

# City Council Regular Meeting

April 18, 2024

## FRESNO CITY COUNCIL



### Public Comment Packet

#### ITEM(S)

**9:25 A.M. (ID 24-487)** HEARING to Consider Plan Amendment and Rezone Application No. P21-01960, Conditional Use Permit Application No. P21-01959, Conditional Use Permit Application No. P21-03251, Planned Development Permit Application No. P21-03252 and related Final Environmental Impact Report (FEIR), State Clearinghouse (SCH) No. 2021100443 pertaining to ±22.4 acres of property located on the northeast corner of West Herndon Avenue and North Riverside Drive. (Council District 2) - Planning & Development Department

[TITLE TRUNCATED FOR SUPPLEMENTAL PACKET COVER PAGE]

**Contents of Supplement:** Public Comment email

#### Item(s)

##### **Supplemental Information:**

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

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City of Fresno  
2600 Fresno Street  
Fresno, CA 93721

**Subject: Costco Commercial Center Project (CEQA State Clearinghouse # 2021100443)**

**Response to Final EIR Information and Comments**

Dear Councilmembers,

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

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

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

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

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

While reiterating that I am generally in favor of the development of a new Costco in northwest Fresno, I have major reservations with the proposed project site due to adverse environmental impacts that are specifically attributable to the site. I strongly believe that developing the proposed Costco project at a nearby alternative site such as at the intersection of Veterans Boulevard and Bullard Avenue/Riverside Drive would have an equal or superior overall outcome for the City, its residents, and Costco itself. Every benefit sought in relocating the west Shaw Costco would be either fully or substantially realized. At the

same time, a number of significant negative externalities to surrounding residents would be avoided (such as noise and traffic safety issues in neighborhoods), and being located right at a major roadway that is already grade-separated will reduce or avoid transportation safety issues as well as operational challenges that are likely to arise both in the near-term while Herndon is not grade-separated and in the intermediate period when Herndon undergoes construction to become grade-separated. Further, moving the project to a location south of Herndon will help provide a better future for protecting and effectively utilizing the San Joaquin River as a local and regional asset.

Short of developing the project at a different location such as one of the vacant areas located at Veterans Boulevard and Riverside Drive, this is what I believe should be done:

- The EIR should be recirculated in order to properly identify and disclose that the project will result in a significant and unavoidable impact regarding GHG emissions, in particular because information in the EIR (despite presenting a conclusion otherwise) demonstrates that the project will conflict with existing GHG emissions plans, policies, and regulations due to its high levels of Vehicle Miles Traveled (VMT) in excess of the thresholds identified in the City's VMT Guidelines.
- As part of the process of recirculating the EIR, the land use application and project description should be revised to include a GPA and Rezone that is consistent with all of the proposed uses included as part of the project (particularly the MDO/Last Mile Delivery facility). Alternatively, the project component triggering the conflict with the currently proposed Land Use and Zoning designations (the MDO/Last Mile Delivery facility) could be removed from the project.
- As part of the process of recirculating the EIR, the Alternatives analysis should be revised to more precisely evaluate at least one of the alternative sites identified in the DEIR comments (either one of the locations identified in my comments or one of the sites mentioned in other DEIR comments). Specifically, a transportation queuing analysis should be prepared so that the proposed project's significant and unavoidable transportation safety queuing impacts can be adequately and meaningfully contextualized (i.e., to provide understanding of whether the queuing impacts are especially site-specific and could be avoided by developing the project at another site, or if significant and unavoidable queuing impacts would still be likely to occur if the project was developed elsewhere in the vicinity).

I definitely understand the motivation to get a new Costco location completed and operational so that the benefits of the project can be realized. I also look forward to the benefits that a new Costco location stands to offer, but not at the expense of an inadequate evaluative process and not at a site so inadequately situated to accommodate what is being sought for development, especially when viable and better-suited alternative sites are so clearly available. Even viewed in the best possible light, the prospective benefits will not outweigh the inefficiencies and adverse impacts on our City and region that will be firmly locked in as a result of the currently proposed project.

I appreciate your consideration of these comments and their inclusion in the record.

Sincerely,

Daniel Brannick

**1. Comments regarding inconsistency between the operational characteristics identified in the proposed project description and the uses allowed by the proposed General Plan Amendment and Rezone.**

Response I103-2 presents additional information about the details of the proposed Market Delivery Operation (“MDO”) component of the project (also referred to at times as a “Last Mile Delivery” facility in project documents and during public meetings). The response indicates that the City determined the MDO/Last Mile Delivery component falls within the accessory use classification (i.e., an accessory to the large-format retail Costco store). The response also provides further details about how the MDO/Last Mile Delivery facility will be related to and complement operation of the large-format retail portion of the proposed Costco project.

The information provided in the response does not resolve the issue of whether the Development Code was properly applied, primarily because it ignores or sidesteps consideration whether the MDO/Last Mile Facility component of the project is already defined and regulated in the Development Code.

As mentioned in earlier comments, the proposed MDO/Last Mile Delivery facility falls under the definition of what the City of Fresno’s Development Code defines as a “Warehousing, Storage, and Distribution” use (hereafter abbreviated as “WSD”). The definition from the Development Code is as follows:

***Warehousing, Storage, and Distribution.*** *Storage and distribution facilities without sales to the public on-site or direct public access except for public storage in small individual spaces exclusively and directly accessible to specific tenants.*

The MDO fits this definition because it will be used for storage and distribution, and it will not offer direct public access or be used for public on-site sales. See text below for reference:

“... This approximately 47,000-square-foot relocated market delivery operation (MDO) is a last-mile facility for delivery of large and bulky items and is not open to visitation by Costco members. At MDO facilities, large goods are dropped off, organized, and loaded for daily deliveries to Costco members’ homes. Services would be the same scale as the existing program but would be consolidated into the proposed warehouse facility.” (DEIR, p. 2-13)

As also previously mentioned, the Development Code lists several sub-types of WSD uses (see Section 15-6705), including “Indoor Warehousing and Storage” and “Wholesaling and Distribution”, and the proposed MDO/Last Mile Delivery Facility falls under the definition of these sub-types.

It is also noted that WSD uses are listed under the “Industrial Use Classifications” in 15-6705 rather than “Commercial Use Classifications” in 15-6704. The only type of WSD use allowed in Commercial Zone Districts is Personal (Mini) Storage. While there is one type of WSD allowed in Commercial districts, the fact that WSD uses are listed under the “Industrial Use Classifications” rather than “Commercial Use Classifications” implies that the Development Code considers such uses to be predominantly industrial in nature.

As demonstrated here and in earlier comments, the MDO/Last Mile Delivery facility is not some special undefined or previously un contemplated use but rather one that is already defined in the

code and a type of which already exists locally. The Amazon warehouse located near SR-180 and Clovis Avenue in the City of Fresno is an example of a last-mile delivery facility use. The site of that facility (APN 456-030-56) is zoned Light Industrial, which is both consistent with the Development Code and reflective of the physical/operational nature of that use. Even if the footprint of the project's proposed MDO/Last Mile Delivery facility is not as large as a typical standalone last-mile facility, the use is still the use.

To further illustrate this point, I would like to call attention to the treatment of the Car Wash component of the subject project. According to information presented by both the Applicant's representatives and City staff in presentations, the inclusion of the GPA and Rezone as part of the project's application for entitlements was necessary to allow the development of the Car Wash. Specifically, the Car Wash was not a permitted use (either by-right or through a CUP) in the existing "Community Commercial" ("CC") zone district, thus the project application includes a GPA and Rezone to the "Commercial General" ("CG") zone district which conditionally allows for development of a Car Wash.

If the Car Wash cannot be considered an "accessory use", then the MDO/Last Mile Delivery facility similarly cannot be considered an "accessory use". The Applicants' public statements and the Response to Comments have gone to great length to highlight details about operational synergies and similar advantages between the MDO/Last Mile Delivery facility and the large-format retail store. Many of the same points could be raised about the Car Wash and the store. After all, offering car washes alongside the large-format retail store would also likely be considered a reflection of "members' evolving shopping patterns and demands."

Even though the Car Wash's footprint would be relatively small compared to the size of the large-format retail building and parking areas, and its operation would be subordinate to that of the retail store area, the GPA and Rezone is required because the use is still the use.

Further, in case it needs to be stated, the absence of WSD uses other than "Personal Storage" from the Use Table reflects that they are prohibited from all Commercial zone districts. "Personal Storage" is the only WSD use listed because it is the only such use allowed in at least some of the Commercial zone districts. When a use is prohibited from all districts listed under a zoning category, it is not listed in the table with all dashes ('-') but rather is omitted entirely from the use table for that category. (For a visual reference, refer to Use Tables in the Citywide Development Code or which were attached to my DEIR comment letter.)

As an example, if I wanted to open an auto dealership at my residence and went to the City for a zone clearance, I would presumably be denied because auto dealerships are not allowed in Residential designations. While the Use Table for Residential Districts does not expressly list auto dealerships as a prohibited use, it is their complete absence from the Use Table for Residential Districts which indicates they are not allowed uses in that district.

The Applicant's representatives mentioned on at least one occasion that the proposed MDO/Last Mile Delivery facility was added to the project after the land use application was initially submitted to the City. This would at least partially explain why the proposed Land Use and Zoning associated with the project application does not align with inclusion of the MDO/Last Mile Delivery facility. Whether the inconsistency has persisted due to an oversight or a more intentional decision to carry

on contrary to the provisions of the Development Code, it is not appropriate for the project to be able to skip directly to a “Director’s Determination” and shoehorn the MDO/Last Mile Delivery facility component into the prior application when doing so means it no longer conforms to the underlying land use and zoning designation.

The fact of the matter is that the MDO/Last-Mile Delivery facility use is one that is expressly defined in the Development Code 15-6705 among the list of Industrial Use Classifications. Since the Development Code lists the use in question, Section 15-5020 is not triggered. Such uses are only listed under the Use Table for Employment Districts (Table 15-1302). The only type of WSD use listed at all in the Use Table for Commercial Districts (Table 15-1202) is Personal Storage, and the MDO/Last Mile Delivery facility is absolutely not that.

By proceeding in this manner, adoption of the project would be in conflict with the zoning regulations set forth in the City’s Development Code. It raises questions about the overall integrity of the City’s planning and development processes. It also sets an unsettling precedent of the City allowing logistics and warehousing uses in areas designated for Commercial use when those uses are absent from the Use Table and thus should be considered excluded from/not allowed in Commercial Districts.

As indicated in my DEIR comments (and not challenged in the Response to Comments), there would not be a consistency issue present if the subject land use application involved a GPA and Rezone to one of the “Employment” designations (e.g., “Employment – Light Industrial”). Therefore, to remedy the zoning inconsistency, the land use application and project description should be revised to include a GPA and Rezone that is consistent with all of the proposed uses included as part of the project (particularly the MDO/Last Mile Delivery facility). Alternatively, the project component triggering the conflict with the currently proposed Land Use and Zoning designations (the MDO/Last Mile Delivery facility) could be removed from the project so that it is consistent with CG zoning.

## **2. *Comments addressing issues and deficiencies in the analysis of specific categories of environmental effects.***

Part 2 of my Draft EIR comments raised questions and expressed concerns regarding the analysis of several categories of environmental effects in the DEIR. Responses I103-3 through I103-7 address the comments in Part 2 of my DEIR comment letter. The comments here are focused on Transportation and Greenhouse Gas Emissions impacts.

### **Transportation**

The Draft EIR identifies three significant and unavoidable environmental impacts involving transportation effects: 1) VMT above SB 743 thresholds; 2) transportation safety issues due to potentially hazardous queuing conditions at three locations in the vicinity of the site (Fir and Riverside, Herndon and Riverside, and Herndon and Golden State); and 3) cumulative impacts associated with VMT above thresholds. The comments here are related to the second impact (transportation safety).

Response I103-7 provides more detailed information concerning transportation queuing conditions and proposed improvements/measures that would help reduce potential risks, including risks related to the proximity of the railroad tracks that run parallel to Golden State Boulevard.

As emphasized elsewhere and in my DEIR comments, the project's transportation safety impacts remain significant and unavoidable, and it is highly likely that the adverse project impact is attributable to the specific site being proposed for development.

Regarding the fourth paragraph of the response, it is unclear whether this statement was intended to specifically rebut some aspects of the concerns raised or to better demonstrate the validity of the analysis. I would like to note that from a plain reading it appears to corroborate concerns that were identified related to project-related transportation activity on Herndon.

The fifth (and final) paragraph of this response states:

*"Finally, the comment suggests consideration of a mitigation measure that would condition operation of the proposed Costco on completion of the grade-separated rail crossing of West Herndon Avenue between North Golden State Boulevard and North Webber [sic] Avenue, which the comment suggests may improve circulation and reduce the queuing concerns identified in the Draft EIR. As acknowledged in the comment, this work is being completed by the California High Speed Rail Authority; the City and applicant have no control over the timing or outcome. This is not feasible mitigation for the City to impose because it would introduce unreasonable uncertainty given that the City has no jurisdiction over the implementation of the rail crossing and cannot ensure that it is completed in a timely fashion (or completed at all). Further, there is no clear evidence that the rail crossing improvements would improve the roadway operations impacts identified in the Draft EIR."*

First, it is slightly unclear whether the mention of "rail crossing improvements" mentioned in the last sentence refers to the full-on future grade separation of Herndon or to the rail crossing improvements mentioned earlier in this comment (e.g., "Do Not Block" signage and/or road paint).

Either way, the risks associated with vehicles being queued near the railroad tracks (not just train-to-vehicle but vehicle-to-vehicle and even vehicle-to-pedestrian) are regularly observed and experienced by people who travel along this segment of Herndon Avenue. When the traffic-safety queuing impacts identified in the EIR occur, the effects will occur in this same segment, including where the railroad tracks are proximate. It should also be plainly evident how physically separating the roadway from directly interacting with the rail corridor would avoid or reduce said impacts.

To reiterate what was already stated in the DEIR comments, the deferral of development should not be considered infeasible or unreasonable. This is particularly evident given the precedent of Granville's Parc West residential project (a subdivision with 800+ homes on 160 acres), which required deferring the project's buildout until the completion of Veterans Boulevard (which like Herndon, entailed a roadway/grade-separation project undertaken to allow for HSR buildout) and a fire station to serve the area. Further, the timing of Veterans' construction was considerably affected by local budgetary and grant-seeking activities (i.e., initial delays due to de-prioritization of Measure C funding, and later advances due to the City applying for and being awarded federal transportation money). In other words, the same general considerations apply to the planned grade separation at

Herndon and Golden State, so it is not accurate to characterize the timing or completion as totally out of the control of local interests.

There are two additional items related to information which came up after the end of the DEIR comment period that I want to make sure are noted for the record:

1) During the community meeting held by the Applicant's representatives on February 2, 2024, at River Bluff Elementary School, a representative from Kittleson indicated that supplemental traffic analysis was either being conducted or had been completed during January 2024. However, no information regarding a supplemental traffic analysis or similar content appears to have been included as part of the Final EIR or available for public review. My primary concern is that if such information (assuming it does exist) is utilized or referenced as part of the ultimate decision to be made by City Council on the subject project, it absolutely would need to have been made available for public review for a reasonable amount of time ahead of the public hearing and decision.

2) Following submittal of my DEIR comment letter, I became aware that a Raisin' Canes drive-thru restaurant is under construction at the north end of the El Paseo shopping center. Raisin' Canes is among the class of drive-thru restaurants that are known for drawing large crowds and having especially long drive-thru lines.

While it appears that a substantial amount of drive-thru and parking space has been incorporated as part of the Raisin' Canes project, the concern here is that additional volume of traffic resulting from that new development (in combination with existing traffic from vehicles accessing El Paseo) could exacerbate an existing circulation bottleneck within El Paseo and lead to backups of vehicles attempting to enter El Paseo from eastbound Herndon Avenue using southbound Weber Avenue (the roadway that runs between the Raisin' Canes location and the McDonald's).

The "Weber Avenue-Weber Avenue" intersection inside El Paseo (about 350 feet south of Herndon) is Stop sign-controlled. The Target crosswalk area immediately south of this intersection is very active, so southbound cars are often waiting at the Stop sign (or just past it) while pedestrians cross to and from the entrance to Target. During high-volume times like holiday shopping days, one can see cars backed up from Weber onto Herndon Avenue.

Since Raisin' Canes appears to be imminently close to opening, I am very interested to see how this will play out – if it does result in backups onto Herndon (akin to the backups on west Shaw that were happening at the In-N-Out location, which is currently undergoing site renovation in order to address that issue), then it appears likely this condition will exacerbate the queuing-related transportation safety impacts of the Costco project (that is, the context in which the queuing impacts occur will be worse than expected). More specifically, if vehicles are queued out onto the far right lane of Herndon, it will reduce available space for eastbound thru-traffic on Herndon to navigate around the traffic queuing issues which the EIR indicates will occur in the vicinity of the project site.

From review of the DEIR, it appears that the development of new high-volume drive-thru restaurant uses like Raisin' Canes in the vicinity of the project site was not anticipated or considered as part of the EIR's analysis. If this type of development activity was accounted for, it would be appreciated if the Applicant's representatives and/or the City could clarify where and/or how it was considered.



### Greenhouse Gas Emissions

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

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

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

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

On p. 3.7-13:

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

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

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

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

### **3. Comments on the Draft EIR's Alternatives analysis**

Response I103-8 provided further information and discussion about why the consideration of alternative project sites would be infeasible and how the EIR has satisfied requirements for alternatives analysis under CEQA.

The response does not sufficiently refute the need for analyzing alternatives nor does it provide information amounting to substantial evidence that specified alternative locations (particularly those at Veterans) would be infeasible.

For reasons already discussed, the proposed alternative locations (specifically the two locations at Veterans) are substantially similar in terms of location, overall area, roadway access, physical site characteristics, etc. that they are capable of meeting most if not all of the identified project objectives. Potential constraints like the presence of the FMFCD easement are capable of being feasibly reconciled, which is demonstrated through observation of the amount of existing development in the area and in comparison to the types of constraint responses entailed in the project as currently proposed (e.g. constructing a long new private drive, redesignating a roadway).

Zoning and SB 330 considerations are not an issue at one or possibly both of the alternative sites on Veterans because the land is (or now appears to be) zoned for Light Industrial, which as explained previously would allow all project components to be developed (see attached GIS figure at the end of this letter; note the apparent revisions that have occurred or are underway at the proposed alternative site area south of Veterans). Further, following the enactment of SB 330, the City of Fresno has processed a number of development projects entailing residential “down-zonings” by approving such projects with concurrently-timed approvals of residential rezonings or “up-zonings” to ensure there is no net loss of housing unit capacity; in the event an alternative site required rezoning of residential land to non-residential use, this option would be read to satisfy the requirements of SB 330, as there are numerous planned and active applications to rezone and/or upzone land for additional residential capacity.

The only notable distinctions are that the proposed alternative sites consist of multiple parcels (i.e., 2-3 parcels apiece) and they are not under the immediate control of the applicant. However, not only are the parcels for each area under common ownership, each of the areas was previously and is now actively being advertised as for sale (see site images with “For Sale” signs included at the end of this comment letter). Based on these factors, and given that Costco is a multi-billion dollar corporation and a highly sophisticated developer of property (not to mention desirable to sellers and commercial landlords alike), it is very evident that the proponent would readily have the capacity to “reasonably acquire, control or otherwise have access to the alternative site.”

Two additional principles of CEQA to keep in mind: Alternatives are at the heart of the EIR’s analysis, and CEQA is interpreted broadly, as in “to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language.”

While there could ultimately be justifiable reasons to pursue development of the proposed project at the proposed site rather than one of the proposed alternative sites, the analysis and rationale presented in the EIR (both the DEIR and FEIR/RTC) to justify excluding alternative sites from the EIR’s more comprehensive alternatives analysis is inadequate, arbitrary, and self-serving to a degree that aims to make approval of the project at proposed the site a forgone conclusion.


I want to note that my comment letter was one of 103 comments provided from 102 individuals in response to the DEIR. Of those, 50 comments (49 commentors) were in opposition to the project, 32 comments (32 commentors) were in favor of the project, and 21 comments (21 commentors) did not have a clear sentiment or were highly focused on a specific issue. While many of the comments in favor of the project identify how a new Costco can resolve site-specific issues at the existing Costco (e.g., constrained site capacity, traffic issues, safety issues), these comments offer less discussion and less specific detail about site-specific benefits (the ones that do mostly include comments indicating that the roads serving the proposed site will be able to handle traffic much better than Shaw Avenue, and that having a more northerly site would make it easier to reach for people traveling from places in far northwest Fresno and areas beyond such as Madera). In contrast, many of the comments in opposition to the project (including ones that express support for the general idea of a new Costco) identify site-specific issues and problems as the basis for opposing the project (e.g., concerns about things like air quality, noise, and traffic causing disproportionately adverse effects to the immediate area and community). Multiple comments submitted in response to the DEIR (along with comments presented during community meetings) questioned why this

specific location was selected and offered suggestions of alternative sites or specified areas where the project could sensibly be developed and result in less community and environmental conflict. The sites identified included the vacant areas near Veterans Boulevard as well as areas further to the west, including the site where the former Klein's Truck Stop was located (southwest corner of Herndon Avenue and Golden State Boulevard).

From this information, it seems remarkably clear that pursuing development of the project at a nearby alternative site could substantially address many of the concerns that are the basis of opposition while still providing the changes and outcomes that are the basis of public support for the project. This further reinforces that as a matter of public concern the Draft EIR should have included evaluation of an alternative site such as one of the proposed Veterans Boulevard locations in order to determine if the significant and unavoidable queuing impacts are capable of being mitigated to a less than significant level or at least substantially reduced through developing the site at a different location in the same general vicinity.

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

Costco Commercial Center  
Fresno, California

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

**Abbreviations:**

CalGreen - California Green Building Standards Code

CARB - California Air Resources Board

EV - electric vehicle

GHG - greenhouse gas

PG&E - Pacific Gas & Electric

VMT - vehicle miles traveled

ZEV - zero emission vehicle

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

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

**Abbreviations:**

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

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

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

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

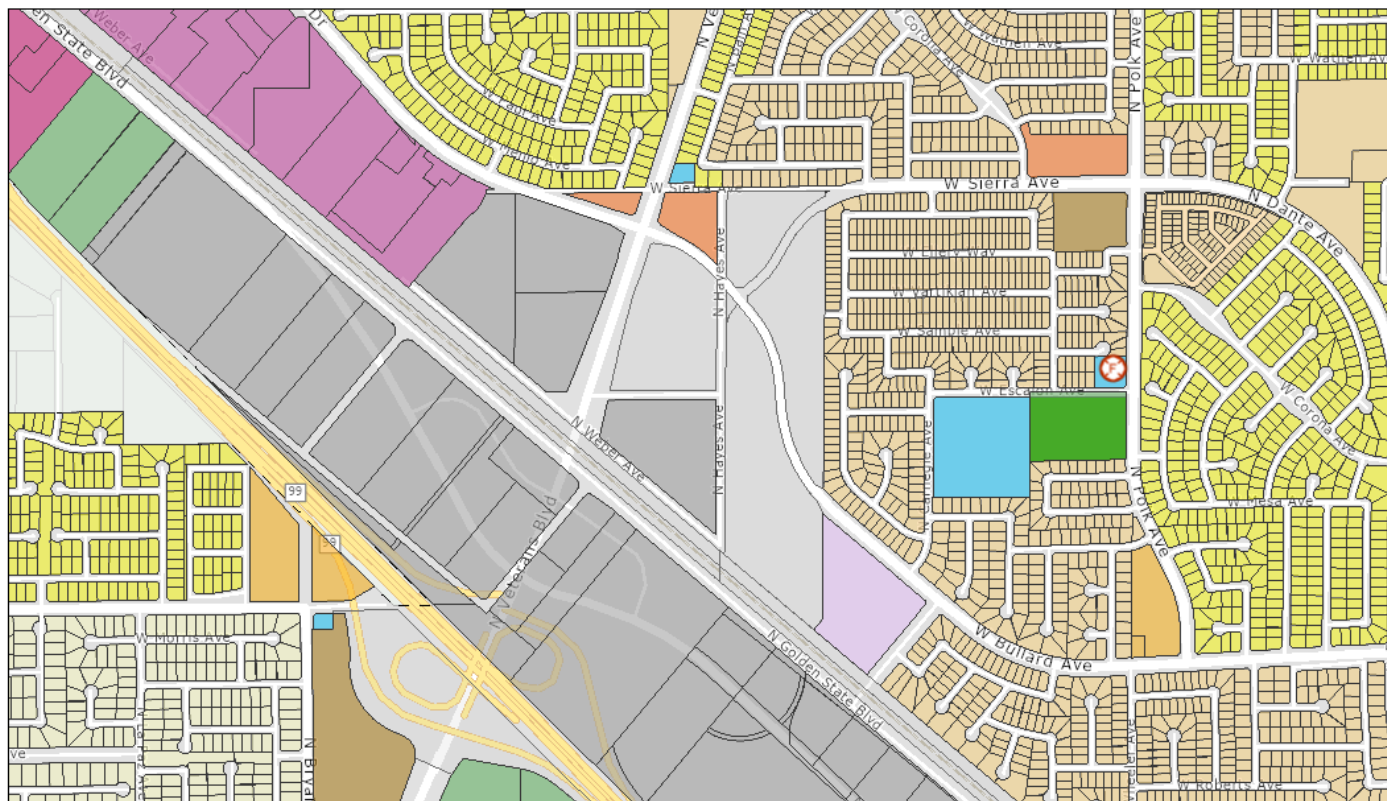
Checklist Item (Check the appropriate box and provide an explanation for your answer)	Relevant General Plan Policy	Yes	No	Not Applicable (NA)	Explanation
g. If the project includes modifications to the transportation network, do those improvements meet the requirements of the City of Fresno's Complete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



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

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

## City of Fresno GIS Map



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 Fire Stations

## Zorin

- RD-1 - Residential Single-Family, Low Density  
 RD-2 - Residential Single-Family, Medium Low Density  
 RD-3 - Residential Single-Family, Medium Density  
 RM-1 - Residential Multi-Family, Medium High Density  
 CH - Commercial Highway and Auto  
 SP - Business Park  
 IL - Light Industrial  
 P - Parks with Traditional  
 Parks  
 City  
 County

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