

EXHIBIT J
Sean Boyd Appeal Letter

Sean P. Boyd / 2890 Huntington Blvd. #123 / Fresno, CA 93721

City of Fresno
Development Services Division
Planning and Development Department
2600 Fresno Street
Fresno CA 93721

February 1, 2023

To Whom It May Concern:

This letter serves as a submission of my appeal against the City of Fresno Planning and Development Department's decision to approve Conditional Use Permit No. P22-02534, allowing iT Architecture, on behalf of Starbucks, to construct a "± 2406 square foot Starbucks shell building, with a ± 840 square foot patio, a drive-through with capacity for seventeen (17) vehicles, and full improvements to the site with a new parking lot and landscaping." The site is located 2840 Tulare Street, Fresno, 93721 (APN 468-071-31). This appeal is in response to the approval notice recently received by nearby homeowners, including me.

My wife, Janice, and I, reside in the Huntington Park Condominium Village in downtown Fresno, which is a short walk (less than 1 block) south of the subject property. My appeal against this project is my own, and does not represent the Huntington Park Condominium Village Homeowners Association in any way. Below is my appeal.

1. **Finding B states the project, as outlined, "will not conflict with or degrade the pedestrian environment."** I see a scenario in which the pedestrian environment would be degraded, if inbound weekday morning commute traffic westbound on Tulare Street is stalled by a very slow-moving or stopped BNSF freight train. From observation, in those cases, traffic could easily back up as far east as the southbound Freeway 41 offramp at Divisadero / Tulare Streets (near where there **ALREADY IS** a Starbucks!). Compound that with the proposed drive-through at capacity, and motorists trying to make a left turn into the drive-through. The sidewalk will be blocked in this scenario, therefore conflicting or degrading the pedestrian environment.
2. **Finding C states that "the project will not result in any significant effects to traffic."** The congested and stalled traffic scenario I described above which would degrade the pedestrian environment would clearly be a problem for inbound morning weekday commuter traffic. Perhaps the reason this project "was not required by the Department of Public Works Traffic Division to produce a Traffic Impact Study" suggests that the City of Fresno Public Works Department criteria for such a study is extremely weak, and insufficient, and requires more scrutiny and vigor.
3. **Finding C further states that "the project will not result in any significant effects to air quality."** The San Joaquin Valley Air Pollution Control District **DID NOT** do an on-site study, instead, defaulting to a mathematical model called an Indirect Source Review /

Air Impact Assessment (ISR). That's because your department did not require a proper on-site study, or insist on one. Let's assume the facility as proposed is built, and the construction and operation of it, with its 17 idling cars, end up producing just under the threshold of 2 tons of NOx per year, and just under 2 tons of PM10 per year. **Guess who gets to breathe that? I DO, and my neighbors do!** Downtown city workers, especially those who work at City Hall, a mere city block away, get to breathe those emissions as well. Downtown Fresno is designated as a "disadvantaged and low-income community," according to Cal Enviro-Screen. Since 2018, Downtown Fresno is included in the South-Central Fresno AB 617 disadvantaged community, due to higher air pollution levels than other areas, requiring additional air quality monitoring. Since the air district covers 8 counties, and dozens of incorporated cities, one has to ask: How many SIMILAR Conditional Use Permits for drive-throughs are currently SIMULTANEOUSLY being rubber-stamped by those cities' and counties' planning divisions? Imagine a few dozen new proposed and approved drive-throughs being built all at once, between Lodi and The Grapevine, producing significant impact on air quality. According to conversations I've had with officials at the air district, that agency does not have a real-time inventory of how many such facilities have currently been approved by the 8 counties, and the 80+ incorporated cities in its geographical range, that are currently under construction. To boot, each city and county planning division might have different criteria (some more strict, some more lenient) for approving such facilities. There is no coordination by the air district regarding this. One has to contact each county and city individually to obtain data like this. According to the American Lung Association's 2022 State of the Air report, the Fresno-Madera-Hanford area was #4 for ground-level ozone, #2 for year-round particle pollution, and #1 for short-term particle pollution – not exactly good marketing for Fresno, or its Chamber of Commerce. Further, referring to the first paragraph in the notice, the project is exempt from CEQA / CalEPA review, meaning: No other air pollutants are directly considered here, other than the NOx and the PM10 previously mentioned – not even PM2.5, which the best science asserts, is even more harmful than PM10 to the human body. Further, the State Air Resources Board defaults to the local air quality district, and the local air district only did an ISR, as stated above. So, at every level of government, including the City of Fresno, a loophole for increased emissions has been created large enough to drive a fleet of 30-year-old diesel trucks through, if I may be non-scientific for a moment. It seems like each agency involved is deferring its discretionary authority to the next agency, with very little accountability all the way around, in this circle of agencies.

Please feel free to contact me if you have any comments or concerns.

Respectfully Submitted,

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