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Agenda Item: ID17-475 (1-I)

Date: 4/6/17

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## FRESNO CITY COUNCIL



### Supplemental Information Packet

**Agenda Related Item(s) – ID17-475 (1-I)**

**Contents of Supplement: Letter from Jeffrey Reid of McCormick Barstow LLP**

#### **Agenda Item Title**

Comments on San Joaquin River Conservancy Eaton Trail Extension Project  
Draft Environmental Impact Report

#### **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.

#### **Americans with Disabilities Act (ADA):**

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CITY CLERK, FRESNO CA

Fresno City Hall  
2600 Fresno Street  
Fresno, California 93721

Re: Proposed Consent Agenda Item 1-I  
Resolution Providing comments on Draft EIR (ID17-475)

Dear Councilmembers:

This letter is provided on behalf of Tutelian & Co., Inc., which owns an interest on the Palm Bluffs Project at the corner of Palm and Nees Avenues.

This letter concerns the proposal for the City to provide comments concerning the Draft Environmental Impact Report (the "DEIR") for the San Joaquin River Conservancy's Eaton Trail Extension Project (the "Project"). For the reasons detailed below, we respectfully request that this item be pulled from the Consent Calendar. We also request that action on this matter be Tabled.

The proposal is for the City to recommend the adoption of an Alternative 5 for the Project, which adds to the Project a specifically intended vehicle access to the River Bottom across portions of my client's property.

We believe that the City should await completion of the public comments to the Draft EIR, and the Conservancy's issuance of Responses to those Comments, before the City endorses a specific element of the Project, including Alternative 5.

The purposes of Alternative 5 are addressed in the DEIR in a manner more complicated than the proposed Resolution details. That is because the DEIR, in addition to Alternative 5, incorporates Alternatives 5a, 5b, and 5c, all of which achieve the goals stated in your draft Resolution. Full evaluation of the options amongst those alternatives will not be completed until complete CEQA evaluation is conducted. You should therefore give the public the opportunity to complete the CEQA comment process before you endorse one of four specific options.

We also believe that many of the reasons detailed in the DEIR for proposing to reject Alternatives 5a, 5b, and 5c are based on a less than complete understanding of all of



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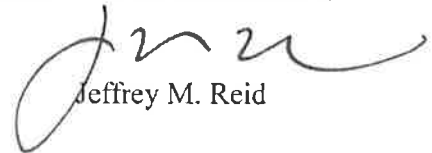
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the City policies that are impacted. For instance, the DEIR's recommendations against option 5b are based on its stated analysis of City policies concerning relevant grading standards. However, it is possible that the City may be willing to adjust those standards, or evaluate in greater detail how such standards can be otherwise satisfied, in lieu of rejection the option 5b access. This is particularly possible where the City considers more fully that option 5 intends to propose significant public access over a privately owned road, which implicates other important City policies not even referenced in the DEIR.

To the extent the City wishes to support access to the trail from the Fresno side of the River, a statement of policy perspective can be provided without endorsing any specific option delineated among Alternative 5, 5a, 5b, or 5c. That policy statement can also be communicated to the Conservancy without the need to provide a comment concerning the DEIR's environmental evaluations. There is therefore no present urgency to adopt the proposed Resolution.

We thank you for your consideration of this request.

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



Jeffrey M. Reid

cc: Clifford Tutelian