Exhibit U
LSA Response to Appeal Letters

CARLSBAD
CLOVIS
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: December 13, 2023

TO: Steven Martinez, Planner, City of Fresno

FROM: Amy Fischer, President
Cara Cunningham, Associate

SUBJECT: 2740 West Nielsen Avenue Office/Warehouse Project - Response to Appeal Letters

The proposed 2740 West Nielsen Avenue Office/Warehouse Project (project) and Environmental Impact Report (EIR) was approved by the City of Fresno Planning Commission on October 4, 2023. Following the Planning Commission's approval, the City of Fresno received appeal letters from Golden State Environmental Justice Alliance, Councilmember Miguel Arias, and Adams Broadwell Joseph & Cardozo on behalf of Fresno Residents for Responsible Development (Residents). This memorandum provides a response to the appeal comment letters to aid the City of Fresno City Council in their review of the project.

GOLDEN STATE ENVIRONMENTAL JUSTICE ALLIANCE

The comment letter claims that the proposed project would result in further impacts on an already pollution-burdened and traffic congested citizenry. This comment letter also claims inadequacy of the Response to Comments (RTC) prepared for the proposed project,.

As detailed throughout the Final EIR, the commenter is incorrect that the Recirculated Draft EIR failed to disclose significant air quality and transportation impacts. In addition, the commenter claims that the Final EIR inadequately responds to comments. The commenter is incorrect as the Final EIR includes a response to each comment and claim made by the commenter. The reasons for appeal identified in the letter are addressed below.

Soil Import/Export

The comment letter states that there is no mechanism for public verification that the project would not include any soil import or export. The comment letter claims that a revised EIR must be prepared to include a grading plan to determine the quantity of soils/materials to be imported/exported from the site and that the haul truck trips must be included for all sections of environmental analysis, including but not limited to the Air Quality, Energy, Greenhouse Gas Emissions, and Transportation analysis.

As described in Response B1-3 of the Final EIR, Section 15124 of the CEQA Guidelines states that the description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact:

(a) The precise location and boundaries of the proposed project shown on a detailed map, preferably topographic. The location of the project shall also appear on a regional map.

(b) A statement of the objectives sought by the proposed project. A clearly written statement of objectives will help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and will aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project and may discuss the project benefits.

(c) A general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals, if any, and supporting public service facilities.

(d) A statement briefly describing the intended uses of the EIR, including: a list of the agencies that are expected to use the EIR in their decision making; a list of permits and other approvals required to implement the project; and a list of related environmental review and consultation requirements of federal, State, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements and decisions subject to CEQA should be listed, preferably in the order in which they will occur.

Chapter 3.0, Project Description, of the Recirculated Draft EIR is consistent with these requirements and describes the characteristics of the proposed project. Figure 3-1 shows the project site's regional and local context and Figure 3-2 shows the project site and surrounding land uses, consistent with the requirements of Section 15124(a). In addition, the proposed project's objectives are listed in Section 3.2, Project Objectives, consistent with the requirements of Section 15124(b). A description of the proposed project is included in Section 3.3, Project Description, consistent with the requirements of Section 15124(c). In addition, the list of agencies and potential permits and approvals that may be required is included in Section 3.4, Approvals/Permits, consistent with the requirements of Section 15124(d). As such, the Project Description is consistent with CEQA requirements. In addition, the Notice of Availability for the Recirculated Draft EIR stated that all documents related to the project were availability for public review at the lead agency.

As demonstrated above, there is no CEQA requirement that states that a grading plan must be part of a Project Description. Further, as identified on page 3-18 of the Recirculated Draft EIR and in Response B1-3 of the Final EIR, the proposed project would not require any soil import or export. The project site is relatively flat; therefore, soil would be balanced on site without any requirement for soil import or export. The analysis included in the Recirculated Draft EIR properly relied on project-specific construction information which accurately reflect the required construction activities necessary for project buildout. The commenter has not provided any supporting documentation as to why the construction assumptions used in the analysis would not be representative of the project's construction. Thus, the Recirculated Draft EIR's analysis is adequate as presented. No additional analysis is required and revisions to the EIR are not required.

Airport Land Use Commission Review

The comment letter states that the City's General Plan was adopted on December 18, 2014 and has not been updated to be consistent with the Fresno County Airport Land Use Compatibility Plan (ALUCP) Updates of December 3, 2018 and amended December 2021. The comment letter claims that the City's Development Code is not equivalent to the General Plan review and analysis necessary to determine consistency with the new ALUCP and that the Airport Land Use Commission (ALUC) review of the revised General Plan would be required to ensure consistency with the ALUCP. Therefore, the comment letter claims that ALUC review of the proposed project is required pursuant to Public Utilities Code Section 21676.5(a) and the EIR must be revised to include this information for analysis and include a finding of significance because the review has not occurred.

Additionally, the comment letter claims that the EIR is inadequate as it states, "the project contemplates densities below those required in Traffic Pattern Zone (TPZ) and Outer Approach/Departure Zone (OADZ) and the project would include over 20 percent open land," but does not provide any meaningful evidence to support this claim. The comment letter claims that the EIR does not include a calculation for compliance with the maximum intensity of 300 persons per acre (TPZ area) or 150 persons per acre (OADZ area) and that a revised EIR must be prepared with a calculation of the project's maximum intensity of people per acre in order to accurately and adequately analyze the potentially significant impacts.

The comment letter also claims that the ALUC review and comments are not attached for public review, which does not comply with CEQA's requirements for adequate informational documents and meaningful disclosure.

As discussed in Response B1-8 of the Final EIR, the ALUC has reviewed the proposed project and has provided comments. As discussed in Response A2-3, based on the Fresno County ALUCP safety requirements, in zone 4, the maximum non-residential intensity is 150 persons per acre, and in zone 6, the maximum non-residential intensity is 300 persons per acre. As identified in Chapter 3.0, Project Description, of the Recirculated Draft EIR, the project site is 48.03 acres. Therefore, the maximum non-residential intensity would be between 7,204 and 14,409 persons. As discussed in the Recirculated Draft EIR, the proposed project would result in the construction of four office/warehouse buildings that would be configured for heavy industrial uses by tenants that have not been identified. As such, at this time, the specific number of employees is not yet known. However, given that the project site would primarily be used for warehouse uses, it is not expected that the proposed project would generate more than 7,204 employees.

Further, as discussed in Response A2-6 of the Final EIR and as discussed in Section 3.3.2, Open Space and Landscaping, of the Recirculated Draft EIR, consistent with City requirements, landscaping would be provided throughout the project site. The project would also include a vegetative plan that includes the planning of trees and other landscaping materials throughout the perimeter of the project site. As such, the vegetative plan would be consistent with the 10–20 percent open land requirement of the airport safety zones.

In addition, the proposed project would not include any structures higher than 70 feet, hazardous uses, hazards to flight, or prohibited land uses. In addition, the proposed project would not include any structures that would penetrate 14 Code of Federal Regulations (CFR) Part 77 surfaces.

The commenter is incorrect that the ALUC review and comments are not attached for public review as ALUC comments are provided as part of the Final EIR. Therefore, revisions to the EIR are not required.

Hazards Due to a Geometric Design Feature

The comment letter claims that the EIR has not adequately analyzed the project's potential to substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses; or the project's potential to result in inadequate emergency access. The comment letter also claims that the EIR has not provided any exhibits depicting the available truck/trailer turning radius at the project driveways or surrounding intersections to determine if there is enough space available to accommodate heavy truck maneuvering. The comment letter states that deferring this analysis required by CEQA to the construction permitting phase is improper mitigation and does not comply with CEQA's requirement for meaningful disclosure and adequate informational documents. The comment letter also claims that the RTC addresses Comment B1-11 with uncertain language not supported by meaningful evidence.

As described above, the information contained in Chapter 3.0, Project Description, of the Recirculated Draft EIR is consistent with the requirements of Section 15124 of the CEQA Guidelines. There is no CEQA requirement that states that exhibits depicting the available truck/trailer turning radius must be part of an EIR.

In addition, as described in Response B1-11 of the Final EIR and as described on pages 4.10-14 and 4.10-15 of the Recirculated Draft EIR, the project site plan does not add any sharp curves or hazardous geometric features. As shown on Figure 3-5, Site Plan, of the Recirculated Draft EIR, all internal roadways within the project are 40 feet wide. These internal roadways are perpendicularly connected to each other, avoiding any sharp curves, hazardous geometric feature, or any requirement for sharp maneuvers. Further, as shown on the site plan, within the project site, there are multiple areas for vehicles (both cars and trucks) turning or backing up to avoid any conflicting movements, if required. Additionally, as shown on the site plan, with the docking and parking areas, truck maneuvering spaces are a minimum of 185 feet wide, which is wide enough for safe maneuvering of large semitrailer trucks. All these measurements shown on the site plan demonstrate that the project does not create any hazardous design.

As identified on page 3-5 of the Recirculated Draft EIR, the project site is surrounded by low-density residential, light and heavy industrial, and cemetery uses, as well as vacant, undeveloped land. As the proposed project is located near existing light and heavy industrial uses, truck-intensive uses are currently present in the project site vicinity. Trucks access these sites using the intersections and driveways along Marks Avenue, Nielsen Avenue, and Hughes Avenue. The project is not anticipated to be accessed by any vehicle larger than the existing trucks using the circulation network along the project frontages.

As shown on the project site plan, the project would have seven driveways along Marks Avenue, Nielsen Avenue, and Hughes Avenue. Trucks would access the project site using the central driveway along Marks Avenue or the other project driveways along Nielsen Avenue and Hughes Avenue designed for truck access. All of these driveways have been designed in accordance with the City's standard for driveways to be utilized by truck traffic. The site plan, including the project driveway designs, has been reviewed and confirmed to maintain the City's design standard for truck access during the planning process. As such, all project truck traffic would have adequate maneuvering and turning spaces in and along the project frontages, including at the project driveways.

Further, as discussed on page 4.10-15 of the Recirculated Draft EIR, due to the presence of multiple driveways along all three project frontages, emergency vehicles have adequate alternatives to access the project, if required. Additionally, the proposed project's site plan would be subject to review and approval by the Fresno Fire Department (FFD) to ensure the project includes adequate emergency access. Improvements identified in the City's Traffic Signal Mitigation Impact (TSMI) fee program would provide for an enhanced roadway network that accommodates forecasted travel demand and would provide adequate emergency access in the project vicinity. As such, the proposed project would not physically interfere with emergency evacuation or FFD access to and from the project site, and a less than significant impact would occur.

For the reasons described above, this comment does not identify any new significant environmental issues or impacts that were not already addressed in the Recirculated Draft EIR. Neither this comment nor the response constitutes new information requiring revisions to the EIR.

COUNCIL MEMBER MIGUEL ARIAS

The comment letter states that Councilmember Miguel Arias has been requested to appeal the proposed project by District 3 residents and that residents have voiced their concerns about the increase in pollution that the proposed project's heavy industrial uses and increase in traffic. The comment letter states that although the proposed project is permitted in the Heavy Industrial zone district "by right" with an approved Development Permit, there are concerns about unmitigated environmental impacts, including health risks, air quality, transportation, noise pollution, and greenhouse gas emissions that could intensify the cumulative pollution in the overburdened, disadvantaged West Fresno community.

The following summary provides an overview of the analysis contained in the Recirculated Draft EIR related to Air Quality, Greenhouse Gas Emissions, Noise, and Transportation. As demonstrated in the Recirculated Draft EIR, the proposed project would not result in any unmitigated environmental impacts. The analysis contained within the Recirculated Draft EIR identified potentially significant impacts; then provides an evaluation of potential impacts with the identified mitigation measures incorporated and concludes that impacts associated with the project would be less-than-significant.

Air Quality

As described in Section 4.2 of the Recirculated Draft EIR, an air quality analysis was prepared using the methodologies and assumptions contained in the San Joaquin Valley Air Pollution Control District's (SJVAPCD) Guidance for Assessing and Mitigating Air Quality Impacts (GAMAQI). The air quality analysis utilized the California Emissions Estimator Model (CalEEMod) and the findings of the Health

Risk Assessment (HRA)[1] prepared for the proposed project, which are included in Appendix C and D of the Recirculated Draft EIR, respectively.

As discussed on pages 4.2-27 through 4.2-30 of the Recirculated Draft EIR, construction and operational emissions were analyzed using CalEEMod. Based on the results of the modeling, construction and operational emissions for the proposed project would not exceed the SJVAPCD thresholds. Mitigation Measure AIR-1 requires the implementation of the SJVAPCD's Regulation VIII measures for dust control during construction. The operational emissions are based on the project specific trip generation rates and building square footage. The results indicate the proposed project's operational emissions would not exceed significance criteria; therefore, the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the proposed project region is in nonattainment under an applicable federal or State ambient air quality standard. As described on page 4.2-6 of the Recirculated EIR, the State and federal ambient air quality standards were established to protect public health. Therefore, since the significance criteria was set at a level to protect public health, the proposed project would not generate construction or operational emissions that would result in impacts to public health.

Pages 4.2-31 through 4.2-37 of the Recirculated Draft EIR describe the potential impact on sensitive receptors from construction and operation of the proposed project based on the HRA prepared for the project. A construction HRA, which evaluates construction-period health risk to off-site residents, was performed for the proposed project. the project would be required to implement Mitigation Measure AIR-2, which requires the use of Tier 4 construction equipment, which is the cleanest available construction equipment as rated by the California Air Resources Board. Based on the results of a construction HRA, with implementation of Mitigation Measure AIR-2, construction of the proposed project would not exceed SJVAPCD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations.

Diesel exhaust emissions are considered a toxic air contaminant (TAC). To determine the potential health risk to people living and working near the proposed project associated with the exhaust of diesel-powered trucks and equipment, LSA conducted an operational HRA. As demonstrated, the health risk levels to nearby residents from project operation-related emissions of TACs would be well below the SJVAPCD's HRA thresholds. As discussed on pages 4.2-36 and 4.2-37 of the Recirculated Draft EIR, according to the CalEnviroScreen, the project site has a pollution burden percentile of 97 and the project area is designated as a Senate Bill (SB) 535 disadvantaged community. Therefore, to reduce cumulative health risk, Mitigation Measure AIR-3 was identified which would require the project provides the infrastructure for AC and/or DC chargers for electric heavy-duty trucks, which would further reduce TAC emissions by providing the accommodations for the latest in electric truck technology. Based on the requirements of the mitigation measure, the infrastructure provided will accommodate a minimum of one future charger per 50,000 square feet. With implementation of Mitigation Measure AIR-3, cumulative health risk impacts related to the exposure of sensitive

[1] LSA. 2023. *Health Risk Assessment for the 2740 West Nielsen Avenue Office/Warehouse Project*. February 3.

receptors to substantial pollutant concentrations during project operation would be less than significant.

For additional context, the Attorney General's Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act (Warehouses Best Practices) Document contains recommended air quality and greenhouse gas (GHG) analysis and mitigation. The air quality, HRA, and GHG analysis contained in the Recirculated Draft EIR is consistent with the examples of best practices when studying air quality and GHG impacts listed in the Warehouses Best Practices Document. In addition, the Warehouses Best Practices Document contains recommended mitigation measures, many of which are consistent with project features and measures identified in the EIR, including the following:

- Requiring all construction equipment to be equipped with Tier 4 engines (required by Mitigation Measure AIR-2);

- Requiring that the project applicant ensure that the proposed project would provide the infrastructure for AC and/or DC chargers for electric heavy-duty trucks (required by Mitigation Measure AIR-3), consistent with the recommendations to require all heavy-duty vehicles engaged in drayage to or from the project site to be zero-emission beginning in 2030, require tenants to use zero-emission light- and medium-duty vehicles as part of business operations, construct zero-emission truck charging/fueling stations, and run conduit to designated locations for future electric truck charging stations;

- Limiting idling of trucks to 5 minutes or less, which is required by the California Air Resources Board (CARB) In-Use Off-Road Diesel Vehicles regulation;

- Compliance with the latest California Green Building Standards Code (CALGreen) building measures and 2022 Title 24 Building Energy Efficiency Standards (Title 24 Standards). The 2022 CALGreen code includes mandatory measures for non-residential projects, which apply to all new non-residential buildings, including requirements for electric vehicle (EV) capable spaces in accordance with Table 5.105.5.3.1 of CALGreen;

- Installation of cool roof materials;

- Implementing a vegetative plan that includes the planning of trees and other landscaping materials throughout the perimeter of the project site; and

- Compliance with SJVAPCD Rule 9410, which 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, consistent with recommendations to establish and promote a rideshare program.

Greenhouse Gas Emissions

As described on pages 4.6-22 and 4.6-23 of the Recirculated Draft EIR, consistent with the *State CEQA Guidelines*, Section 15183.5, if a project is consistent with an adopted qualified Greenhouse Gas

Reduction Strategy that meets the standards, it can be presumed that the project would not have significant GHG emission impacts. The City of Fresno's GHG Reduction Plan meets the requirements for a Qualified Greenhouse Gas Reduction Strategy and is designed to streamline environmental review of future development projects in the City, consistent with *State CEQA Guidelines* Section 15183.5.

The City's GHG Reduction Plan Update includes a Consistency Checklist to help the City provide a streamlined review process for new development projects that are subject to discretionary review pursuant to CEQA. The project would not require a change the General Plan land use designation or the current zoning; therefore, an analysis of the proposed project's estimated GHG emissions compared to maximum buildout of the existing designation would not be required.

As discussed on pages 4.6-22 through 4.6-25 of the Recirculated Draft EIR, the project would be consistent with the applicable strategies from the GHG Reduction Plan Update and would not generate GHG emissions that may have a significant effect on the environment. Further, the proposed project would comply with existing State regulations adopted to achieve the overall GHG emissions reduction goals, and would be consistent with applicable plans and programs designed to reduce GHG emissions. In addition, Mitigation Measure AIR-3 requires the infrastructure for AC and/or DC chargers for electric heavy-duty trucks, which would be consistent with the State's advanced clean fleets rule, which has a goal of achieving a zero-emission truck and bus California fleet by 2045. Therefore, as demonstrated in Section 4.6 of the Recirculated Draft EIR, the proposed project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs and impacts would be less than significant.

Noise

The noise analysis for the project, contained in the Noise Impact Analysis Memorandum[1] (Appendix L of the Recirculated Draft EIR) and Section 4.9 o the Recirculated Draft EIR, was extensive, and included noise measurements in the project vicinity and an analysis of project related construction and operational impacts. As demonstrated on pages 4.9-15 through 4.9-18 of the Recirculated Draft EIR, while construction noise will vary, it is expected that composite noise levels during construction at the nearest off-site sensitive residential use to the south would reach an average noise level of 64 dBA L_{eq} during daytime hours. While construction-related, short-term noise levels have the potential to be higher than quieter daytime ambient noise levels in the project area under existing conditions, the construction noise impacts would be approximately 1.7 dBA greater than the existing average daytime noise level of 64.7 dBA L_{eq} during the allowable hour of construction. When logarithmically combined with the existing average ambient noise level, the total noise level would be 66.2 dBA L_{eq} resulting in an increase of 3.9 dBA L_{eq}. Because the increase would be less than 5 dBA (the threshold of noticeable change to the human ear), construction noise would be considered less than significant. Although the project's potential construction-related noise level increase would be less than 5 dBA, project construction noise has the potential to result in annoyance to surrounding receptors. Therefore, the applicant would be required to implement Mitigation Measure NOI-1, which would ensure that all

[1] LSA. 2023. *Noise Impact Analysis Memorandum for the 2740 West Nielsen Avenue Office/Warehouse Project*. February 3.

equipment, fixed or mobile, would be required to be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards.

For the evaluation of permanent operational noise impacts, which are evaluated on pages 4.9-18 through 4.9-23 of the Recirculated Draft EIR, General Plan Policy NS-1-j: Significance Threshold, establishes a 3 dBA increase as a significant increase in ambient noise. The EIR found that project-related traffic noise would be no greater than 2.1 dBA. In addition, to determine the future noise impacts from project operations to the noise sensitive uses, SoundPLAN, which is a sophisticated 3D noise modeling software, was used for the evaluation and determined that maximum noise levels generated would approach 66.5 dBA L_{max} at the surrounding sensitive receptors, which be below the City's exterior maximum daytime noise standard of 70 dBA L_{max} but would exceed the 60 dBA L_{max} for nighttime hours. Mitigation Measure NOI-2 was identified to reduce potential impacts related to loading dock and delivery noise by prohibiting loading dock activities at the loading dock doors and trailer parking activities south of Building 1 during nighttime hours. Loading dock and parking activities at all other locations would be shielded by the proposed buildings and would not exceed the City's nighttime noise standards.

Transportation

The Traffic Impact Study (TIS)[1], included in Appendix M of the Recirculated Draft EIR, that was prepared for the project was done in close coordination with City staff. The trip generation for the proposed project, as approved by City staff, estimates that the project would generate 1,920 average daily trips, including 1,578 vehicle trips and 342 truck trips. The addition of project traffic is not anticipated to exceed the City's level of significance threshold of level of service (LOS) D or better and would not result in a deficiency to existing transit, roadway, bicycle, and pedestrian facilities.

In addition, the City has adopted CEQA Guidelines for Vehicle Miles Traveled (VMT) Thresholds, pursuant to SB 743. The thresholds described therein are referred to herein as the City of Fresno VMT Thresholds. The City of Fresno VMT Thresholds document was prepared and adopted consistent with the requirements of CEQA Guidelines Sections 15064.3 and 15064.7. The Fresno Council of Governments' (Fresno COG) Activity-Based Model (ABM) was used to estimate the project's VMT and VMT metric. ABM is a tour-based model that captures travel behavior of the region comprehensively. As such, the project employee VMT included VMT from all employee tours and sub-tours, which include employee commute tours, project-related delivery tours within the region, and any other tours related to the project. In addition, the project VMT and the VMT metric used for this analysis are consistent with the City's and Fresno COG's adopted methodology/guidelines for preparation of VMT analysis. The guidelines provide substantial evidence demonstrating the appropriateness of the VMT analysis methodology, consistent with the intended goals for SB 743. In conclusion, the project would result in a less than significant VMT impact concerning consistency with CEQA Guidelines Section 15064.3(b).

[1] LSA, 2021. *Traffic Impact Study 2740 West Nielsen Avenue Warehouse Project, City of Fresno, Fresno County, California*. November.

FRESNO RESIDENTS FOR RESPONSIBLE DEVELOPMENT

This comment letter claims that the Final EIR fails to adequately disclose, analyze and mitigate the project's potentially significant impacts related to air quality, GHG emissions, noise, and on transportation and traffic. The comment letter claims that the City lacked substantial evidence to support the Final EIR's conclusions that impacts will be mitigated to less than significant levels and that the Final EIR relies on legally inadequate, ineffective, and unenforceable mitigation measures that fail reduce impacts to less than significant levels and fail to meet the basic mitigation requirements of CEQA.

As detailed throughout the Final EIR, the commenter is incorrect that the Recirculated Draft EIR failed to disclose significant air quality, GHG, noise, and transportation impacts. In addition, the commenter claims that the Final EIR fails to respond to all comments. The commenter is incorrect as the Final EIR includes a response to each comment and claim made by the commenter.

The reasons for appeal identified in the letter are addressed below.

Valley Fever

The comment letter asserts that the Final EIR failed to analyze and mitigate potential health risk to construction workers and nearby residents from exposure to Coccidioides (Cocci) fungus spores which can spread coccidioidomycosis (Valley Fever). The comment letter also claims that the Final EIR failed to provide any information regarding the prevalence of Cocci fungus spores in the project's vicinity, failed to discuss applicable construction worker Valley Fever training requirements and failed to include any Valley Fever-specific mitigation.

As described in Response B3-10 of the Final EIR, background information regarding Valley Fever is discussed on pages 4.2-5 and 4.2-6 of the Recirculated Draft EIR. However, the air quality analysis contained in Section 4.2, Air Quality, of the Recirculated Draft EIR was prepared using the methodologies and assumptions contained in the SJVAPCD's GAMAQI. Neither the GAMAQI nor the *State CEQA Guidelines* include requirements or thresholds of significance for addressing Valley Fever. The closest sensitive receptors include the single-family residences located approximately 110 feet south of the project site across West Nielsen Avenue. Except under high wind conditions, this distance is sufficient that particulate matter will settle prior to reaching the nearest sensitive receptor. In addition, crosswinds influenced by adjacent traffic intersections would help dissipate any particulate matter associated with the construction phase of the project. Therefore, any Valley Fever spores suspended with the dust will not reach the sensitive receptors. However, during project construction, it is possible that workers could be exposed to Valley Fever through fugitive dust. Dust control measures, consistent with SJVAPCD Regulation VIII (as required by Mitigation Measure AIR-1), would reduce the exposure of the workers. Dust from the construction of the project is not anticipated to exacerbate or significantly add to the existing exposure of people to Valley Fever. Implementation of the proposed project would not exceed any applicable SJVAPCD significance criteria and would result in a less than significant impact; the commenter has not presented evidence to the contrary. As such, identification and analysis of mitigation measures suggested in the comment would not be required to reduce emissions to a less than significant level.

In addition, as described in Response B3-19 of the Final EIR, any exposure to workers would be subject to the Occupational Safety and Health (OSH) Act of 1970, 29 United States Code (USC) 654(a)(1), and other appliable Occupational Safety and Health Administration requirements, including Respiratory Protection (29 CFR 1910.134), which covers respirator use in the workplace. However, the proposed project would not exacerbate or significantly add to the existing exposure of people to Valley Fever and therefore mitigation to reduce CEQA impacts is not required.

Transportation Impacts

The comment letter claims that the Final EIR fails to disclose and mitigate transportation impacts. The comment letter claims that the Final EIR underestimates the project's transportation impacts by relying on unsupported assumptions regarding the project's operations and failing to consider reasonably foreseeable uses of the project.

As described in Response B3-6 of the Final EIR, the proposed project would result in the construction of four office/warehouse buildings that would be configured for heavy industrial uses by tenants that have not been identified. However, the project applicant has confirmed an Amazon facility is not under consideration to be a possible tenant; therefore, using Amazon trip generation rates would not be accurate or applicable to the proposed project. Additionally, the trip generation for the proposed project was developed using rates from the Western Riverside Council of Governments (WRCOG) Study. As discussed in Response B3-6, trip generation rates from the Institute of Transportation Engineers (ITE) Trip Generation Manual for the High-Cube Fulfillment Center Warehouse land use have a small sample size. The WRCOG Study facilitated a trip generation study for such facilities with a larger sample size and is specific to California sites only. Further, trip generation rates using the WRCOG study are higher than trip generation rates from the ITE manual for the High-Cube Fulfillment Center Warehouse land use and are therefore a conservative estimation of potential trip generation and are appropriate for use.

In addition, as described in Response B3-6 of the Final EIR, the WRCOG Study provides separate trip generation rates for passenger vehicles, 2- to 4-axle trucks, and 5+ axle trucks. The truck trips were converted to passenger car equivalent (PCE) trips using a PCE factor of 2.0 for 2- to 4-axle trucks, consistent with Highway Capacity Manual (HCM) recommendations. However, as a conservative approach, a PCE factor of 3.0 was used for 5+ axle trucks, consistent with the practices in several regions within the State. Additionally, as established in the WRCOG Study, the Amazon facility is an outlier. However, as further noted, that facility was also included to calculate the average trip generation rates for High-Cube Fulfilment Center Warehouse land uses. This methodology is also consistent with the recommended trip generation estimate methodology by ITE, which recommends using average trip generation rates for land uses. The WRCOG Study found that for larger projects, percentages of truck trips compared to total trips are lower than a fulfillment center of a smaller size. Therefore, the commenter is incorrect in stating that the trip generation assumptions substantially underestimated project trips. Additionally, as discussed on page 4.10-7 of the Recirculated Draft EIR, trip generation and level of service (LOS) are not a criterion of significance for traffic impacts under CEQA. The City of Fresno General Plan includes policies that utilize LOS to determine project conditions of approval. As such, the analysis in the TIS and Section 4.10 Transportation of the Recirculated Draft EIR includes LOS impacts to address all requirements of the City policies.

Noise Impacts

The comment letter claims that the Final EIR failed to provide an accurate noise analysis, resulting in a failure to disclose the noise impacts from construction and operation of the project. Additionally, the comment letter claims that Residents' experts determined that the project's construction and operational noise impacts remain significant and unmitigated notwithstanding the mitigation measures proposed in the Final EIR.

The commenter also claims that the Final EIR fails to disclose, analyze, and mitigate noise impacts. As identified in Response B3-24 of the Final EIR, as established in General Plan Policy NS-1-j: Significance Threshold, the City considers a 3 dBA increase to be a significant increase in ambient noise. Project-related traffic noise would be no greater than 2.1 dBA, less than the 3.0 dBA increase. There is currently no General Policy stating that a less than 3 dBA increase resulting in levels going from below 65 dBA CNEL to above 65 dBA CNEL would constitute a significant impact. Therefore, the commenter is incorrect that 65 dBA CNEL is an applicable threshold. As such, traffic noise impacts from project-related traffic on off-site sensitive receptors would be less than significant.

For construction-related noise, As identified in Table 4.9.I of the Recirculated Draft EIR, for stationary sources, mitigation shall only be required to limit noise to the ambient plus 5 dBA. Because the increase would be less than 5 dBA, construction noise would be considered less than significant. Noise level increases would be less than 5 dBA, resulting in a less than significant impact. In addition, as discussed in the Recirculated Draft EIR, although the project's potential construction-related noise level increase would be less than 5 dBA, project construction noise has the potential to result in annoyance to surrounding receptors. Therefore, the applicant would be required to implement Mitigation Measure NOI-1, which would ensure that all equipment, fixed or mobile, would be required to be equipped with properly operating and maintained mufflers, consistent with manufacturers' standards. Additionally, Mitigation Measure NOI-1 requires the project to designate a "disturbance coordinator" at the City who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem. This measure would reduce annoyance associated with construction noise as a significant construction noise impact was not identified. Additional construction noise mitigation measures are not required.

Findings to Approve the Project

The comment letter also claims the Final EIR fails to disclose inconsistency with the City's General Plan, including the Noise and Safety Element, the Subdivision Map Act, and that the City cannot make all of the findings for the proposed project, precluding approval of the project's land use permits.

Responses B3-24 and B3-25 in the Final EIR include a discussion of consistency with the General Plan Noise Element. For the reasons explained throughout the Final EIR, the Recirculated Draft EIR properly evaluated the proposed project's potential impacts, and the commenter has not presented evidence to the contrary.

Additionally, as described in Response B3-30 of the Final EIR and in Section 3.1.3, Existing Zoning and General Plan Land Use Designation, in the Recirculated Draft EIR, the project site is designated Heavy

Industrial in the City of Fresno General Plan. This land use is intended to accommodate the broadest range of industrial uses, including manufacturing, assembly, wholesaling, distribution, and storage activities that are essential to the development of a balanced economic base. Small-scale commercial services and ancillary office uses are also permitted. The maximum floor area ratio (FAR) is 1.5. In addition, as discussed in the Initial Study (provided in Appendix B of the Recirculated Draft EIR), the proposed project would not require a change to the General Plan land use designation or the current zoning and would be consistent with the City's General Plan and Zoning Ordinance. Therefore, the project is consistent with the City's General Plan and would not result in a significant adverse environmental impact on land use planning.

The comment letter claims that the City must make the following findings: the proposed subdivision, together with the provisions for its design and improvement, is consistent with the General Plan, any applicable operative plan, adopted policies or guidelines, and the Municipal Code; and a subdivision for which a Tentative Map is required shall provide pursuant to the Map Act (Section 66473.1), to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. As such, the commenter claims that the project is inconsistent with the General Plan's Noise and Safety Element. As described above, the proposed project is consistent with the General Plan and Zoning Ordinance, including the Noise and Safety Element, and complies with the Subdivision Map Act as described in the Recirculated Draft EIR and Final EIR. The commenter has not presented evidence to the contrary.