population and Housing

Why build 45,000 additional housing units when there are vacant areas in the City of Fresno?

The concept of "if you build it, they will come" will only empty more Fresno areas and make more eye sores. Property values will decline in Fresno and Fresno will have to deal with more vacant homes and break ins.

#### Section 3.15 Public Services

How will Fresno City protect an additional 9,000 acres of land?

Currently, the Fresno County Sheriff's Department protects this area. The Fresno City Police Department currently has a shortage of police officers. Three firehouses are being closed because of the over 15 million dollar deficit. Fresno City is having a challenging time protecting and serving the current city limits.

The EIR reads that additional police and fire stations could be built and maintained. What monies will you use to fund that? Why would you hope an additional city budget burden would be offset by earning some tax dollars with the SEDA project?

#### Section 3.16 Recreation

How will you be able to fund and maintain any regional/pocket parks?

My husband and I had homes in Fresno. Over the years, I have taken children to Woodward Park and small area playgrounds and have watched them deteriorate. Presently, such expenses have to be put further down list of priorities as the city faces a 15 million dollar deficit. I travel roads to get to some of these places that are in need of repair. The city does not even have the money to maintain what already exists.

Leave Southeast Fresno alone and do not destroy the beauty of blossoming fruit trees and the beauty of Fresno County.

Sincerely,

Paulette Hiraoka



Cc: District 1: Annalisa Perea  
District 2: Mike Karbassi  
District 3: Miguel Arias  
District 4: Tyler Maxwell  
District 5:  
District 6: Nick Richardson  
District 7: Nelson Esparza  
City Clerk: Todd Stermer



From: [Bruce Jewell](#)  
To: [LongRangePlanning](#)  
Subject: SEDA Proposal  
Date: Friday, March 21, 2025 1:03:28 PM

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External Email: Use caution with links and attachments

Bruce Jewell  


City of Fresno  
Planning and Development Department  
Attn: Sophia Pagoulatos Planning Manager

As a third generation Fresno resident who has seen the effects of poor planning erode the possibilities of creating a truly beautiful city, I am writing to express my concerns about the SEDA Recirculated Environmental Impact Report which I believe fails to present a realistic picture of the impact of the SEDA project. Among my many concerns the following stand out.

1. 4-2 Growth-Induced Impacts

The SEDA plan relies on outdated population growth projections to justify its development. The report claims Fresno will grow by 226,000 people by 2035, but new data from the California Department of Finance shows a much smaller growth of 72,000 and 19,000 more by 2070. Thus there is no need to expand as suggested in the SEDA Plan when Fresno's population is growing much slower than originally predicted.

2. 3.3.4 Air Quality

Fresno already has some of the worst air quality in the nation. The SEDA plan admits it create high levels of pollution. Why worsen our air quality for a project that isn't necessary. The air quality is already so poor that we have the highest asthma rates in the nation. One might consider whether potential new residents will wish to expose themselves and their children to an already unhealthy climate.

3. 4-1 Impact AG-1 (Farmland Loss)

The SEDA Project will destroy 6,700 acres of farmland. This farmland helps clean are already dirty air and is foundational to the local economy. Replacing the farmland with a development that damages our health and economy cannot be called a rational decision.

4. 3.17 Transportation and Traffic

The report claims that by 2025 people in SEDA will drive only 5 miles per day—80% less than what experts predict. This is unrealistic and ignore Fresno's car dependent infrastructure.

Speaking of our car dependency, the streets in my area of town, and I assume others, are full of potholes. which I try to dodge every day.

If we are going to float huge bonds to build roads for SEDA which taxpayers like myself will pay for should we not instead pay to have existing roads repaired and maintained instead? The City of Fresno should prioritize the current need of our city rather than moving forward with SEDA.

Sincerely,

Bruce Jewell

**From:** [Nancy Klassen](#)  
**To:** [LongRangePlanning](#); [Rhonda Dueck](#)  
**Subject:** SEDA  
**Date:** Sunday, March 23, 2025 7:40:44 PM

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

I have just learned about a plan to build a huge new housing development in southeast Fresno. This is an old area of Fresno with lots of history and character. I don't want it to be indiscriminately cleared for new construction.

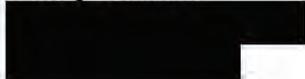
We DO need new housing nestled into available spaces in south Fresno - housing that could help alleviate stress on people who are paying such high rent prices now - and very low cost housing for people who are homeless and living in south Fresno.

Please use available funds to improve existing streets, sidewalks, bicycle pedestrian walk/exercise paths, improve and create parks, affordable homes integrated into our currently existing neighborhoods.

Please spend the available funding to improve the lives of southeast Fresno's current residents.

Earnestly and sincerely,

Nancy Klassen



**From:** [Tim Kutzmark](#)  
**To:** [LongRangePlanning](#)  
**Subject:** Concerns About the SEDA Recirculated EIR  
**Date:** Monday, March 24, 2025 3:06:20 PM

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

March 24, 2025

Dear Ms. Pagoulatos -

I have grave concerns about the SEDA Recirculated Environmental Impact Report, and I will highlight 2 (although I have many more concerns):

#### 3.3.4 AIR QUALITY

Fresno has some of the most polluted air in the country, with great impact on the health of those who live in the city and county and beyond. The SEDA plan acknowledges that it will add even more pollution into the air we breathe, but says nothing about measures taken to mitigate that additional pollution. That is irresponsible and incomplete planning.

#### 4-1 IMPACT AG-1 (Farmland Loss)

Agriculture provides employment and income for residents of the city and county. It also helps feed people in the city and county and far beyond. SEDA will destroy 6,700 acres of farmland that is currently serving the city and county, providing employment but also income.

Thank you.

Tim Kutzmark  


**Rev. Tim Kutzmark**

*Minister, Unitarian Universalist Church of Fresno*

"May the longtime sun shine upon you,  
all love surround you,  
and the pure light within you  
guide your way on."



**From:** [Paul Lake](#)  
**To:** [LongRangePlanning](#)  
**Subject:** Concerns about SEDA  
**Date:** Monday, March 24, 2025 3:51:29 PM

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

To: Sophia Pagoulatos, Planning Manager

Yes... we need more AFFORDABLE housing, not more urban sprawl. SEDA will cause more pollution and cost local gov'ts too much money for new infrastructure to support this housing development that will come from diverting funds from fixing current infrastructure. This is not NIMBYism. We need the right kind of new housing.

No on SEDA.

Respectfully,

Paul Lake



[Sent from Yahoo Mail for iPad](#)

**From:** [Kathryn Lemon](#)  
**To:** [LongRangePlanning](#)  
**Subject:** Annexing SouthEast area.  
**Date:** Friday, March 21, 2025 3:24:15 PM

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External Email: Use caution with links and attachments

### 3.3 Air Quality

How will the concern about increasingly poor air quality be addressed?

Adding another 200,000 people without any plan of improving the areas air quality will increase health issue for the population.

As a retired school nurse, the increase in students needing inhalers for asthma was great. Sports were limited due to very significant bad air quality days.

We cannot ignore the fact that the health of our community now & in the future depends on clean air.

Kathy LeMon, RN

Sent from my iPhone

Dear Councilmember Arias,

Fresno City's Southeast Development Area Specific Plan raises multiple red flags that alarm me as a voter and taxpaying resident.

1. Your document presents a dreamscape of parks, trails, senior centers, libraries, recreation facilities, as well as new schools and medical facilities. There will also be sidewalks unbuckled by tree roots, tree-lined roads without potholes, and well-lighted neighborhoods.

Who will provide the infrastructure for all of these wonderful amenities?

The city's existing infrastructure is in serious decay. While E Floradora recently received much needed speed bumps, (thank you!) the bumps were installed over a crumbling street. Each time I look at the deep cracks, I cringe thinking of the hapless bicyclist whose wheel gets caught in one of the deep crevices and goes headfirst over the handlebars. A lawsuit is waiting to happen, a life potentially ruined or lost. While the sidewalk in front of my house is perfect, the route I take to my daughter's home a few blocks away is fraught with tripping hazards, it's sidewalks buckled by tree roots. I'm 83 and I fear a fall that could permanently disable me — or kill me.

The City of Fresno, which is currently wrestling with a \$20 million budget shortfall, appears to be in no position to assume such a *speculative* debt, especially in view of its inability to adequately maintain its existing infrastructure.

2. SEDA will use city money on 9,000 acres of new infrastructure outside city limits.

California's current population growth statistics indicate that it is questionable that enough people will want to move here to make this a viable investment. Furthermore Fresno already has enough vacant land *within* the city limits to accommodate nearly three times the population for SEDA. Downtown Fresno is dead. West Fresno is in desperate need of sidewalks and other infrastructure repairs and upgrades.

Fresno should focus on the needs of its current neighborhoods. Existing neighborhoods need safe sidewalks, adequately maintained streets, parks, libraries, bike paths, and well-lighted streets. Fresno can't afford to fantasize about a dreamscape; it needs to focus on the real citizens living here now, trying to make good homes for their families, not imaginary people who might live here five years from now.

3. The SEDA plan says that water infrastructure planning tasks will happen after SEDA is adopted.

The San Joaquin Valley is sinking because too much groundwater is being pumped. The state is cutting back on water supplied to farmers. Drinking water for people is a priority, but we also eat and farmers need water for their crops. We have good snow years and bad ones — we never know what next year will provide. The Colorado River is drying up, which affects Southern California, which then affects us. The weather is getting hotter and the hot weather is lasting longer.

Fresno MUST consider water BEFORE it adopts any plan for development. I hate to think how much money the city has spent to craft SEDA, but it's time to scrap SEDA and focus all efforts on making the existing City of Fresno the very best it can be. This city is rich in talented, creative people. Let's fix up what we have while making it a showplace. We can do that!

Sincerely,

Lynda E Leonard

[REDACTED]

**From:** [John Minkler](#)  
**To:** [LongRangePlanning](#)  
**Subject:** no SEDA  
**Date:** Sunday, March 23, 2025 3:33:58 PM

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

I am a Fresno resident and I oppose the SEDA project because of urban sprawl, pollution, and traffic problems.

John Minkler

--



**John Minkler**  
Civic Education Center, Co-Founder/COO



[www.civicedcenter.org](http://www.civicedcenter.org)



Youth Service Council motto: *We're creating our future!*

**From:** [Ruben Nieves](#)  
**To:** [LongRangePlanning](#)  
**Subject:** SEDA  
**Date:** Wednesday, March 26, 2025 9:34:31 AM

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

To whom it may concern:

I would like to add my comment here to the opposition being felt and expressed by residents throughout our city regarding Fresno's Southeast Development Area Specific Plan. I hope the city will not move forward with SEDA because of the concerns below.

The taxpayers of Fresno have not been informed how the infrastructure for this development will be paid for. It is not clear to us whether we will be stuck with the bill. If the city has a plan for how these significant infrastructure costs will be paid for, then the public should be made aware. If the city does not yet have a plan for how the costs will be paid for, then it would be irresponsible to move the plan forward.

So many of our neighborhoods need to have streets, sidewalks, storm drains, and lighting repaired. In the heart of the Tower District, where I am a homeowner, some streets were repaved in the past two years (such as Lucerne and Hedges), while others that were in equally poor condition (such as Echo and Floradora) were not repaved, and they remain unrepaired today.

Throughout my neighborhood, sidewalks are cracked, unlevel, and even crumbling in spots. Some blocks do not have sidewalks even though sidewalks exist on the blocks on either side.

And I know that other neighborhoods in Fresno have even greater needs of infrastructure repair and updating than my own.

With a shortfall of \$20 million in the city budget, it is difficult to see how the city will be able to catch up on the needed repairs and updates. I am opposed to development plans that may very well exacerbate this problem. We can't afford for new development to suck taxpayer money away from existing Fresno neighborhoods. And I do not like the idea of taxpayers being stuck with a SEDA development bill in the near or long term.

I urge the city to say NO to SEDA.

Thank you for your consideration,

--Ruben Nieves

Ruben Nieves  




**From:** [Paola Rodriguez](#)  
**To:** [LongRangePlanning](#)  
**Cc:** [Miguel Arias](#)  
**Subject:** Concerns About the SEDA Recirculated EIR 4-2  
**Date:** Monday, March 24, 2025 5:00:39 PM

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

Paola Rodriguez, Humanities [REDACTED]  
[REDACTED]

03/24/25

City of Fresno  
Planning and Development Department  
Attn: Sophia Pagoulatos, Planning Manager

Dear Mr. Pagoulatos,

I am writing to express my concern about the SEDA Recirculated Environmental Impact Report, more specifically 4-2 Growth-Induced Impacts. If I am not mistaken this SEDA project exceeds our cities budget and our outstanding bond debt does not help our financial situation. SEDA relies on Fresno's rapid population growth without considering the community already inhabiting Fresno. The Department of Finance has shown Fresno will grow to just about 72,000 residents by 2035 not 226,000 residents like SEDA predicts. My main concern is who will pay for these homes? What will the city's Plan B be if bonds are granted and the project fails to make the bonds amount back?. Why has the council approved a new community in Fresno instead of working in our Downtown district and Tower area?. I say we can start to smooth roads and local grocery stores with fresh vegetables and fruits available for everyone in Fresno.

Sincerely,  
Paola Rodriguez

[REDACTED]



From: [Annette Paxton](#)  
To: [LongRangePlanning](#); [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [brandon.vang@fresno.gov](mailto:brandon.vang@fresno.gov); [Nick Richardson](#); [Nelson Esparza](#); [Todd Stermer](#)  
Subject: [SUSPECTED SPAM] SEDA EIR Draft (Feb 7, 2025) Concerns  
Date: Friday, March 21, 2025 9:42:17 AM

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

Dear Council Members Perea, Karbassi, Arias, Maxwell, Vang, Richardson and Esparza  
City of Fresno Clerk Stermer  
and Planning Manager Sophia Pagoulatos

The purpose of this letter is to address my concerns of the proposed SEDA project and its affect on my home since 1988. I am rather disappointed that the City of Fresno continues to spend money to coerce its residents to believe that annexation of the surrounding rural landscape is responsible land management. I wrote in opposition to the EIR Draft dated July 14, 2023. The letter was emailed and USPS mailed to all city council and county supervisor members as well as the City of Fresno's clerk, planner and planning manager. Please note: I received only two responses to my letter. Both responses were personal telephone calls from gentlemen who respectively do not even represent my area: then Supervisor Sal Quintero and Council Member Garry Bredefeld.

I am a lifetime Fresnan. I have chosen to be educated in Fresno (Class of 1981 CSUFresno). I chose to stay in Fresno and to establish my career. I chose to raise my family in Fresno; I believe my children are "Fresno Proud." I have always thought that I am a part of the fabric that makes Fresno special.

Below are several issues from the February 7, 2025, EIR that I believe need to be resolved:

1) **Aesthetics, Light, and Glare** (AES 3-4) -- Level of significance after mitigation **remains significant and unavoidable impact** -- please address how the mitigation measures will be enforced. As the crow flies, my home is 3-1/2 miles from Lamonica Stadium. Right now, I see "Friday night" lights from my backyard. How will the light pollution generated by the SEDA project will not be enforced when it's not enforced now?

2) **Agricultural Resources and Forestry Resources** (AG 1-2; AG 5) -- Level of significance after mitigation **remains significant and unavoidable impact** -- please address why the agricultural soil in Fresno County is not valuable enough to be protected? Seventy-five percent of the SEDA project's acreage involves destruction of prime farmland that is either of statewide or local importance. The soil in this particular region of Fresno County is the richest soil in the world -- the SEDA project paves right over it. These acres can not be recreated somewhere else. This soil

produces food for millions of people worldwide. Much like California's coastline protections, this soil should be protected as well. Current growers are already pushed out and ag workers are displaced. Has the EIR calculated the loss of agricultural revenue and livelihood income? Please save our agricultural jewel. Don't violate the Williamson Act.

3) **Air Quality** (AIR 1-3) -- Level of significance after mitigation **remains significant and unavoidable impact** -- please advise why every mitigation effort listed requires a multitude of bulleted items to enforce one area. There are no reliable measures other than the Valley Air District to monitor the expansion. I think it is silly to recommend that signage to monitor idling vehicles and hand brushing or a low pressure paint sprayer will maintain air quality -- how would this even be enforced? This entire mitigation section is a game of "smoke and mirrors." Bottom line: the SEDA project will irreversibly affect air quality.

4) **Greenhouse Gas Emissions** (GHG 1-2) -- **Level of significance after mitigation is now "N/A"** -- please address the contradiction in the July 14, 2023, EIR Draft, which stated GHG 1-2 created significant and unavoidable impact, while the February 7, 2025 EIR Draft now states the level of significance is "N/A". How can greenhouse gas emissions from a project that adds 45,000 homes on 9,000 acres while removing 75% of farmland (the "green belt" is farmland) not address greenhouse gas emissions? I consider this a severe oversight of the EIR and should be re-evaluated.

5) **Hydrology and Water Quality** (HYD 1-5) -- **Less than significant impact with mitigation incorporated** -- please address why the mitigation measures can state "less than significant impact" to the current water quality and quantity issues in the central valley. Currently, there are huge water issues without the SEDA project. This expansion will only increase an already overtaxed system. Water regulations are constantly changing. The SEDA project's expansion does not take into consideration next year's water availability. Additionally, the EIR Draft does not address any changes to water delivery to current residents' using well water. I consider this a severe oversight of the EIR and the city and county of Fresno. Any changes to my current water supply created by SEDA greatly changes the property value and my ability to live in my home.

6) **Land Use and Planning** (Cumulative Impact) -- **The project would have a less than significant cumulative impact on land use and planning** -- I can not believe that there is "no significant cumulative impact on land use." I do my best to be a steward of this land and air. I plant a small garden and share the fruit from my trees with my neighbors. I couldn't do this type of living within the city's limits, which is why I chose to live in a rural setting in the County of Fresno. The SEDA project will take away my privilege of living where I chose to live 35 years ago. I will no longer be able to afford to live in my home. This cost to be annexed will force me to leave. SEDA changes my property's land use.

7) **Wildfire** (WILD 1-4) -- **No mitigation measures offered** -- please advise how SEDA's mitigation measures would need to be altered when California has just experienced wildfires burning through communities like Pacific Palisades and

Altadena, CA. The SEDA project encourages new neighborhoods to be built similar to what was so easily destroyed by wildfire this January 2025. There needs to be a plan in place prior to approving any annexation.

I would like to close by asking why the City of Fresno chooses not to infill within its boundaries where infrastructure already exists? There are so many blighted areas in Fresno that are at risk of vagrancy, burning and vandalism. What is the cost of infrastructure for an annexation this large? Where does the City of Fresno intend to get the money? I haven't seen any financial reports for the cost of this project or the revenue stream to create the project. I recommend that the City of Fresno do something bold and unconventional: rebuilt from within. I would think there are grant dollars available – specifically for rebuilding from within. Clean blighted areas. Stop city sprawl. Decrease the sphere of influence boundaries. Give all residents a reason to be Fresno Proud!

To City of Fresno officials: **Stop the SEDA project.**

To Fresno County Supervisors: **Stand up and protect the citizens who elected you.**

To everyone: **Stop the unrelenting land grab and protect California's unique central valley.**

**QUALITY OVER QUANTITY.**

Sincerely,  
Annette Paxton



**From:** [Peter Smith](#)  
**To:** [LongRangePlanning](#); [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nelson Esparza](#); [Nick Richardson](#); [Sarah Boren](#); [Georgeanne White](#); [Jennifer Clark](#); [Andrew Janz](#); [District1](#); [District2](#); [District3](#); [District4](#); [District5](#); [District6](#); [District7](#); [Jerry Dyer](#)  
**Subject:** City plan for SE Fresno  
**Date:** Sunday, March 23, 2025 4:40:02 PM

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External Email: Use caution with links and attachments

City Officials,

As a resident and citizen, I am deeply concerned about the proposal to further sprawl Fresno via the Southeast Development Area Specific Plan. I thought it was agreed years ago that sprawl is not helpful. It diminishes air quality, uses more energy, and creates a bigger, more intense heat footprint in our sweltering Valley. The only people I can think of who sprawl serves is developers (seeking max profits) and the politicians who receive developer donations for granting favors like sprawl. Let's not do this. It is morally suspect and environmentally irresponsible.

Further concerns are raised when I contemplate that if city money is going to new development sprawl, it will not be available for the neighborhoods that already exist. I drive up and down main thoroughfares in SE Fresno most days of the week and all roads are in need of repair. Is it a win that Chestnut between Cesar Chavez and Butler was resurfaced? Yes. Is it enough? Certainly not! Drive down Tulare, Maple, Chestnut, Cedar, First streets. All are plagued with rough roads and burgeoning potholes. Since new sprawl would entail new roads, that means funding for road repair in current SE Fresno will not happen. Unacceptable.

Current fire and police services are barely adequate for SE Fresno and sprawl will only add more burden to first responder resources. Fresno is not ready for more sprawl until it can show and sustain a healthy, vibrant, in-filled city where quality of life is excellent for all citizens on all sides of town. Once we have achieved that goal, then it might be possible to consider replicating that in expansion beyond the city limits. Put the SEDA plan on ice and prioritize the initiatives that make for good governance, not profit-chasing.

Thank you for taking these concerns seriously,

Peter Smith



**From:** [Jerry Prieto](#)  
**To:** [LongRangePlanning](#)  
**Cc:** [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nick Richardson](#); [Nelson Esparza](#); [Todd Stermer](#); [Jerry Dyer](#)  
**Subject:** AMENDED Comments On the City of Fresno-Southeast Development Area Specific Plan Project Recirculated Draft Program EIR  
**Date:** Friday, March 21, 2025 3:22:48 PM

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

Hello, my name is Jerry Prieto Jr. My wife Cynthia and I own and operate [REDACTED], a small family cattle ranch consisting of 8.9 acres. In addition, we lease 4 additional acres from our neighbors. Our address is [REDACTED]. The following are our amended comments on the subject EIR. Original comments were submitted 3/20/25 at 10:34 P.M.

Section 3.2 Agricultural Resources and Forestry Resources

**Question:** Why is the EIR excluding the use of pesticides in farming practices? Organic farming does not mean that pesticides are not used. There are many pesticides that are registered for use on organic crops. The California Department of Pesticide Regulation has the sole authority to regulate both the registration and use of pesticides. This is accomplished at the local level through the County Agricultural Commissioner.

Section 3.4 Biological Resources

**Question:** How will the Red Bank Slough be protected from development or encroachment including the establishment of trails? This slough is one of the last remaining riparian creeks in close proximity to Fresno City. It is home to Redtail hawk, Cotton Tail rabbit, Grey Fox, California Kingsnake, Coyote, Gopher Snake, Red Wing blackbird, Blacked Backed woodpecker, Flicker woodpecker, Gilbert's skink, Opossum, Raccoon, Valley Elderberry, Western Pond turtle and numerous bird species. Theses are species that I have observed in the sough over the last 23 years.

Section 3.10 Hydrology and Water Quality

**Question:** Why is the City of Fresno proposing to charge farmers and ranchers a recharge fee for well water that is extracted to irrigate their crops and for domestic use? The Fresno Irrigation District supplies surface water to these farmers and ranchers that is applied to crops. Some of this water finds its way to the aquafer which becomes a benefit to the City. In addition, the farmers and ranchers have an overlying right to the groundwater beneath their property and Fresno City may not have the authority to assess the recharge fee. It may be appropriate to restrict the amount of extracted water should the North Kings Groundwater Sustainability Agency establish extraction allotment restrictions.

Section 3.18

**Question:** Will there be any exception for existing rural residential properties to the sewer connection mandate? I have been informed that the cost for the connection must be borne by the property owner and that the cost is estimated to be \$50,000 for homes located near the street. The homes on some of these properties are located at the back of their property which can make the connection cost prohibitive. Our home is 954 feet from the street and if a sewer line is within 300 feet of my property line I will be required to connect to that point! This seems very unreasonable.

Thank you for the opportunity to comment on the EIR.

Jerry Prieto Jr.

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** [Jerry Prieto](#)  
**To:** [LongRangePlanning](#)  
**Subject:** Fw: Comments On the City of Fresno-Southeast Development Area Specific Plan Project Recirculated Draft Program EIR  
**Date:** Thursday, March 20, 2025 10:34:18 PM

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

**From:** Jerry Prieto  
**Sent:** Thursday, March 20, 2025 10:27 PM  
**To:** [longrangeplanning@fresno.gov](mailto:longrangeplanning@fresno.gov)  
**Cc:** [annalisa.perea@fresno.gov](mailto:annalisa.perea@fresno.gov); [mike.karbassi@fresno.gov](mailto:mike.karbassi@fresno.gov); [miguel.arias@fresno.gov](mailto:miguel.arias@fresno.gov); [tyler.maxwell@fresno.gov](mailto:tyler.maxwell@fresno.gov); [nick.richardson@fresno.gov](mailto:nick.richardson@fresno.gov); [nelson.esparza@fresno.gov](mailto:nelson.esparza@fresno.gov); [todd.stermer@fresno.gov](mailto:todd.stermer@fresno.gov)  
**Subject:** Comments On the City of Fresno-Southeast Development Area Specific Plan Project Recirculated Draft Program EIR

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Thank you for the opportunity to comment on the EIR.

Jerry Prieto Jr.

[REDACTED]  
[REDACTED]  
[REDACTED]

From: [Tim Pritchard](#)  
To: [LongRangePlanning](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nick Richardson](#); [Nelson Esparza](#); [Todd Stermer](#); [Annalisa Perea](#)  
Subject: [WARNING: UNSCANNABLE EXTRACTION FAILED]South East Property Owners  
Date: Wednesday, March 19, 2025 5:53:57 PM

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

Anaxation is not what tax payers in this area want. The people in this area want to reside in the county. We don't want to be part of home congestion, crime heavy, city traffic, homeless camps. We are still in a drought and increasing the population will severely affect the water supply.

**TO THE SOUTHEAST PROPERTY OWNERS AND FRIENDS**  
*Reference Material for Submitting EIR Comments*

After having received some feedback from a neighbor in the area, we felt more clarity was needed concerning the EIR comments.

If you submitted comments when the EIR was first released, **please RESUBMIT those comments.**

Please note: **When commenting on the EIR, a reference number from the EIR must be included with your comment or your comment will be discarded.**

**The following are the reference numbers as well as the title of the category:**

- 3.1 Aesthetics, Light, and Glare
- 3.2 Agricultural Resources and Forestry Resources
- 3.3 Air Quality
- 3.4 Biological Resources
- 3.5 Cultural Resources and Tribal Cultural Resources
- 3.6 Energy
- 3.7 Geology, Soils, and Seismicity
- 3.8 Greenhouse Gas Emissions
- 3.9 Hazards and Hazardous Materials
- 3.10 Hydrology and Water Quality
- 3.11 Land Use and Planning
- 3.12 Mineral Resources
- 3.13 Noise
- 3.14 Population and Housing
- 3.15 Public Services
- 3.16 Recreation
- 3.17 Transportation and Traffic
- 3.18 Utilities and Service Systems
- 3.19 Wildfire

## Mandatory Finds of Significance

The link to the Recirculated EIR is

Link <https://www.fresno.gov/wp-content/uploads/2023/07/Draft-SEDA-Specific-Plan.pdf>

Link <https://www.fresno.gov/wp-content/uploads/2025/02/31680037-Fresno-SEDA-Specific-Plan-Project-Recirculated-Draft-EIR.pdf>

The summary of the EIR is recorded in the "Executive Summary" which is pages ES - 1 to ES -11 of the Recirculated EIR. It gives a condensed version of the 842 page document. The Table ES - 1 Executive Summary Matrix is next, ES - 13 to ES - 55. This matrix shows the Impacts, Mitigation Measures, and the Level of Significance after mitigation. These are the areas that can easily be seen and questioned.

**The following are some examples of comments that would be accepted verses those discarded.** Please note that the reference number is sited with the Accepted Comments. It is also good to state expectation such as stating their findings, stating their resources, and/or documenting the answer to the question

### Example #1

#### **Discarded:**

I disapprove of annexing farm land and hurting the Hmong community.

#### **Accepted:**

#### **Section 3.5 Tribal Cultural Resources**

**Question:** How will the loss of the Hmong revenue impact the Hmong culture? Please site studies that support consideration for the Hmong farmers. Hurting a minority is unacceptable and needs to be addressed and must be corrected.

### Example #2

#### **Discarded**

It is wrong to develop this area with no projected budget costs for building the needed schools to accommodate such a huge increase in population.

#### **Accepted:**

#### **Section 3.15 Public Services**

**Question:** Who is going to pay for the massive bill to build schools to accommodate the high density population located in the Sanger School District? Since Sanger Unified has replied to this Project in writing with great concern, please document the projected costs involved with the School district and the plan to fund these schools. Why have no estimated costs been given? Are you concerned that that truth would be detrimental to the Project? Going forward with no plan to implement school growth is unacceptable and needs to be corrected. Asking taxpayers to fund a "blank check" is unacceptable and needs to be corrected.

### **Example #3**

**Discarded:**

How is the City of Fresno planning to pay for the infrastructure cost?

**Accepted:**

**Section 3.17 Transportation and Traffic**

**Question:** How is the City of Fresno planning to pay for the infrastructure cost? It has been reported that this will be ironed out after the council approves the massive project. What is the proposed infrastructure cost? The budget needs to be disclosed before the EIR is accepted. This "blank check" is unacceptable and needs to be addressed prior to any approval.

### **Example #4**

**Discarded:**

I disapprove of your not projecting any long term impact on the environment with the expansion of electric, natural gas, or telecommunication facilities.

**Accepted:**

**Section 3.18 Utilities and Service Systems**

**Question:** What will the long term impact on the environment be when expanding or relocating electric, natural gas, or telecommunication facilities for a project of this magnitude. Please site your studies. No information concerning this is unacceptable and needs to be addressed.

### **Example #5**

**Discarded**

I disapprove of the close proximity of buildings in the high density 15 minute cities. If there was a fire, it would be difficult to contain.

**Accepted**

**Section 3.19 Wildfire**

**Question:** Due to the close proximity of the high density housing, and therefore, the high wildfire risks of rapid spreading, please state your plan to protect the occupants from disasters like what happened in Los Angeles this year. Without a plan in place, this plan is unacceptable and needs to be corrected.

From: [Cindy Ramsey](#)  
To: [LongRangePlanning](#)  
Cc: [Nelson Esparza](#); [Annalisa Perea](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Nick Richardson](#); [Todd Stermer](#)  
Subject: Recirculated SEDA EIR 2025  
Date: Monday, March 24, 2025 8:42:59 AM

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

To: [longrangeplanning@fresno.gov](mailto:longrangeplanning@fresno.gov)

With copy to:

Annalisa Perea: [annalisa.perea@fresno.gov](mailto:annalisa.perea@fresno.gov)  
Mike Karbassi: [mike.karbassi@fresno.gov](mailto:mike.karbassi@fresno.gov)  
Miguel Arias: [miguel.arias@fresno.gov](mailto:miguel.arias@fresno.gov)  
Tyler Maxwell: [tyler.maxwell@fresno.gov](mailto:tyler.maxwell@fresno.gov)  
Nick Richardson: [nick.richardson@fresno.gov](mailto:nick.richardson@fresno.gov)  
Nelson Esparza: [nelson.esparza@fresno.gov](mailto:nelson.esparza@fresno.gov)  
Todd Stermer: [todd.stermer@fresno.gov](mailto:todd.stermer@fresno.gov)

Date: March 24, 2025

Re: Draft Recirculated Program Environmental Impact Report Fresno Southeast Development Area Specific Plan Project, City of Fresno, Fresno County, California (the "EIR") and SEDA Southeast Development Area Specific Plan Draft (the "SEDA Plan")

Dear Sophia Pagoulatos, Planning Manager, Planning and Development Department, City of Fresno:

I am writing this letter in reference to the EIR and SEDA Plan. After reviewing all of this information for quite some time now, it is clear that the best interest of the citizens of Fresno is not in mind. It clearly leans towards unethical expansion and not logical in fill and revitalization of a city that could use support in neglected areas. Instead valuable farmland and generationally owned land parcels are being stripped away little by little to create cheap and fast new builds by greedy developers. It would be good to know that our politicians and city officials have our backs on this disaster of a plan and are willing to respond to us with logical and intelligent solutions that support the growth of the city without annihilating the last of our rural residential farmland. I humbly ask that all of you reply to the below question and concerns:

1. On ES-2 under Quantified Objectives, the EIR states that its objectives are to accommodate 40,000 - 45,000 dwelling units with only 30,000 - 37,000 jobs as per Chapters 3.14 and 2.3 respectively. What is the rationale on building more houses than actual jobs for people? How will future residents be able to buy a home here without enough jobs to accommodate the same number of dwelling units?
2. On ES-2 under Fiscal Responsibility, the EIR states that the SEDA Plan will provide self-financing for the development and ongoing maintenance while not reducing the City of Fresno's resources already dedicated to the City while not burdening residents outside of the SEDA however the cost of the SEDA Plan and the self-financing thereof is not listed anywhere with the EIR nor the SEDA Plan. How much is the SEDA Plan expected to cost and what is the cost of self-financing? If the cost of the SEDA Plan will not burden residents outside of the SEDA, how does the City of Fresno plan on burdening the residents inside the SEDA and at what costs? How much will SEDA residents' taxes increase?
3. Under the same page and section (ES-2, Fiscal Responsibility) and in regards to Chapters 3.11 and 3.18, why isn't the City of

Fresno considering the renovation and adaptive reuse of existing structures since this is typically much less expensive than large-scale new construction. The City of Fresno could prioritize retrofitting underutilized spaces instead of spending millions, if not billions, on new infrastructure, utilities (including water, sewer and power), and roads.

4. On ES-2 under Social Equity, the EIR states that the SEDA Plan will promote health by reducing harmful emissions from cars and industry in Chapter 3.8 (Greenhouse Gas Emissions), but how can the SEDA Plan accomplish this during the building phase with all of the emissions from building equipment, subsequent air pollution, hazardous materials, etc.? What steps will be taken and upheld to ensure the safety of residents, workers and wildlife? Prolonged exposure to fine particulate matter and diesel exhaust has been linked to an increase in heart attacks, strokes, and other cardiovascular conditions. What is the City of Fresno going to do to mitigate this exposure?
5. On ES-5 under Impact AG-2 which refers to Chapter 3.2 (Agricultural Resources and Forestry Resources) of the EIR, it states that the SEDA Plan includes land under the Williamson Act and convert it to non-agricultural uses without any mitigation to reduce it to less than significant which contradicts the purpose of this program. Please provide details on how the City of Fresno plans to pay for the monetary penalties of up to 25% of the market value of the land plus 25% of the value of any incompatible improvements? Will SEDA residents' taxes be used to pay for these penalties?
6. In reference to Chapter 3.10 (Hydrology and Water Quality), what is the budget for the stormwater systems, water supply, altering the existing drainage patterns, capturing the substantial increase in runoff and building additional areas/sources for capturing additional flood water?
7. Where is the City of Fresno planning on getting the millions of gallons of water required to build 40,000-45,000 dwelling units as per Chapter 3.10 (Hydrology and Water)?
8. On page 2-18 and in reference to Chapter 3.17 (Transportation and Traffic), the EIR states that the City of Fresno will provide "high quality transit service" without any information on how this will be accomplished. What the budget is for such high quality transit service? Please provide the environmental impact report for such transit service? A blank check is unacceptable and such questions must be addressed prior to approval.
9. How does the City of Fresno plan on acquiring and funding the necessary resources of adding additional police, fire, ambulatory and other emergency and protective services to accommodate the additional population and increase of businesses and other infrastructure to not only maintain, but reduce both crime and response time to emergencies based on the proposed SEDA Plan (referencing Chapter 3.15 (Public Services))?
10. How much money or other financial and non-financial kickbacks are you, all those copied herein and other city officials receiving from land developers, builders, contractors, corporations, etc. to get the SEDA Plan approved?
11. With reference to Chapter 3.9 (Hazards and Hazardous Materials), what is the City of Fresno's plan to prevent public and environmental hazards caused by accidents involving the release of hazardous materials into the environment both in the air and water? What is the City of Fresno's plan to mitigate the increase in construction waste in our landfills?
12. Referencing Chapter 3.2 (Agricultural Resources and Forestry Resources), the proposed plan will permanently convert thousands of acres of Prime Farmland and Farmland of Statewide Importance into non-agricultural uses, with no feasible mitigation to preserve this essential resource. What is the City of Fresno doing to preserve this fundamental resource and at the very least mitigate this issue? Why isn't the City of Fresno considering focusing on urban infill development, instead of destroying farmland, in an effort to preserve Fresno's farmland and agricultural economy and maintain food production stability?
13. Referencing Chapter 3.3 (Air Quality), the SEDA Plan will generate significant criteria air pollutants during construction and operation, exceeding San Joaquin Valley Air Pollution Control District (SJVAPCD) thresholds. Mitigation measures cannot fully reduce these emissions and this needs to be addressed by the City of Fresno since we have been working to reduce the pollution for the last twenty years and just within the last decade we have finally seen an improvement where we can actually see the surrounding mountains. The SEDA Plan could reverse all those efforts. Please detail how the City of Fresno would address the following in regards to air quality:
  - air pollution and respiratory issues due to the increase emissions of particulate matter, ozone, nitrogen dioxide and diesel particulate matter, all of which are linked to asthma, bronchitis and lung cancer.
  - exposure to Toxic Air Contaminants that have been linked to severe illnesses including leukemia
14. One of the SEDA Plan's goals is to reduce vehicle miles traveled (see pages 6, 12, 25, 33, 64, 78 and 110 in accordance with Chapters 3.14 and 3.17). However, per the SEDA plan, only 37,000 jobs are estimated to be created with 40,000-45,000 dwelling units to be built. How can the SEDA Plan accomplish a reduction in vehicle miles travelled when (at the absolute least, assuming 1 person per household) a minimum of 8,000 people (difference between 45,000 dwelling units and 37,000 jobs created) will have to travel outside of the plan area to commute to their jobs when more and more companies are implementing a return to office policy? Additionally if people must travel outside of the plan area, this leads to increased vehicle emissions and traffic resulting in higher rates of health issues (respiratory and cardiovascular diseases) due to prolonged exposure to vehicle exhaust.

A very concerned SE property owner,  
Cindy Ramsey



## SEDA OBJECTIONS LETTER

Our names are Gregory J. Renna and Abbe J. Renna, we live within the City of Fresno's proposed Southeast Development Area. We are writing to voice our objections to this plan for several reasons covered herein.

### Section 3.2- Agricultural Resources and Forest Resources

If approved, The SEDA plan could convert 9,000 acres of rural Fresno County Prime farmland into as many as 45,000 housing units. We have neighbors who are currently farming a variety of produce including fruits and vegetables. Our area includes the beauty of the blossom trail and views of our mountains, which we hope to preserve for generations to come.

The city plans to enforce restrictions on farmers outside their authority. As farmers in the Westlands Water District for a number of years, we learned first hand how government control of water can destroy farming. We were forced to sell our farm property in 2002, due to the environmental and governmental restrictions placed on us as farmers. The property on which we currently reside is excellent farmland and its loss would be devastating to the community as a whole. Once this land is taken over by homes there will be no turning back, this precious farmland will be gone for good. There are several areas in Fresno, where homes have been built near established orchards, and even though the home buyers knew they would be living in an agricultural area, they complained, and restrictions were put on the farmers. We do not believe this is the best use of our valuable rural farmland. The SEDA plan does not value the cultural role of agriculture in our valley.

With regard to forest resources, the SEDA plan does not account for the timber products that would be needed to build these new homes and facilities.

### 3.10 - Hydrology and Water Quality

California has already overtaxed its water systems. As was recently evidenced in the horrific wildfires in Southern California, water storage is well below what is needed to support our population, existing homes, schools, and farming. With no new dams or reservoirs under construction, how can the City of Fresno allow for more people, homes, and facilities to be built in our area.

As rural residents, we have to monitor the depth of our wells and be concerned with ground water recharge. We are the best stewards of our land and water resources. If the SEDA plan passes, we will have to condemn our wells and connect to city water at an exorbitant cost to each homeowner. Many of us have lived on our properties for decades, and have worked hard to pay off our mortgages. Now the City will require us to go into debt during our retirement years.

As the population grows, the use of pesticides, paint, oil, and other dangerous chemicals will grow exponentially. Scientists have found that many of the medications we take such as hormones and statins do not break down and therefore percolate into our water systems. Does the city have a plan to mitigate these pollutants?

### Section 3.8 - Greenhouse Gas Emissions

#### Section 3.17 - Transportation and Traffic

The addition of up to 45,000 homes and the population increase which will accompany these homes will undoubtedly add to Greenhouse gas emissions in our area. In fact, the project is estimated to triple air pollution levels in Southeast Fresno, according to city documents. There is not currently any means of mitigation proposed. The SEDA plan does not show a budget or environmental impact report for "high quality transit."

In California, most homes house at least 2 adults. Many families require both adults to work. Given this data, up to 90,000 jobs will be needed to support the influx of people to our area. Obviously, many of the required jobs will be outside of our area, and will demand the use of cars, undoubtedly raising air and water pollution levels in the form of greenhouse gasses.

#### Section 3.15 - Public Services

We do not see any proposal for a budget to meet the increased need for public services. How can the city guarantee our safety while walking, biking, or driving in these newly developed areas? With more residents, more walking trails, and open areas planned for recreation, we know there will be a greater need for firefighters as well as police. We do not feel that we have enough public servants in our area currently. We have already seen an influx of homeless people in nearby neighborhoods, freeway on ramps, and empty lots. The City of Fresno has not been able to prevent these encampments from springing up. Our belief is that the City of Fresno is not prepared to add enough additional personnel to serve this expansion of homes and people.

From: [Christopher Rocha](#)  
To: [LongRangePlanning](#)  
Subject: SEDA EIR  
Date: Monday, March 24, 2025 9:49:35 AM

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

Approving SEDA would have long-term fiscal impacts on City services, diverting investments from existing neighborhoods already struggling with urban decay, missing infrastructure, and underfunded public services.

We must prioritize infill development, economic growth in Central and South Fresno, and equitable investments for all communities - not just new suburban expansions.

Thank you,

Chris Rocha

  
District 2

**From:** [Martha Rodriguez-Torres](#)  
**To:** [LongRangePlanning](#)  
**Subject:** Concerns regarding the SEDA Recirculated EIR  
**Date:** Saturday, March 22, 2025 10:42:47 AM

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

To:  
Sophia Pagoulatos, City of Fresno Planning Manager

I am writing to you in regard to the recirculated EIR for the expansion of SEDA. I am not in agreement with this plan which will further create unwanted growth, noise and air pollution and reduction of farmland.

Why are you trying to annex 9000 acres to the city of Fresno when there are so many needs within the existing city boundaries?

3.3.4 Our air quality is one of the worst in the nation. We continue to suffer health problems (asthma, sinus infections, etc. ) and limited days of activity because of the poor air quality. This will only exacerbate the situation.

3. 17 I currently live off Temperance and Lowe. The amount of traffic and noise has really made it difficult to sit and enjoy the outdoors. I do not like to stand in the way of progress, but no consideration was taken for the existing homeowners already dealing with the high speed of traffic heading towards the 180 Fwy. This was all farmland when I purchased my home, now it's a noise haven because of the people traveling to and from the freeway off ramp on Temperance.

4.1 The 9000 acres of farmland will be lost to the developers and contractors working to make a fast buck off of the land that feeds this country. How much of your plan will protect the people in our midst that can't afford homes? How will schools be built and funded? Where are the jobs coming from? All we will have are people interested in investing and making this area another Southern California and don't even live here or will come with their attitudes of big city living. This EIR was not updated. Please stop selling us out.

I oppose this plan.

Concerned citizen and homeowner,

Martha Rodriguez Torres







## SANGER UNIFIED SCHOOL DISTRICT

1905 SEVENTH STREET • SANGER, CA 93657

(559) 524-6521

FAX (559) 875-0311

**DENNIS WIECHMANN, ED.D**  
**SUPERINTENDENT**

March 24, 2025

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

Subject: Recirculated Draft Program EIR for SEDA Specific Plan (State Clearinghouse [SCH] No. 2022020486)

Dear Ms. Pagoulatos:

This letter includes the comments of the Sanger Unified School District on the Recirculated Draft Program Environmental Impact Report (RDPEIR) for the Southeast Development Area (SEDA) Specific Plan. The Sanger Unified School District (District) encompasses most of the territory within SEDA (all land south of Tulare Avenue) and approximately 30,000 of the potential 45,000 new housing units.

The proposed plan shows 16 neighborhood centers within the Sanger Unified portion of SEDA, each of which would include an elementary school integrated with a park and other neighborhood center functions. High school and middle school facilities would also be needed.

On page 3.15-31 under the Impact Analysis heading, the RDPEIR cites a statewide K-12 student generation rate (0.7 students per housing unit) and multiplies it by the total number of units anticipated in the SEDA Specific Plan area (45,000) to estimate the number of students generated at buildout of the plan (31,500 students). Since about two-thirds of the 45,000 new housing units (30,000) would be within Sanger Unified, approximately 21,000 students could potentially be generated in Sanger Unified.

Although student generation rates for individual school districts can vary greatly, the student generation rate in Sanger Unified currently approximates the 0.7 average for grades TK-12. Breaking this down further, the average generation rate for grade groupings is approximately 0.4 student per unit for grades TK-6, 0.1 student per unit for grades 7-8, and 0.2 student per unit for grades 9-12. Thus, under this student generation rate assumption, approximately 12,000 students would be generated in grades TK-12 in Sanger Unified, 3,000 students in grades 7-8 and 6,000 students in grades 9-12.

A new elementary school in Sanger Unified would serve approximately 700 students, thus there would potentially be a need for an additional 17 elementary schools assuming the

~~~~~ *Every Child, Every Day, Whatever it Takes!* ~~~~~

Trustees: Peter R. Filippi Jesse Vasquez Ismael Hernandez
Jesse Solorio G. Brandon Vang Celida Garcia Lopez Ranetta Bron

average generation rate is appropriate. However, it is important to note that student generation rates can vary greatly depending on the type of units constructed. The 0.7 generation rate in Sanger Unified is based on existing development, which is heavily weighted toward single family units. The SEDA plan provides for a large number of multiple family units to be built in the various Town Centers and in the extensive Mixed Residential and Neighborhood Residential areas. Multiple family units generally generate a lower number of students than single family units. Therefore, the estimated number of students resulting from development of the plan area could be substantially lower than stated previously and the number of planned schools would be lower than that shown in the proposed land use plan. In any event, the 16 elementary schools shown in the plan would in all likelihood provide an adequate number of schools for plan buildout as a worst case.

With regard to middle school and high school facilities, the new middle school and high school facilities at the District's educational center at Jensen and Fowler Avenues should be able to provide capacity for some of the future SEDA students in the area south of Jensen Avenue, depending on the level of development that occurs in the District's growth areas outside of SEDA. If buildout of SEDA results in 3,000 students in grades 7-8, as previously indicated, there would theoretically be a need for two new middle schools, assuming a capacity of 1,500 students per middle school. If SEDA buildout generated 6,000 high school students, this would create a need for slightly more than two new high schools, assuming a capacity of about 2,800 students per high school. As mentioned previously, however, the large number of multiple family units planned would likely result in lower student generation rates and reduce the number of students generated and the need for facilities as compared to the maximums above. As indicated in the RDPEIR, Policy OS-7.1 indicates the City will work with the District to establish specific locations for high schools and middle schools.

On page 3.15-11, under the heading of California Government Code, Section 65995(b) and Education Code, Section 17620, the development fee information provided is substantially out of date. It mentions the statutory fees approved by the State as of January 24, 2014 (\$3.36 per square foot for residential development and \$0.54 per square foot for commercial/industrial development). The current fees as of the last time they were adjusted by the State allocation Board in January 2024, are \$5.17 per square foot for residential development and \$0.84 per square foot for commercial/industrial development.

The various objectives and policies related to schools in the document appear to be appropriate, as well-designed and located schools are essential to the fabric and success of neighborhoods. The District has the primary legal responsibility for the location, design and operation of schools; however, the District looks forward to working collaboratively with the City so that the objectives and policies of the plan can be realized to the extent possible.

On page 3.15-31, the second paragraph (Impact Analysis under Impact PUB-3), states the following:

Additionally, future development within the Plan Area would be required to comply with applicable school development fees in order to mitigate the impacts on school facilities caused by future development within the City. Payment of applicable development fees

would offset the construction and acquisition costs of required school facility improvements and additional staff to meet acceptable service levels.

Regarding the above statement, the key to mitigating the impacts on school facilities caused by future development within the City and keeping pace with new development is having adequate financing to build the schools and to build them in a timely manner. Schools are funded by a combination of statewide bond measures, local bond measures and developer fees. State bond measures require voter approval and are anything but certain. When they are approved, the funds are often depleted quickly due to a backlog of unfunded projects in the state. To get state funding, school districts must match with a local funding contribution that mostly comes from local bond measures which must be approved by local voters. The amount of the bond measures are based on assessed valuation, and the measures require a supermajority vote of either a 55% or 66.6% vote depending on the amount requested. Developer fees are an important school funding component, but they are substantially inadequate for funding schools unless state and local bond measures are approved. And if needed schools cannot be built or built in a timely manner to keep up with new development, schools will end up being left out of the planned neighborhood centers and residents will need to travel much further to attend school, thereby increasing air pollutants, greenhouse gases and vehicle miles travelled and hindering the desired accessibility, walkability and the basic functions of the planned neighborhood centers.

Obtaining the funding necessary for up to 16 new elementary schools and at least another high school and middle school will be a substantial challenge if left to the current funding methods for financing schools. As stated in the original EIR Notice of Preparation, implementation of the Specific Plan would require a comprehensive infrastructure plan that “must be accompanied by a comprehensive and detailed financing and implementation strategy that includes the phasing and financing of development and all major infrastructure.” We believe it will be very important for the District to engage with the City in the infrastructure planning process to determine how best to fund the school facilities needed and provide them in a manner to keep pace with new development. We recognize that development of the Sanger Unified portion of SEDA is not anticipated to occur until about 2035, but it will be essential to set up an infrastructure financing plan that includes schools well in advance.

Thank you for the opportunity to review and comment on the Recirculated Draft Program EIR. We look forward to collaborating with the City of Fresno in the implementation of the SEDA Specific Plan to ensure that well-located and designed school facilities can be financed and constructed when needed to serve future new development in the Sanger Unified portion of the SEDA Specific Plan. Please let me know if you have any questions on this letter.

Sincerely,



Jimmy Robles
Chief Operations Officer

From: [Sarah Valentine](#)
To: [LongRangePlanning](#)
Subject: Protect Fresno's Future: Stop SEDA Now
Date: Monday, March 24, 2025 4:43:56 PM

External Email: Use caution with links and attachments

To Whom It May Concern,

I hope this email finds you well. Today, I come to you wearing many hats—those of a wife, a mother, a nonprofit worker in my neighborhood, and a parent advocate for my children's elementary school. These roles allow me to see Fresno through many lenses, and I am compelled to speak out because I am tired of seeing the challenges we face every day.

The Southeast Development Area (SEDA) Specific Plan proposes adding 9,000 acres of urban sprawl to Fresno, a move that will have long-lasting consequences for our community. This plan will divert resources away from existing neighborhoods that desperately need attention, such as the Jackson and Historic Huntington neighborhoods.

These areas are already grappling with significant challenges, including high crime rates that threaten the safety and well-being of residents. Reports of property crimes, vandalism, and even violent incidents are far too common. Families in these neighborhoods live with the daily reality of unsafe streets, inadequate lighting, and a lack of resources to address these issues. Expanding into new areas while neglecting these pressing concerns is not only irresponsible but also unjust.

Instead of expanding, Fresno should prioritize fixing the problems in the areas we have already developed. Our community deserves better. Generations are depending on us to address the pressing needs in established neighborhoods before considering expansion.

We cannot afford to let this plan move forward while our existing neighborhoods remain neglected. It's time to put voters first and prioritize the needs of our community. Let's work together to ensure a better future for Fresno.

Thank you for your attention to this critical matter. Please feel free to reach out if

you have any questions or would like to get involved further.

Best regards,

Sarah Valentine

Mom, Wife, Program Manager (Jackson CDC) & Jackson Elementary parent
advocate



Hello Fresno City officials,

I am a homeowner in Fresno's Historic Huntington District. My kids go to school at [REDACTED]. I am an associate professor of biology at [REDACTED]. Every day, I bike 3 miles to work through south Fresno.

I, along with the Jackson Neighborhood Association, oppose SEDA (Southeast Development Area Specific Plan) because it would take money away from maintenance of our existing streets and facilities, and instead SEDA would cause urban sprawl. I want Fresno to move toward healthier and less carbon intensive living, and restricting sprawl is an important way to lower the average fuel burn of residents of our city. We need to improve our existing business districts, parks, and roads rather than build sprawling new ones.

Respectfully, Dr. Andrew Sensenig, [REDACTED]
[REDACTED]

Date: March 23, 2025.

From: [Brett Thompson](#)
To: [LongRangePlanning](#)
Subject: Edit to public comment provided by Brett Thompson and SEPO
Date: Monday, March 24, 2025 10:25:48 PM

External Email: Use caution with links and attachments

Please edit 2 dates included in the comment letter submitted against the Recirculated Draft EIR on March 24th, 2025 these dates should be changed from 2024 to 2023. My apologies for the errors. See attachment for the location of the Errors in question.

Please edit these two dates to read 2023

At a Drop in meeting hosted by The city of Fresno's planning department on July 24, 2024 Peter Maraccini representing the public utilities department. presented information to Southeast property owners that is non factual when compared to the City Of Fresno's water and sewage connection documentation. Mr Maraccini was documented on film stating : "You are NOT required to be on city water, when a water main goes across, it's your choice wether to connect or not. Majority of the water supplied will come from the Kingsriver, that goes to the surface treatment plant

located on Armstrong” if you have an existing well we cannot impose a meter on you, but if you drill a new well, they will be metered.”

This statement by Mr. Maraccini (recorded on video) directly contradicts information emailed to a resident of Southeast Fresno prior to the “drop in meeting” on July 24, 2024. We suggest Mr. Maraccini deliberately provided false information to residents at the “drop in meeting” to falsely ease our concerns of required hook up to City of Fresno utilities. Below you’ll find the email sent on 8-2-2023 by Mr. Maraccini of the City of Fresno.

From: [Brett Thompson](#)
To: [Brett Thompson](#); [LongRangePlanning](#); [Sophia Pagoulatos](#); [Patience Milrod](#); [Jerry Dyer](#); [Mike Karbassi](#); [Miguel Arias](#); [Tyler Maxwell](#); [Luis Chavez](#); [Garry Bredefeld](#); [Nelson Esparza](#); [Thomas Esqueda](#); [TJ Miller](#); [Jeff Wabbit](#); [helen ramming](#); [Wes Bigham](#); [Moses Deleon](#); [Sandi Sandberg](#); [Carol Bloesser](#); [Daniel O"Connell](#); [Marilyn Mathew](#); [Jerry Prieto](#); [Gene Branch](#); [Lyle Nelson](#); [Betty Cederquist](#); [Deborah Bigham](#)
Subject: [WARNING: UNSCANNABLE EXTRACTION FAILED]SEPO Letter of Opposition to proposed SEDA plan
Date: Monday, March 24, 2025 4:38:45 PM

External Email: Use caution with links and attachments

City of Fresno
Planning and Development Department
Sophia Pagoulatos, Planning Manager
2600 Fresno Street Room 3065
Fresno, Ca 93721
Longrangeplanning@fresno.gov



We the People of Southeast Fresno, specifically the Southeast Property Owners (SEPO) thank you for the opportunity to comment on the proposed Southeast Development Area (SEDA) plan's Recirculated Environmental Impact Report.

We are writing to express our opposition to the City of Fresno's Southeast Development Area (SEDA) plan, particularly due to the significant adverse environmental impacts it could have on our county and surrounding ecosystems. While the objectives of the plan to

promote energy sustainability are commendable, we believe the implementation as currently outlined may lead to unintended consequences that would negatively affect our environment, wildlife, and quality of life.

The City of Fresno proposed the SEDA plan to residents as:

Can Fresno grow in ways that equitably expand our economy and housing stock while protecting public health? Can “greenfield” growth occur that pays its own way and does not negatively affect existing neighborhoods? Can we build communities where schools, shopping, and parks are within walking distance of every student, worker, and resident? Can we attract and keep highly educated workers and raise collective potential of our diverse population? The City of Fresno Suggests “YES” while the Environmental Impact Report says “No” to most of these questions!

1. The proposed plan to expand our economy and housing stock would generate an estimated 500,000 TONS of Carbon Emissions subjecting residents to unhealthy breathing conditions.
2. Without an attached budget for the SEDA plan the City’s suggestion that this plan can pay it’s own way is a lie! Listed below are some of the many negative affects incited on existing neighborhoods through buildout of the SEDA plan:

following topical areas of concern:

Aesthetics, Light, and Glare

Agricultural Resources and Forestry Resources Air Quality

Biological Resources

Cultural Resources and Tribal Cultural Resources Energy

Geology, Soils, and Seismicity

Greenhouse Gas Emissions

Hazards and Hazardous Materials

Hydrology and Water Quality

Land Use and Planning Mineral Resources

Noise

Population and Housing Public Services

Recreation

Transportation and Traffic Utilities and Service Systems Wildfire

Mandatory Findings of Significance

3. The plan proposes building 45,000 housing units and providing 37,000 jobs. This calculation equals .822 jobs per household, this is without job competition from residents living outside the SEDA. How can residents walk to work if the plan doesn't even propose enough jobs for a 1:1 (house to job) ratio?

A public trails plan has not been released to the public for the SEDA plan, how does the City propose a plan reliant on reducing vehicle miles traveled through citizens accessing jobs, school, shopping, and parks without proposing a plan for a trails system?

First and foremost, the potential for increased urban sprawl is a major concern. As Fresno expands to accommodate new energy infrastructure, public utilities, and residential developments, this may result in the encroachment of your city into valuable natural habitats. These habitats are vital to preserving biodiversity, and further urbanization will fragment ecosystems, placing pressure on wildlife populations and reducing critical open spaces. The loss of these areas, particularly agricultural lands, could also diminish local food production, which is an already precarious issue given the state's water and regulatory challenges.

To show the City of Fresno's planning department lacks the ability to plan city expansion in a safe manner, we present to you the City of Fresno willful disregard to Southeast property owners health. The City of Fresno's planning staff scheduled an informative event on July 24th 2023 at 5pm at the Hmong Alliance Church located at 8234 E. Belmont Fresno, Ca 93727. This event was part of a required 4 part seminar to present and educate residents of the City's proposed SEDA Development Plan. City planning staff obtained a conference room to host their meeting at 5pm with weather conditions of extreme heat advisory (108degrees) without a working air conditioner to cool the room to safe standards, fans or air circulation devices were not available to comfort attendees. Doors were propped open to hopefully catch a draft. Residents who remained at the meeting used pamphlets and educational printouts as cooling aids by way of fanning our faces, many residents couldn't bare the heat and were forced to leave the seminar due to health concerns of overheating, food was provided by City Planning staff and left exposed to unhealthy storage temperatures. Many of our residents are elderly and cannot sand for long periods of time. Prior to the start of the event, Sophia was overheard instructing planning staff members to "stack chas behind information boards to prevent them from sitting and to keep them moving"

At two "drop in" events the grassroots group (SEPO), a group of homeowners currently living within the proposed SEDA, was told their educational literature could not be distributed on the grounds the meetings were hosted on: this was seen as an attempt to limit free speech. These events were hosted on publicly funded school sites further worsening City Planning Staff's attempt of silencing opposition.

At "drop in" meetings hosted at Sequoia Elementary on July 27th 2023 and "drop in" meeting hosted at Young Elementary on August 12, 2023 City planning staff requested Fresno Police Department officers presence. These officers positioned their patrol car, with engine running at the entrance gate. Multiple Armed officers were positioned near the

entrance of the auditorium as a show of force by City of Fresno Planning Staff. Many residents were uncomfortable with armed personnel watching over the meeting some were observed entering the parking lot and leaving once they saw police presence.

***The City planning staff lacks the ability to plan a “healthy, safe and comfortable” informational meeting, while at the same time asking residents to trust City Planning Staff to develop a plan to expand their city limits with citizens health a priority?

Budget,Budget Budget! We demand an estimated Budget and an extension to the public comment period for the Recirculated EIR a minimum of 30days past the release of the estimated Budget!

Dear Public Records Officer,

I am writing to formally request the release of documents related to the estimated budget for the SEDA plan that was delivered to City Manager Georgeanne White in December 2024. This request is made under the California Public Records Act (Gov. Code § 7920.000 et seq.), which grants public access to government records in the interest of transparency and accountability.

According to a March 3, 2025, FresnoLand publication by Gregory Weaver, officials have yet to publicly disclose a cost estimate, despite consultants providing one in December 2024. Additionally, during a December 13, 2024, meeting, Councilmember Arias referenced an estimated range between \$500 million and \$4 billion for the SEDA plan. City Manager Georgeanne White stated that a more specific figure would be released to the public within 90 days. As that timeframe has now passed, we request the immediate release of this financial estimate, as previously promised.

We acknowledge the City’s previous response citing the deliberative process privilege as a basis for withholding the requested records. However, we respectfully challenge this exemption as applied in this case. The budget estimate in question is a factual financial document rather than a pre-decisional deliberative record. The California Supreme Court has recognized that factual information contained within deliberative materials is not necessarily exempt from disclosure. In *Times Mirror Co. v. Superior Court* (1991) 53 Cal.3d 1325, 1338, the court ruled that the deliberative process privilege applies when disclosure would expose the decision-making process in such a way as to discourage candid discussion within an agency. However, it does not categorically shield all financial records or estimates from public scrutiny.

Furthermore, under Evid. Code § 1040, the public interest in non-disclosure must clearly outweigh the public interest in disclosure. Given that public funds were used to generate this budget estimate, and considering the importance of transparency in government spending, we argue that the public interest in disclosure outweighs any speculative harm from release.

If certain portions of the requested records are deemed exempt, I request that any reasonably segregable portions be provided. If this request is denied in whole or in part, please provide a written explanation citing the specific legal basis for withholding the records, as required under the Public Records Act. We would appreciate a response within the statutory timeframe. You may reach us via the contact information provided.

A citizen has, through submission of a Public Records Request reference #R074276-030425 requested the release of the SEDA plan estimated budget as presented to City Manager Georgeanne White in December of 2024. The City of Fresno has delayed and refused release of this pertinent information.

***How can citizens reply with comment in full detail to the EIR “Fiscal Impact” section if the City is deliberately withhold the budget information?

The City planning Department is proposing a massive development plan without releasing the estimated budget to citizens prior to the closure of the public comment period of the recirculated EIR. Taxpayer money was spent by government officials to hire an independent firm to quantify the estimated expense of this proposed project. We the People of Southeast Fresno demand the City extend the public comment period on the proposed Southeast Development Area EIR, a minimum of 30days past the release of the budget by city officials. We also demand all comment letters submitted against the Draft EIR along with comment letters submitted against the Recirculated EIR be included on any future revisions or releases to EIR documents. Silencing community input due to recirculation is unacceptable. Withholding important decision making information is not acceptable and inappropriate.

As proposed in the Recirculated EIR: Executive Summary-2

Fiscal Responsibility:

- Provide self financing for the development and ongoing maintenance of the SEDA that does not reduce City of Fresno resources dedicated to other areas of the City or burden Fresno residents outside of the SEDA.
- Holistically coordinate infrastructure to integrate efficiencies that piecemeal planning cannot.
- Invest in resource conserving techniques for stormwater systems, water supply, and trail and open space networks to save on infrastructure and mitigation costs.

This plan does not provide self financing as existing citizens within the SEDA have been told we would be required and responsible to hook to city water infrastructure at our expense, potentially costing in excess of \$50,000. for city water hook up along with \$50,000 or more to hook to city sewer infrastructure. These costs could also inflate due to demands to condemn our existing private utilities infrastructure.

Found on the Fresno.gov website under Frequent Asked Question:

What causes sand in my water?

“Although not harmful to your health, sand in the water can be a nuisance for customers, as well as City staff responsible for maintaining the water system. The geologic formations from which we pump our groundwater include layers of sand, gravel, and clay particles. Older wells constructed without modern gravel filters and screens can periodically pump sand out from the formation.

Fresno has about 100 such wells, which we plan to replace as funds allow. Each new municipal well costs more than \$400,000.”

Through these statements the City OF Fresno acknowledges its infrastructure to supply current residents with potable water is failing and in need of repair. The statement “as funds allow” provides information that the City of Fresno does not have funds to maintain their existing infrastructure.

Repairs costing an estimated \$40,000,000.00 “as funds allow” should be the city’s priority, rather than expanding the City’s footprint and taking on more citizens needs. Of the City’s existing 271 water wells, over 1/3 of the Citywide water wells need to be replaced to provide clean drinking water to existing City of Fresno residents. The City of Fresno shall fulfill its duty to provide services to existing residents before implementing expansion plans into Fresno County. The statement that sand is “not harmful to your health” is simply not true. Sand, along with sediment, and heavy metals can indeed cause health effects to residents and their livestock who drink water contaminated water provided by the City. Sand and sediment in water supply can also cause damage to homeowner’s plumbing systems, appliances, and can stain clothes or dishes.

***If the SEDA plan is passed, how does the City of Fresno propose to fund and maintain new residents and existing residents within the SEDA with clean potable water, while postponing replacement of existing infrastructure?

City of Fresno Public Utilities representative - False information provided to citizens.

At a Drop in meeting hosted by The city of Fresno’s planning department on July 24, 2024 Peter Maraccini representing the public utilities department. presented information to Southeast property owners that is non factual when compared to the City Of Fresno’s water and sewage connection documentation. Mr Maraccini was documented on film stating : “You are NOT required to be on city water, when a water main goes across, it’s your choice wether to connect or not. Majority of the water supplied will come from the Kingsriver, that goes to the surface treatment plant located on Armstrong” if you have an existing well we cannot impose a meter on you, but if you drill a new well, they will be metered.”

This statement by Mr. Maraccini (recorded on video) directly contradicts information emailed to a resident of Southeast Fresno prior to the “drop in meeting” on July 24, 2024. We suggest Mr. Maraccini deliberately provided false information to residents at the “drop in meeting” to falsely ease our concerns of required hook up to City of Fresno utilities. Below you’ll find the email sent on 8-2-2023 by Mr. Maraccini of the City of Fresno’s Public Utilities Department:

From Peter Maraccini <Peter. Maraccini@fresno.gov>

Date Wed 8/2/2023 11:52 AM

To Jerry Prieto <jerryncindy@hotmail.com>

Cc Adrienne Asadoorian <Adrienne.Asadoorian@fresno.gov>

Hi Jerry,

My apologies for the delayed response. The first part of the long email helps explain the timing of the connection. I then provide current rates at the end of the email.

Sewer Connection: Connection to a sewer once available is mandatory per Fresno Municipal Code and per Fresno County Ordinance Code, meaning annexation would not need to occur for the connection to be mandatory. Here are some excerpts for clarification:

- (If annexed) Fresno Municipal Code, Section 6-303: "If a sewer main has been constructed and is available for use in any public street, alley or right-of-way within 100feet for the first unit plus 50 feet for each additional unit, to be measured along such public street, alley or right-of-way from the nearest property line to the sewer main... buildings or structures connected to a septic tank.

shall be connected to the regional sewer system within three years after the regional sewer system becomes available"

- Exception: "In the R-A, AE-5, and AE-20 zone districts (County Designated Zones), on a lot at least two net acres in size, and provided the lot, if not served by a community water system, contains one dwelling unit or septic system per 2.0 acres, such connection may be deferred until the use of the land changes either through district amendment or special permit."

- (If not annexed) Fresno County Ordinance Code 14.12.030: "Buildings or structures connected to a septic tank or cesspool, at the time a public sewer becomes available, shall be connected to the public sewer within three years after the sewer becomes available and written notice thereof given by the county...Availability of a public sewer means a public sewer which has been constructed and is available for use in any public street, alley or right-of-way within one hundred feet of the first unit, plus fifty feet for each additional unit, to be measured along such public street, alley or right-of-way from the nearest point on the premises to the sewer."

- Exception: "The building official shall grant an administrative exception to the requirement of a public sewer connection if he determines that any one of the following conditions exist... Physical conditionsbetween the public sewer and the premises make it impractical to connect to the public

sewer" (only listed most likely of all reasons)

Water Connection: Unlike sewer, there are no City or County ordinances regarding mandatory connection. However, upon annexation, the Department of Public Utilities typically mandates thefollowing via the Extraterritorial Agreement and/or Annexation Agreement:

- Upon annexation, the domestic water must be supplied by the City when the water main becomes available.
- For larger lots (2 acres or more) zoned for agricultural purposes, the City may allow the property owners to retain a well exclusively to be used for irrigation. In that case, the property owner will be required to install a meter on their well and pay a recharge rate as dictated by the Master Fee Schedule. The property owner will also have to install a backflow prevention device, which has its own associated fee and requires yearly checks by the City of Fresno Water Division. Should the land use change to something other than agricultural, the City would revisit this requirement.
- In all other cases where the property is not zone for agricultural purposes, the well must be properly destroyed.
- Property owners may protest the terms of the Annexation Agreement to the Director of Public Utilities.
- Note: The above stated requirements are internal policy set by the Department of Public Utilities and may change. Until the requirements are included in the Extraterritorial Agreement and/or Annexation

Agreement, nothing is final.

Who pays for the cost of the water and sewer connection?

- The cost for connection is to be paid by the property owner. The City does offer loan programs to allow

repayment for the connection be included in monthly sewer and/or water statements over the course of several years (max 15-year term).

- Cost based on Master Fee Schedule: https://www.fresno.gov/w-content/uploads/2023/06/MFS-Public-Utilities5_7_55_77CPI-UGM-ED-2023.07.01.pdf
- The City cannot pay or provide loans for any private side improvements. This includes costs to build sewer or water lines from the home to the property line as well as destruction of the private well.

Current Rates for Water, Sewer, and Recharge:

- All rates are found in the Master Fee Schedule and may be updated periodically: https://www.fresno.gov/w-content/uploads/2023/06/MFS-Public-Utilities_575_577_CPI-UGM-ED-2023.07.01.pdf
- For a single-family residence, the rates are:
- Sewer: \$25.75 (Sewer Service) + \$0.06 (Pretreatment) = \$25.81
- Water (City service):

- Metered Service Rate is dependent on meter size- Typical for a single family residence would

be \$13.50 (3/4-inch service to \$20.80 (1 1/2-inch service) • Quantity Charge = \$2.33 per 1,000gallons

of Water (private irrigation well):

- Quantity Charge = \$0.29 per 1,000 gallons
- Backflow Prevention Program Fee= \$2 per month (if you have a private well and receive separate City service, a backflow prevention device will be needed)
- Rates apply upon connection to the City's water or sewer system.

Please let me know should you have any other questions.

Best Regards, Peter

Due to the many contradictory statements made by Public Utilities representative Mr. Maraccini, both in person and via Email, we request the City correctly identify proposed costs and regulations to be placed on existing neighborhoods prior to moving forward with the SEDA plan.

Expanding City boundaries comes with property owners loss of rights not mentioned in the EIR:

Through city boundary changes, citizens will lose the right to discharge firearms on their property. "No shoot zones" are established within certain distances of City boundaries. Changes of boundaries will also affect territory that citizens can currently legally take wildlife utilizing firearms. Studies of how restrictive hunting rights will affect wildlife populations have not been completed.

Through zoning and boundary changes, Existing citizens will have limitations placed upon their properties which will limit animal husbandry rights. Loss of these rights will subject property owner to not only change how property owners keep animals, the loss of rights will affect future property values upon resale by existing homeowners .

While Fresno County lays out guidelines for "Rural Residential Zoning" the City of Fresno included a light green section of their proposed SEDA map identifying properties within their SEDA plan as "Rural Residential". The City of Fresno Planning website does not currently identify "Rural Residential" as a Zoning section or give specific guidelines for "Rural Residential". Many lots of property within the proposed SEDA map are located within the "Rural Residential" designation. Some of these lots are less than 2 acres, supplied with FID services and / or currently use existing private water wells for irrigation. In communications from City of Fresno's Public Utilities Department lots less than 2 acres would lose their right to continue use of private water wells for irrigation purposes and be forced to irrigate using water provided by City of Fresno water connections. These loss of rights are unacceptable and costly to residents needing to irrigate their small farms.

Stated in the recirculated Draft in the executive summary section Impact Land-2

“The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding mitigating an environmental effect”.

Many properties within the SEDA are under contract with the Williamson Act. Changing these properties would absolutely have an adverse effect on the environment when these properties are changed from Restricted to Ag use to develop of homes, industrial, parks, trail, or green space.

Stated in the recirculated Draft EIR Executive Summary - Impact GHG-1

“The proposed project project would NOT generate direct and indirect Greenhouse Gas emissions with NONE mitigation required”

Level of significance after mitigation N/A

This statement is simply not true when compared to information contained in the draft EIR:

Impact GHG-1

“The proposed project WOULD generate direct and indirect Greenhouse Gas emissions” with no feasible mitigation : significant and unavoidable impact”

In section cumulative impact within the executive summary of the recirculated draft : The proposed project would have a less than significant cumulative impact on Greenhouse Gas emissions with no required mitigation

While the draft EIR cumulative impact states:

“The project would have a significant and unavoidable cumulative impact on Greenhouse Gas emissions: no mitigation avoidable with a significant and unavoidable impact.”

Subjecting residents of the Central Valley to an additional 500,000 TONS of carbon emissions annually due to the buildout of the SEDA plan is unhealthy.

Air pollution fines from these increased carbon emissions estimated at \$25,500,000.00 annually puts an undue financial responsibility on a City with an estimated \$20,000,000.00 budget deficit. These fines, when coupled with infrastructure costs for upgrades to the city’s current infrastructure, make the SEDA plan an unviable option to move forward with.

Power Grid demands: With PG&E as the primary source for Fresno county residents to receive electrical utilities, their power grids are already stressed and often not in working condition during extreme weather including hot months in the summer and cold months in the winter. The proposed SEDA plan will subject existing power grid infrastructure to additional stressors potentially causing more power outages: leaving residents in vulnerable and unhealthy situations. How does the City propose to protect new and existing neighborhoods from power grid overloads? The SEDA plan and EIR fail to answer this question.

Water / hydrology Impacts:

Existing residents within the City of Fresno are to follow mandatory watering schedules to conserve water. Subjecting existing neighbors to these regulations whom currently provide themselves with water through private wells takes away our rights and places a financial burden on existing residents.

We The people of Southeast Fresno determine the SEDA plan and EIR to be a failure by the planning department, this plan only benefits the builders and investors of income properties. This plan fails to protect public health and resources. We urge City Council Members, The County Board of Supervisors, Mayor Jerry Dyer and Planning Staff to HAULT this plan before any more public funds and public resources are spent on continued planning of SEDA!

Signed,

The Southeast Property Owners (SEPO)

Brett Thompson - Communications Officer of SEPO

From: [Sheila Otteson](#)
To: [Adrienne Asadoorian](#)
Subject: Email with previous version of letter re: SEDA EIR as requested
Date: Monday, March 24, 2025 4:25:40 PM

External Email: Use caution with links and attachments

From:
Sheila Otteson

Date: March 23, 2025

To:
City of Fresno
Planning and Development Planning
Attn: Sophia Pagoulatos, Planning Manager
2600 Fresno St
Fresno CA 93721

Subject:
Concerns About the SEDA Recirculated EIR

Dear Ms Pagoulatos,

I have several concerns about three SEDA EIR sections related to air quality.

EIR 3.3.4 Air Quality - air quality in Fresno and it's surrounding areas is poor and often very bad. Moving in 45,000 homes, industry, business and vehicles will only worsen the air quality. Since moving to Fresno I experience the effects of poor air quality whenever quality measurements move into moderate and beyond by difficulty in breathing.

EIR 4-1 Impact AG-1 Farmland loss - Removing thousands of acres of farm land will reduce air quality. I suspect loss of sight lines to the beauty of the mountains has limited economic value to the members of the proposed community and its developers, I would miss them terribly. The views are good for the soul.

EIR 3.17 Transportation and Traffic— Vast increases in traffic, even bus traffic, will hugely impact air quality adversely. It is laughable that someone thinks That people will only drive 5 miles a day. Just look at Hwy 180 with cars packed in all lanes and slowing below 50 mph last week. the hwy and the extension of Kings Canyon Rd go through the middle of the town-let.

I hope the city planners will produce a more reasonable plan and correct the deficiencies in the EIR. As many urge, the city should look to improve existing open spaces and improve local areas so that people can live and work in a lovely Fresno and not pillage existing farmlands and seemingly open spaces in the country side.

Sincerely,

Sheila Otteson

From: [Shelly Spencer](#)
To: [LongRangePlanning](#); [District5](#)
Cc: [Annalisa Perea](#); [Mike Karbassi](#); [Miquel Arias](#); [Tyler Maxwell](#); [Nelson Esparza](#); [Nick Richardson](#); [Sarah Boren](#); [Georgeanne White](#); [Jennifer Clark](#); [Andrew Janz](#); [District1](#); [District2](#); [District3](#); [District7](#); [District6](#); [District4](#); [Jerry Dyer](#)
Subject: Concerns about SEDA Southeast Area Specific Plan
Date: Monday, March 24, 2025 4:32:24 PM

External Email: Use caution with links and attachments

I am writing with concerns about the Southeast development Area Specific Plan. Although the City is doing its best to maintain and improve Southeast Fresno, sprawling out further will just stretch budgets & staff time too thin to be able to give attention to what already needs to be done!

Just a quick assessment of my neighborhood - within half of a mile of my house - shows:

- Road and sidewalk repairs needed (photos)
- Stoplight still not finished by Farber (photo)
- Empty Lots / Unused buildings to be developed / cleaned / followed up on (multiple photos)
- Likely Lead pipes in city water supply in our neighborhood (a letter from the city said this is TBA???)
- More police staffing to prevent / follow up on property damage (photo)

I also work in southeast Fresno. There have been numerous HVAC thefts at businesses and churches. The officer who followed up on my report - two months later - said that their backlog of reports is MONTHS long. They can't follow up on crime reports or connect possible evidence quickly enough to prevent recurring thefts! The budget doesn't enough staffing focused on this; they are dependent on the rotation of the officers on injury though this department.

The bottom line: if a new development goes in, it will reduce city funds for existing neighborhoods that need attention. A new development might seem attractive initially but the problems that are happening will just sprawl there and then there will be an even larger problem to tackle than we have now!

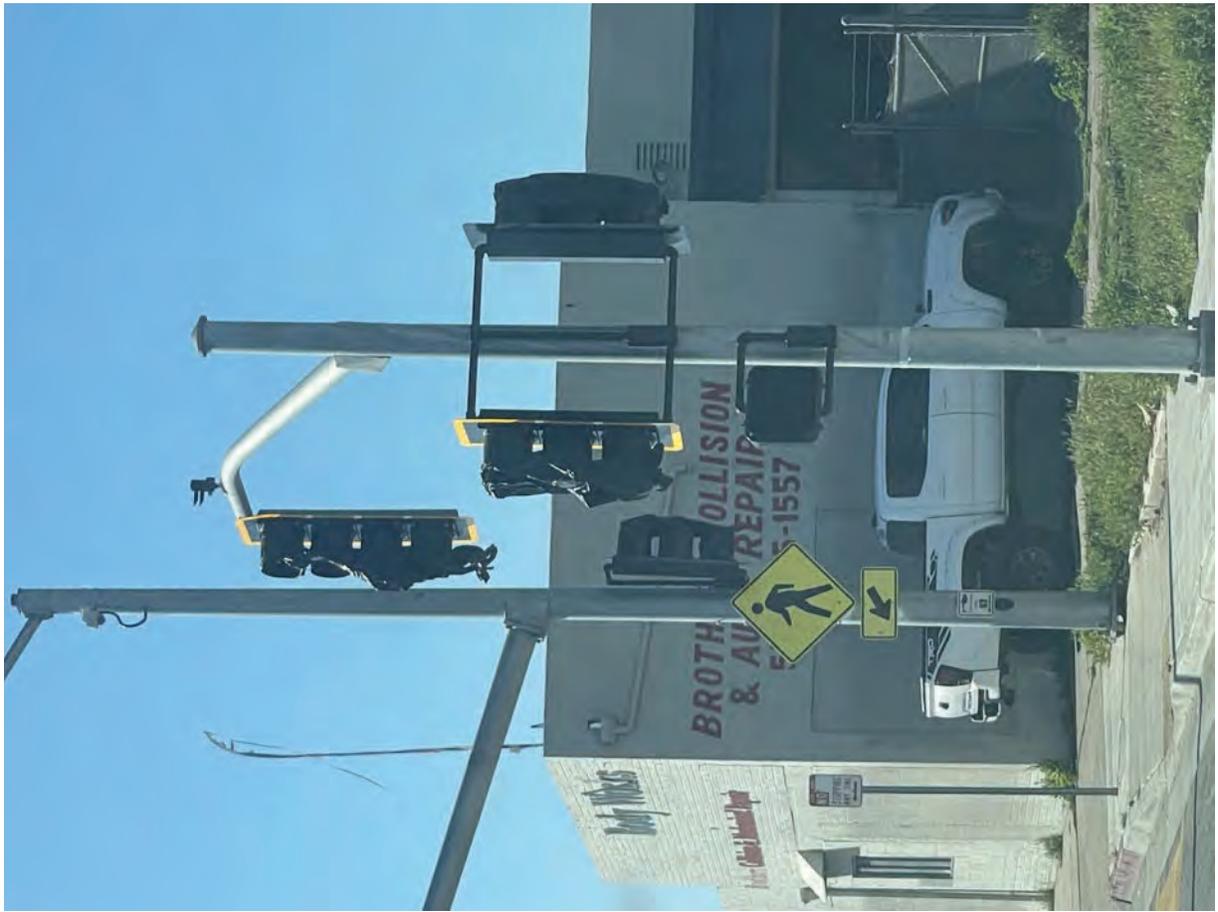
Again, I appreciate the efforts the city makes to respond to Fresno GO reports and to respond to police reports, but the backlog of work still needing attention, and delays in some services seem that CEDA as it currently is envisioned is not good for southeast Fresno.

Thank you.

Shelly Spencer
District 5 resident



Stoplight still not finished by Farber



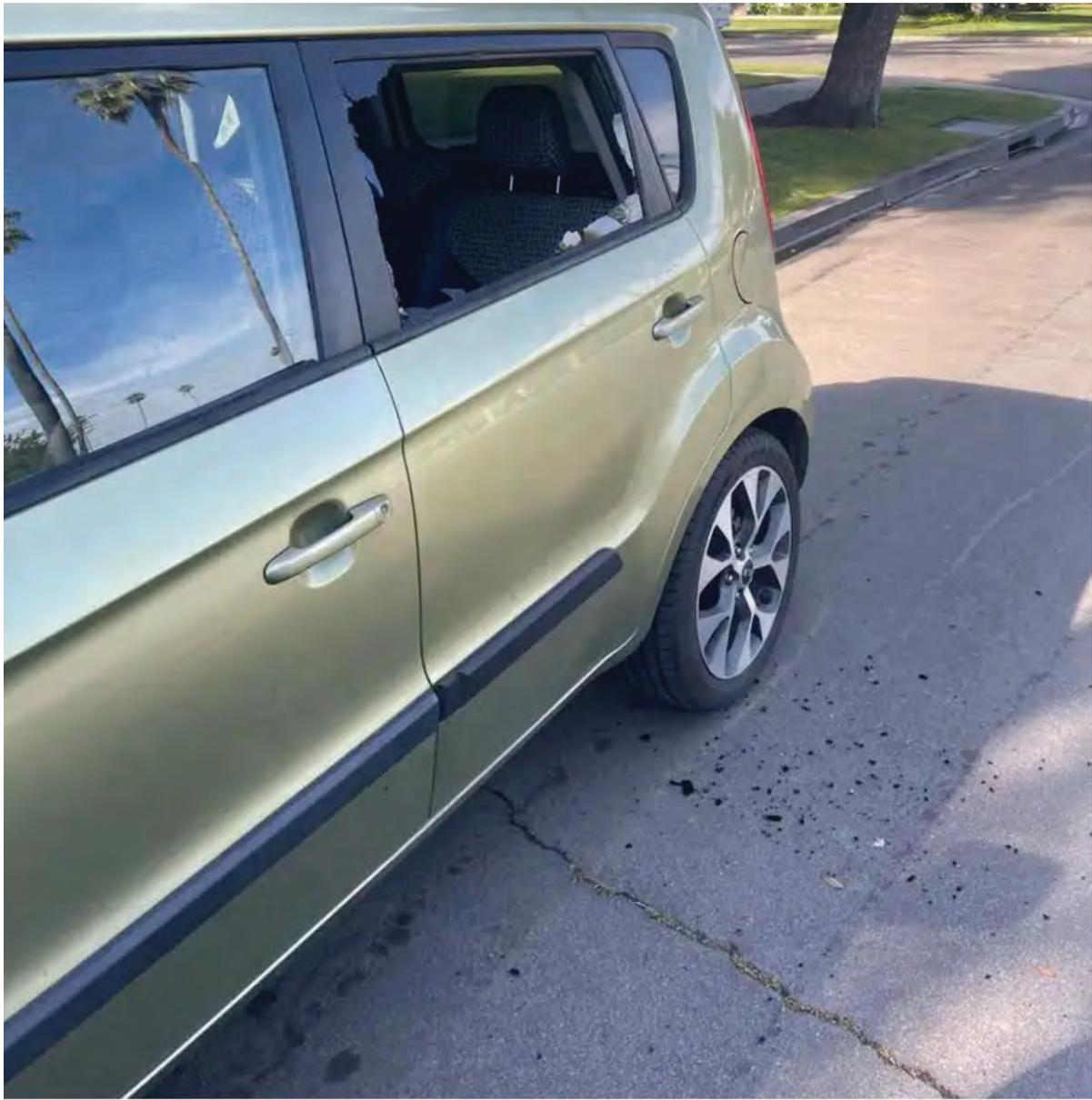
Police staffing needed - we've had 3 broken windows within a year...one was on Easter morning and one on Christmas morning. Arg!

<  **Shelly Spencer** 
Historic Huntington · 1d · 

Arg. Again in less than a month. Anyone else have a broken window March 31?

Not gonna let this dampen the joy of Easter, tho. Life wins in the end. 







FAST AUTO LOANS

Endorsed by Fresno Police Officers & Investigators

ELIZABETH JONASSON ID SAS

Proven Leader in For Southeast Fresno



Paul W. Condon



ALL INFORMATION SUBJECT TO CALIFORNIA FINANCIAL CODE

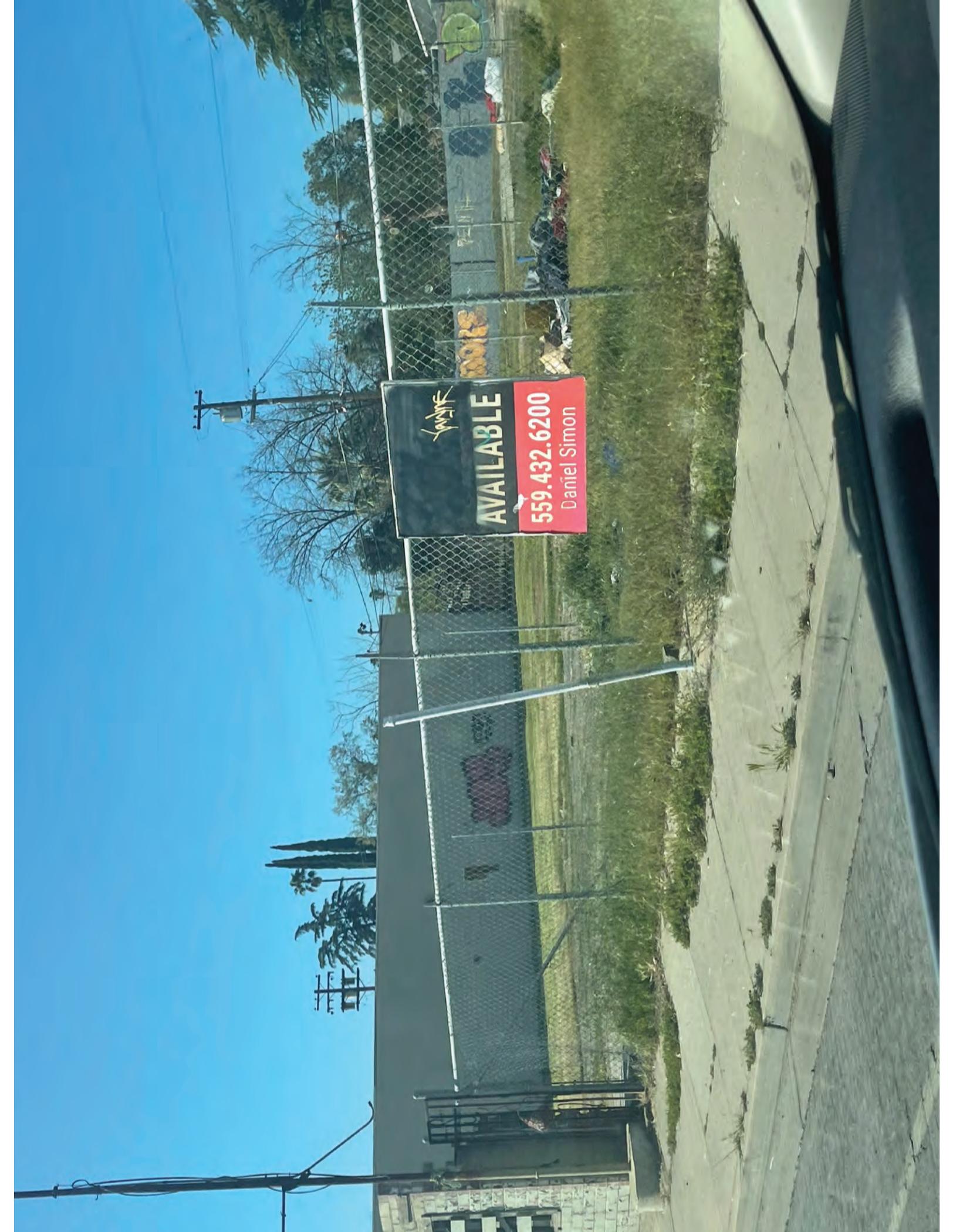


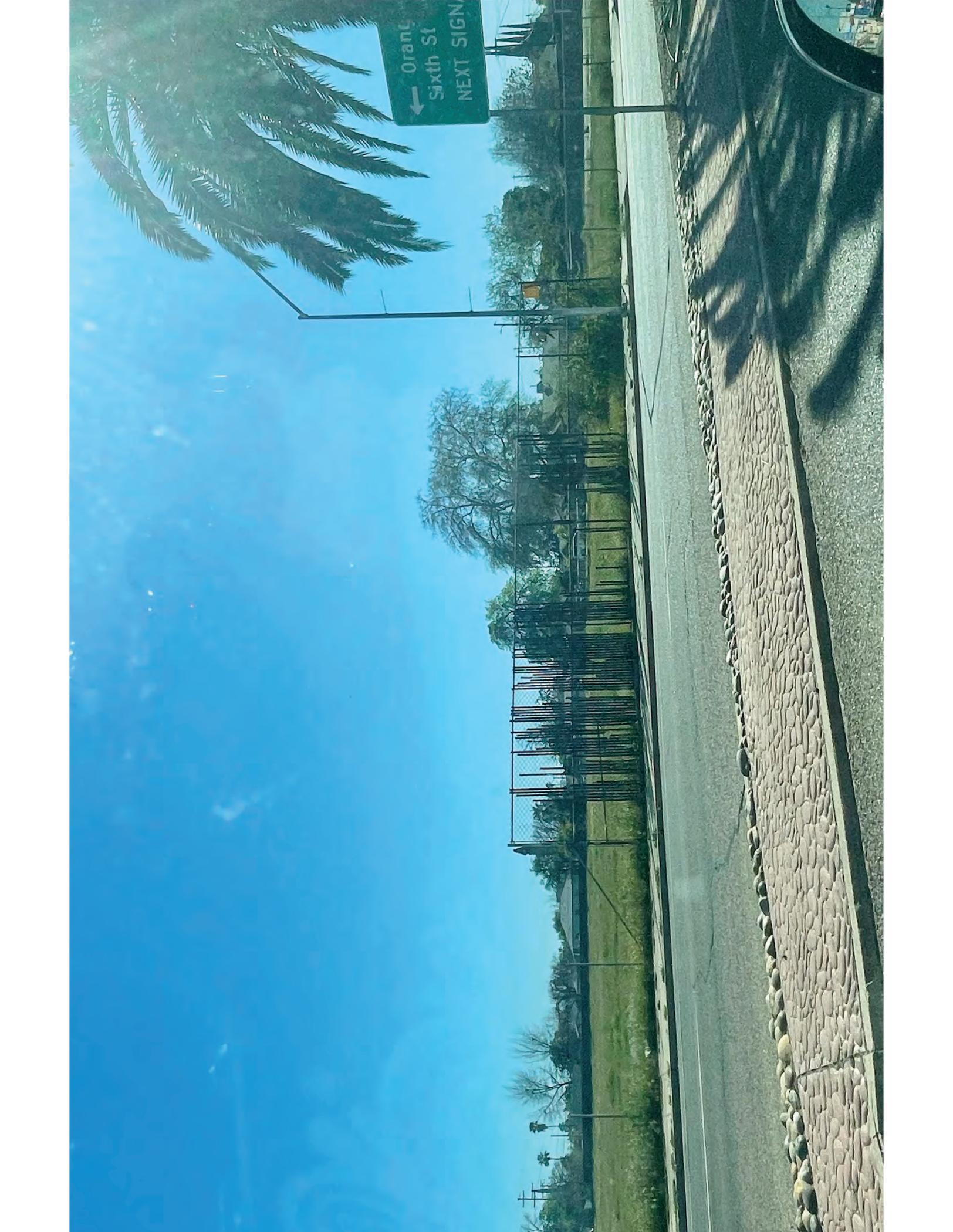
Yours

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Daniel Simon





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