Exhibit K
Plan Response to Comments
(May 31, 2024 - July 30, 2024)

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List of Commenters on the Plan

Table 1 presents the list of commenters, including the numerical designation for each comment letter received on the Plan, the author of the comment letter, the date of the comment letter, and the page number the comment begins on. All letters have been bracketed with numbers to tie back to Table 2: Plan Comments and Responses. For all letters received during the public review period (May 31 - July 30, 2024) see the Final EIR Chapter 2: Response to Comments.

TABLE 1: LIST OF COMMENTERS

Letter No.	Commenter	Date	Page
	STATE AGENCIES		
3	California Department of Transportation, District 6 Dave Padilla, Branch Chief, Office of System and Regional Planning, Transportation Planning - North Branch	7/29/2024	17
	LOCAL AGENCIES		
6	Fresno Metropolitan Flood Control District Denise Wade, Master Plan Special Projects Manager	7/30/2024	21
	ENVIRONMENTAL ORGANIZATIONS		
9	Leadership Council for Justice & Accountability et al. Ivanka Saunders, et al.	7/30/2024	26
10	Leadership Council for Justice & Accountability Edward T. Schexnayder, SMW Law	7/30/2024	45
11	Regenerate California Innovation (RCI) Keith Bergthold	7/30/2024	106
12	Tree Fresno Mona N. Cummings	7/17/2024	165
	COMPANIES, BUSINESS ASSOCIATIONS, LABOR, OTHER ORGANIZATIONS		
13	Affinity Truck Center Kim Mesfin, President	7/30/2024	169
14	Betts Company Mike Betts	ND	175
15	Building and Construction Trades Council, AFL-CIO Chuck Riojas, Financial Secretary-Treasurer	ND	179
17	Certified Meat Products Jimmy Maxey	ND	182
19	D & I Farms, Daniel Barandalla Dirk Poeschel	7/30/2024	184
20	Donaghy Sales, Beverage Distributor Ryan Donaghy	ND	189
25	JD Food Mark Ford, CEO	ND	194
27	Penny Newman Grain Company David Meeker	7/29/2024	196
28	Robert V. Jensen, Inc. William V. Jensen	ND	200
29	San Joaquin Valley Manufacturing Alliance Genelle Taylor Kumpe, CEO and Mario Persicone, Chair	7/24/2024	206

Letter No.	Commenter	Date	Page
30	Valley Iron, Inc. Noel Briscoe	ND	209
31	Wanger Jones Helsley John P. Kinsey	7/30/2024	219
	INDIVIDUALS		
32	Rosa DePew	7/30/2024	248
	OPEN HOUSE COMMENT CARDS		
33	Kyle Riddering, Anonymous, Tyler Kelly, Alma, and Terry Hirschfield	7/11/2024	250

See FEIR Chapter 2: Response to Comments for all letters received during the Public Review Period (May 31 - July 30, 2024)

MASTER RESPONSES

SCSP Master Response 1: City Council Resolution 2019-235 directs consideration of land use intensity adjacent to sensitive uses on undeveloped property. Property owner requests to retain existing General Plan land use designations will be forwarded to the City Council for their consideration.

SCSP Master Response 2: The City of Fresno sent a letter dated October 7, 2024, to all property owners within the South Central Specific Plan (SCSP) boundary whose property the SCSP proposes to change the existing land use and zoning designation to a new land use and zoning designation. A map was included for reference. Property owners were encouraged to contact City staff by November 14, 2024, with any questions or to express opposition to the land use change to their property. On November 8, 2024, the City sent a letter to all property owners within the SCSP boundary to notify them that the SCSP may change the development standards on their property and provided Planning Commission recommendation meeting date on November 20, 2024, and City Council consideration hearing date on December 5, 2024, and a link to the SCSP website to view the SCSP and EIR. Also, on November 8, 2024, the City sent a public hearing notice to all property owners informing them of the Planning Commission recommendation meeting date on November 20, 2024, and City Council consideration hearing date on December 5, 2024, and a link to the SCSP website to view the SCSP and EIR. Prior to the Public Review Draft, the City sent over 3,000 direct mailers to residents and property owners for each community meeting within the Plan Area to encourage attendance and participation in the planning process. The community meetings were held May 30 and June 4 in 2019, and January 13, 14, 15, February 12, and 25 in 2020. See SCSP Appendix C for information about the community meetings. A community meeting was also held during the public review period of the Draft SCSP and EIR on July 11, 2024. Prior workshop attendees, Advisory Committee members, people who requested to be notified, and stakeholders were sent an email to notify them of this last community meeting.

SCSP Master Response 3: The SCSP Chapter 5 includes uses that are not allowed, uses that are not allowed within 1,000 feet of a sensitive receptor, uses that require a conditional use permit within a 1,000 feet of a sensitive receptor, building setback from property line requirements, building setbacks from collector and arterial street requirements, and additional development standards for Warehouse, Storage, and Distribution uses as well as EIR mitigation measures. Together these requirements along with the land use buffers in Chapter 4 help to protect industrial uses from sensitive uses. See updates to Chapter 5 which add Sales Lot Feed Lots, Stockyard added to Category 1, Intensive Industrial and Agricultural Processing to Category 2, and General Industrial to Category 3, and clarify uses that apply to Categories 4 and 6.

Abbreviations

SCSP = South Central Specific Plan; EIR = Environmental Impact Report

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
State Agencies					
3	7/29/2024	California Department of Transportation, District 6 Dave Padilla, Branch Chief, Office of System and Regional Planning, Transportation Planning - North Branch	2	Commend City for General Plan policies MT-1a through MT-1j, MT2-1a through MT-2m, MT-4b through MT-4h, MT-5a through MT-5f, MT-6a through MT-6m, and MT-8b through MT-8c. Recommend providing multi-model system to provide connectivity between residences and commercial uses.	Commendation received and see SCSP Chapter 3 - Vision Guiding Principles & Policies (policies T-1 through T-13), Chapter 6 - Circulation, and Chapter 8 - Implementation for multi-model system planned for the Plan Area
			3	Commend City for SCSP policies T-1 through T-13	Commendation received
			4	Recommend VMT bank or exchange program be explored for the SCSP	Citywide VMT reduction program includes mitigation bank and urban design calculator to be implemented in spring 2025
			6	Alternative transportation policies and assessment pf multi-modal facilities should be conducted to provide connectivity via sidewalks, bicycle pathways, and transit	See SCSP Chapter 3 - Vision Guiding Principles & Policies (policies T-1 through T-13), Chapter 6 - Circulation, and Chapter 8 - Implementation for multi-model system planned for the Plan Area
			7	Check Active Transportation Plans and Smart Growth efforts support the state's 2050 Climate goals	EIR mitigation measures align with the state's 2050 goals as expressed in CARBs 2022 Scoping Plan. The City's 2024 Active Transportation Plan is underway.
Local Agency					
6	7/30/2024	Fresno Metropolitan Flood Control District Denise Wade, Master Plan Special Projects Manager	5	Comments on drainage, process, and suggested revisions to sections	SCSP Chapter 7 for revisions.

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
Environmental Organizations					
9	7/30/2024	Leadership Council for Justice & Accountability et al. Ivanka Saunders, et al.	1	Concerns about industrial development and proposed amenities for the SCSP community and requests that the City reassess community stakeholder recommendations.	The comment is noted.
			2	Various neighborhoods, are amongst the most environmentally burdened in the entire State of California according to CalEnviroscreen 4.0. The Plan will exacerbate and entrench environmental impacts.	The comment is noted
			3	The SCSP would concentrate intensive and industrial land usesand their associated impacts in the SCSP neighborhoods.	The comment is noted. The proposed land uses in the SCSP are less intense than the General Plan.
			4	The SCSP will facilitate significant increases in intense and polluting uses due to the Business Park and Regional Business Park buffer land uses.	The comment is noted. The proposed land uses in the SCSP are less intense than the General Plan.
					The comment is noted. The South Central Fresno AB617 Community Truck Reroute Study has been completed and the City plans to submit for consideration a resolution to the City Council for acceptance of the study. The study is informational and includes recommendations that the City could implement. The City plans to submit for consideration an ordinance to the City Council for approval of the addition and removal of truck routes from the official list of designated truck routes under provisions of Section 14-1303 of the Fresno Municipal Code. Statements in the SCSP that imply that the Truck Reroute Study and HIA and recommendation therein will be

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
			5	Expresses truck traffic concerns and requests the mode share of trucks	incorporated into the SCSP have been removed. If the City approves the ordinance to add and remove truck routes from the official list in the Municipal Code, then SCSP Figure 6-8 will be updated to reflect those changes. Approximately 39 net truck route miles are recommended for removal. This includes the removal of 37 truck routes and the addition of 6 truck routes related to Caltrans and California High-Speed Rail Authority circulation changes. Within the Plan Area, planned truck routes along Elm, Cherry, East, and Central Avenues are proposed to be removed as well as existing truck routes on Golden State Highway and Chestnut Avenue.
			6	Truck Reroute Study calls for a 1,000-foot buffer	The comment is noted. A setback distance of 500 feet was recommended pursuant to Mitigation Measure 4.3-3d; however, in consideration of this comment and the findings of the Truck Reroute Study, the language of Mitigation Measure 4.3-3d and concluding paragraph has been revised to avoid siting new sensitive land uses within 1,000 feet from the centerline of a freeway. See Response 10-19 below for further details.
			7	The overlay zone does not provide adequate protections for the people living, working, playing, studying and praying in the the project area	The comment is noted. See SCSP Master Response 3
			8	The overlay zone contains loopholes in the code.	The comment is noted. See SCSP Master Response 3
			9	The overlay zone does not prohibit certain objectionable uses.	The comment is noted. See SCSP Master Response 3
			10	It is unclear how Category 3 will be treated if they do not meet the conditions required by Category 3	The comment is noted. See SCSP Master Response 3

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
			11	Need a definition of "zero or near-zero" facilities in order to fully understand the buffer.	The comment is noted. In the SCSP, see definitions in Glossary after Chapter 8.
			12	Which uses within the overlay zone would require building setback standards?	The comment is noted. See SCSP Master Response 3
			13	The overlay zone still allows intensive industrial uses near sensitive receptors	The comment is noted. See SCSP Master Response 3
			14	Many industrial uses will be allowed in very close proximity to sensitive receptors, for example motorcycle/riding club, construction and material yards, limited industrial, warehousing, storage and distribution, etc. Several will be allowed as close as 100 feet from a sensitive receptor with a CUP.	The comment is noted. See SCSP Master Response 3
			15	The proposed overlay zone will not protect people from the impacts of warehousing and similar facilities that attract truck traffic. Objection to the feasibility exception for loading doc orientation. The 300 foot buffer for large warehouses over 400K sf is inadequate	The comment is noted.
			16	The plan does not incorporate recommendations of peope who live the plan area.	The comment is noted. See SCSP Chapter 2 and Appendix B.
			17	Plan lacks mechanisms for funding bike and ped infrastructure	The comment is noted. Bike and pedestrian infrastructure will be constructed with new development.
			18	Issues with coverage of shared mobility program in Southwest Fresno	The comment is noted.
			19	Inadequate traffic calming	The comment is noted.
			20	SR 99 South Fresno Corridor on American and North Avenues as a project that will not improve air quality	The comment is noted.
			21	Truck Reroute Study is inadequate	The comment is noted.

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
			22	Implementation of the Plan's Policy Framework is unclear, vague, and unenforceable	The comment is noted.
			23	The SCSP is inconsistent with the goals, strategies and overall intent of the AB 617 South Central Fresno Community Emission Reduction Plan	The comment is noted. The Community Emissions Reduction Plan (CERP) is a document of and administered by the San Joaquin Vally Air Pollution Control District. The SCSP and EIR include policies, regulations, and mitigation measures to help improve air quality.
			24	The SCSP will cause pollution increases which is inconsistent with the CERP	The comment is noted. The Community Emissions Reduction Plan (CERP) is a document of and administered by the San Joaquin Vally Air Pollution Control District. The SCSP and EIR include policies, regulations, and mitigation measures to help improve air quality.
			25	The SCSP is inconsistent with the goals and projets of the City of Fresno's Transform Fresno Initiative	The comment is noted. The TCC program boundary area is outside of and adjacent to the SCSP Plan Area.
			26	The Plan fails to adhere to the mandates of the City of Fresno's resolution calling for the development of the plan	The comment is noted. See SCSP Chapter 2, Section 2.5 under Blended Plan Alternative Analysis consistancy with City Council Resolution 2019-135.
			27	The SCSP does not adequately reduce intensity of land uses or include new land use designations	The comment is noted. The proposed land uses in the SCSP are less intense than the General Plan.
			28	The SCSP does not adequately incorporate input from community-based stakeholders	The comment is noted. See SCSP Chapter 2 and Appendix B for community input and Advisory Committee consideration.
			29	The SCSP fails to align with the City of Fresno's General Plan Goals and Policies	The comment is noted.
			30	Request public engagement in development of Final SCSP	The comment is noted.
			31	Recommend changes to Draft SCSP	The comment is noted.

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
			32	Recommended changes to the Land Use Map	The comment is noted.
			33	Recommended additional transportation and circulation policies	The comment is noted.
			34	Recommended changes to the proposed overlay zone	The comment is noted.
			35	Recommended additional requirements be added to the Development Code upon adoption of the SCSP	The comment is noted.
10	7/30/2024	Leadership Council for Justice & Accountability Edward T. Schexnayder, SMW Law	8	The comment expresses concern about SCSP policies and standards.	The comment is noted.
11	7/30/2024	Regenerate California Innovation (RCI) Keith Bergthold	3	Recommend adding narrative and policies to the SCSP to support clean energy industry deployment and transportation systems. Request includes link to the Valley Clean Energy Plan proposed for the Westlands Water District Area and three clean energy industry and transportation attachments	See Policies E-5 and E-6 added to Chapter 3 of the SCSP.
12	7/17/2024	Tree Fresno Mona N. Cummings	1	The comment provides a narrative about Tree Fresno and its role in the region and suggests incorporating the text into the EIR.	SCSP Chapter 8 has been updated with language to provide a some background on Tree Fresno, it's partners, and trees they have planted in the SCSP plan area.
			2	Tree Fresno expresses concern about its resources available to partner with the City in planting trees, tree funding and planning, and requests specificity in the SCSP and EIR regarding those limitations.	Policy D-2-c is from the Fresno General Plan and is not subject to alteration under the SCSP. Regarding SCSP Policy GB-5, the City is the lead on implementing this policy and will coordinate with Tree Fresno.

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
			3	The comment suggests greater discussion in the EIR of the UFMP as it pertains to the plan area, and of historical context and controversy (e.g., AG comment to improve and maintain tree canopy).	SCSP Chapter 8 has been updated with language reflecting adoption of the UFMP.
Companies, Business Associations, Labor, Other Orgs					
13	7/30/2024	Affinity Truck Center Kim Mesfin, President	7	Concern regarding EV parking and charging station requirements in proposed Development Code Standard 6r on page 75 of SCSP. Charging should only occur during business hours and clarify that chargers may have software systems for customers to pay to charge.	The comment is noted. The SCSP does not require hours of operation or covering costs.
			8	Concern regarding zero emission vehicle requirements in proposed Development Code standard 6n on page 75 of SCSP. Supports for new business. Request exception for existing businesses pulling permits to follow CARB requirements.	The comment is noted. Per SCSP Chapter 5, the SCSP regulations, requirements, and standards will govern all future private development actions in the Plan Area, including new construction, additions, and renovations to existing structures and/or new land uses proposed for existing facilities as described in Fresno Municipal Code Section 15-104.
			10	The comment provides a summary of the proposed building infrastructure requirements and Mitigation Measure 4.3-1k and questions what would be done with the underutilized chargers if CARB pushes back on EPA.	The comment is noted. Chargers are not a part of the three SCSP develop regulation bullet points that this question follows.
			11	The comment provides a summary of the proposed solar infrastructure requirements and suggests parking or on ground solar structures instead of rooftop structures.	The comment is noted. The proposed SCSP Development Code regulation 6q has been changed to reflect this request.
14	ND	Betts Company Mike Betts	3	The comment provides an opinion about the adverse effects of the recommendations in the SCSP.	The comment is noted.

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
15	ND	Building and Construction Trades Council, AFL-CIO Chuck Riojas, Financial Secretary-Treasurer	1	Supportive comments in favor of the SCSP	Commendation received.
			2	Concerns expressed about the SCSPs ability to ensure Fresno residents gain significant workforce-related community benefits from construction development in the Plan Area.	The comment is noted.
			3	Recommend modification to Policy E-1	See SCSP Chapter 3 for revised policy E-1.
			4	Recommend modification to Policy E-5	See SCSP Chapter 3 for revised policy E-7.
			5	Recommend modification to Policy E-7	The comment is noted.
			6	Recommend modification to Policy E-10	The comment is noted.
			7	Recommend modification to Policy E-11	See SCSP Chapter 3 for revised policy E-11.
			8	Recommend modification to Policy E-12	See SCSP Chapter 3 for revised policy E-12.
			9	Look forward to discussing proposed SCSP policy changes with the City	The comment is noted.
17	ND	Certified Meat Products Jimmy Maxey	2	The comment consists of a list of concerns related to the SCSP	The comment is noted.
			3	Request to retain General Plan Land Use designation	See SCSP Master Response 1.
19	7/30/2024	D & I Farms, Daniel Barandalla Dirk Poeschel	2	Request redesignation of small part of property (APN 46715507T) from Low Density Residential to Business Park	See SCSP Master Response 1.
			3	Request that his entire property (APN 46715507T) remain light industrial	See SCSP Master Response 1.
20	ND	Donaghy Sales, Beverage Distributor Ryan Donaghy	4 and 5	The comment expresses concerns that the buffer zones requirements are excessive or unnecessary and provides a summary of the regulations that are applicable to future activities within the buffer zones.	The comment is noted. SCSP Figure 5.2 has been updated to include a 1,000 foot buffer from sensitive uses outside the SCSP boundary. 2363 S. Cedar Avenue is located within the 1,000 foot buffer of a senstive use

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
25	ND	JD Food Mark Ford, CEO	1	Provides overview of company and concerns regarding the Plan and mitigation measures, including the cost associated with implementation of mitigation measure.	The comment is noted.
			2	Concern that the SCSP will cause more stress on the ability to obtain permits	The comment is noted.
27	7/29/2024	Penny Newman Grain Company David Meeker	2	Concerns about SCSP and EIR as follows: downzoning; "Animal Food Manufacturing" not allowed in Light Industrial zone district; economic impact of downzoing; and their business has been Heavy Industrial since 1950's with residential across the street.	See SCSP Master Response 1.
			3	Concerns about SCSP and EIR as follows: buffers and economic impact of buffers	The comment is noted
			7	Concern regarding EV parking and charging station requirements in proposed Development Code standard 6r on page 75 of SCSP. Charging should only occur during business hours and clarify that chargers may have software systems for customers to pay to charge.	The comment is noted. The Plan does not require hours of operation or covering costs.
			8	Concern regarding zero emission vehicle requirements in proposed Development Code Standard 6n on page 75 of SCSP. Supports for new business. Request exception for existing businesses pulling permits to follow CARB requirements.	The comment is noted. Per SCSP Chapter 5, the SCSP regulations, requirements, and standards will govern all future private development actions in the Plan Area, including new construction, additions, and renovations to existing structures and/or new land uses proposed for existing facilities as described in Fresno Municipal Code Section 15-104.
28	ND	Robert V. Jensen, Inc. William V. Jensen	2	Concern regarding change of land use on their property from Industrial to Residential, lack of noticing, and creation of buffer zones.	See SCSP Master Response 1 and 2.

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
			4	The comment provides a summary of the development application history of the Robert V. Jensen parcel, requests parcel (4335 S Maple Avenue) retain it's current zoning designation, and concerns about heightened Development Code requirements within 1,000 feet of a sensitive use.	See SCSP Master Response 1 and 2.
			6	The comment states that the City failed to notify the affected landowner about the SCSP and the Draft EIR.	See SCSP Master Response 2.
29	7/24/2024	San Joaquin Valley Manufacturing Alliance Genelle Taylor Kumpe, CEO and	2	The comment expresses an opinion about the adverse effects of the proposed downzoning. The comment also indicates that there is lack of notification to affected property owners.	See SCSP Master Response 1 and 2.
30	ND	Valley Iron, Inc. Noel Briscoe	4	The comment indicates that the City failed to notify affected property owners regarding the proposed zoning change.	See SCSP Master Response 1 and 2.
31	7/30/2024	Wanger Jones Helsley John P. Kinsey	3	The comment expresses perspectives about the economic effects of the proposed SCSP and references Comment Letter 31 - Attachment A, a letter from Newmark Pearson Commercial regarding their Site Selection Methodology. The comment also recommends that the City engage property owners whose properties are proposed to be downzoned.	See SCSP Master Response 2.
			4	The comment expresses concerns about downzoning.	See SCSP Master Response 1.
			5	The comment states that the City failed to notify affected property owners regarding the proposed zoning change. The comment also indicates that there was lack of notification to affected property owners of the availability of the Draft EIR.	See SCSP Master Response 2.

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
			6	The comment expresses views about a lack of notification regarding zoning changes.	See SCSP Master Response 2.
			7	Concerns expressed about the downzoning of industrial property through previous planning efforts and specifically in the SCSP.	See SCSP Master Response 1.
			22	The comment pertains to the specific plan	The comment is noted.
			24	The comment asserts that the SCSP conflicts with several objectives and policies of the City of Fresno's General Plan pertaining to economic development and job creation. Downzoning will have economic impacts.	The comment is noted.
			25	The comment asserts that the SCSP conflicts with several objectives and policies of the City of Fresno's General Plan pertaining to economic development and job creation. Downzoning will have economic impacts.	The comment is noted.
			26	The comment asserts that the SCSP would cause spot zoning.	See SCSP Master Response 1.
Individuals					
32	7/30/2024	Rosa DePew	3	The comment states that Transformative Climate Communities Program is listed on a map and legend with no explanation	The TCC Program is shown in SCSP Figure 1-7: Planning Context, and discussed on page 85 under the Clean Shared Mobility Network. A complete description has been added to the SCSP on page 21.
			5	The comment states that the proposed round abouts planned on North Avenue and American Avenue were not explained.	The comment is noted. The proposed reconstruction of the American Avenue interchange and North Avenue interchange are descibed in the SCSP starting on page 92.

TABLE 2: PLAN COMMENTS AND RESPONSES

Letter #	Date	Commenter	Comment #	Issue	Plan Response
			6	The comment states that a simpler explanation of the truck study and what it means is needed.	In the SCSP, a reference to a brief summary of the HIA and Truck Reroute Study was added to Section 1.6 Community Health. Also, see a more lengthy dicsussion in Chapter 6, Section 6.2 under Trucking.

Workshop					
33	7/15/2024	Alma	1	The dynamic impact and look interesting but we need to see how it affects the community and area around	The comment is noted.
34	7/15/2024	Kelly Tyler, Cossette Investment	1	Residential buffer zones should have to meet certain density requirements to exist. Future development in the Angus and Annadale area could be hindered due to just two small houses that are already surrounded by existing industrial.	The comment is noted.
35	7/15/2024	Anonymous	1	The truck study needs to include zoning recommendations. The regulated areas need to have lower uses of NMX not BP or Regional BP	The comment is noted. The SCSP is the land use plan for this plan area, whereas, the Truck Reroute Study proposes amendments to the City's Truck Route ordinance.
36	7/15/2024	Kyle Riddering, Pearson Realty	1	Concerns about spot zoning and the effect it will have on development feasibility of surrounding parcels.	See SCSP Master Response 1.
37	7/15/2024	Terry Hirschfield, Principal of Orange Center School	1	Everything along Cherry and Central should be zoned neighborhood mixed-use; not BP or RBP. No trucks on Cherry between North and Central Avenue.	The comment is noted. The Plan assigns residential land use designations to all existing parcels with residential uses ad allows for increased residential development on those properties. Beyond the existing residential parcels, the Plan does not propose to add sensitive uses to the Plan Area.

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The comment letters herein contain comments on the Plan

See FEIR Chapter 2: Response to Comments for all letters received during the Public Review Period (May 31 - July 30, 2024)

LETTER 3
California Department of Transportation

Letter 3

California Department of Transportation

DISTRICT 6 OFFICE
1352 WEST OLIVE AVENUE | P.O. BOX 12616 | FRESNO, CA 93778-2616
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July 29, 2024

City of Fresno
South Central Specific Plan
Draft Environmental Impact Report Notice of Availability
SCH #2019079022
GTS #: https://ld-igr-gts.dot.ca.gov/district/6/report/33065

SENT VIA EMAIL

Mx. Sophia Pagoulatos, Planning Manager
City of Fresno
2600 Fresno St
Fresno, CA 93721
Sophia.pagoulatos@fresno.gov

Dear Mx. Pagoulatos:

Thank you for the opportunity to review the South-Central Specific Plan (SCSP) Draft Environmental Impact Report (DEIR) Caltrans has completed the review of the proposed Plan. This DEIR evaluates the environmental impacts of the proposed SCSP. A key impetus for the proposed SCSP is to improve Fresno's economic competitiveness and support employment opportunities for residents.

The SCSP area (Plan Area), encompasses 5,567 acres located just south and southeast of Downtown Fresno. The Plan Area is generally located south of California Avenue, north of American Avenue, and between Fig and Peach Avenues. The area has a range of property types including residential, religious, educational, public, warehouse, and industrial. 3-1

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

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

1. We concur with the City of Fresno's General Plan's Mobility and Transportation Element, which outlines objectives and policies aimed at achieving goals for the local transportation and circulation system (City of Fresno, 2014). Additionally, we recognize that the policies from the Mobility and Transportation Element are relevant to the proposed SCSP. Specifically, this pertains to Policies MT-1-a through MT-1-J, MT2-1-a through MT-2-M, MT-4-b through MT-4-h, MT-5-a through MT-5-f, MT-6-a through MT-6-m, and MT-8-b through MT-8-c. It is recommended that the city consider a multimodal transportation system (such as bicycle and pedestrian facilities as well as public transportation) to provide connectivity of modes between the residential uses and commercial/retail uses to reduce VMT impacts from the SCSP. **3-2**
2. We commend the City of Fresno for their proposed SCSP Policies and Development Standards T-1 through T-13, as described on page 4.15-13.0 of the SCSP Draft EIR. These policies and standards aim to establish and enforce truck routes, expand bus services, assist school districts in implementing the 'Safe Route to School' program, conduct traffic calming studies, implement traffic safety measures, and consider funding mechanisms to pre-fund infrastructure improvements prior to development. Additionally, they focus on improving and maintaining sidewalks, which we also support. **3-3**
3. It is our understanding that the City of Fresno is considering the development of a regional Vehicle Miles Traveled (VMT) bank or VMT exchange program for the Southeast Development Area Specific Plan. We recommend that similar VMT mitigation strategies be explored for the SCSP. **3-4**
4. Impact 4.15-3: *Substantially Increase Hazards Individual projects must conform to all City design standards and other requirements*, as stated beginning on page 4.15-16 of the SCSP Draft EIR, due to a Geometric Design Feature or Incompatible Uses. The Traffic Planning Section of the City's Traffic Operations and Planning Division will also be reviewing these projects. In addition, Caltrans should be included in the approval process for projects that are located within two miles of a State facility. **3-5**
5. Alternative transportation policies should be applied to the SCSP. An assessment of multi-modal facilities should be conducted to develop an integrated multi-modal transportation system to serve and help alleviate traffic congestion caused by the project and related development in this area of the city. The assessment should include the following: **3-6**
   a. Pedestrian walkways should link this Project to transit facilities, bicycle pathways and other walkways in the surrounding area.
   b. Coordinating connections to local and regional bicycle pathways should be done to encourage further the use of bicycles for commuter and recreational purposes.
   c. Transit service and bus stop accommodations should be extended to within ¼-mile of the SCSP site.
6. Check that Active Transportation Plans and Smart Growth efforts support the state's **3-7**

2050 Climate goals. Caltrans supports reducing VMT and GHG emissions in ways that increase the likelihood people will use and benefit from a multimodal transportation network. **3-7 cont.**

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

Sincerely,

Mr. Dave Padilla, Branch Chief,
Office of System and Regional Planning
Transportation Planning – North Branch

Cc: State Clearinghouse

LETTER 6
Fresno Metropolitan Flood Control District

Letter
6

File 310. “II1”, “II2”, “KK”,
“LL”, “AV”, “AW1”, “AW2”,
“AX”, “AY”, “AZ”, “BD”,
“CE”, “CQ”, “CU”
420.214

July 30, 2024

Sophia Pagoulatos, Planning Manager
City of Fresno Planning & Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Sophia,

Notice of Availability of a Draft Environmental Impact Report (DEIR) for the South Central Specific Plan

Drainage Areas “HH”, “II1”, “II2”, “KK”, “LL”, “AV”, “AW1”, “AW2”, “AX”, “AY”, “AZ”, “BD”, “CE”, “CQ”, and “CU”

The Fresno Metropolitan Flood Control District (District) has adopted storm drainage Master Plan systems for areas located within the South Central Specific Plan (Plan Area) shown on the attached Exhibit No. 1. These Master Plan systems are based on the previously adopted General and/or Specific Plan land uses.

There are approximately 375 acres within the Plan Area currently not located within a planned “drainage boundary” as shown on Exhibit No. 1. It is the District’s intention to work with the City of Fresno to provide Master Planned drainage area systems to serve this portion of the Plan Area. 6-1

As noted in the District’s prior letter dated August 6, 2019, in Master Plan areas where no drainage facilities have been constructed, the Master Plan can be revised to accommodate new land uses and pipe alignments within the Plan Area. For areas that have existing drainage facilities and propose changes to land uses that generate more runoff than originally planned, some type of mitigation to accommodate the increased flow such as parallel pipes and/or on-site retention may be required. The District has identified properties within the Plan Area that may require some form of mitigation as shown on the attached Exhibit No. 2. Proposed land uses can effect system size, the District shall be notified when changes are made to the proposed land uses.

Drainage fees shall be collected pursuant to the Drainage Fee Ordinance prior to approval of any final maps and/or issuance of building permits at the rates in effect at the time of such approval. Instances where the District's Master Plan facilities have been constructed and proposed density is reduced, drainage fees will be subject to the higher rate anticipated to be collected when the facilities were installed. Please contact the District for a final fee obligation prior to issuance of the construction permits within the Plan Area. 6-2

The City of Fresno, the District, the County of Fresno, the City of Clovis, and the California State University, Fresno are currently covered as Co-Permittees for Municipal Separate Storm Sewer System (MS4) discharges through National Pollutant Discharge Elimination System (NPDES) General Order No. R5-2016-0040 and NPDES Permit No. CAS0085324 (Storm Water Permit) effective May 17, 2018. The previous Storm Water Permit adopted on May 31, 2013 required the adoption of Stormwater Quality Management Program (SWQMP) that describes the Storm Water Permit implementation actions and Co-Permittee responsibilities. That SWQMP was approved by the Central Valley Regional Water Quality Control Board on April 17, 2015 and is effective until adoption of a new SWQMP, which is anticipated within the next two years.

It is the District's understanding that the City will adopt a Program EIR for the proposed South Central Specific Plan and that the Program EIR may be used when considering approval of future discretionary actions. The Storm Water Permit requires that Co-Permittees update their CEQA process to incorporate procedures for considering potential stormwater quality impacts when preparing and reviewing CEQA documents. This requirement is found on Provision D.14 of the 2013 Storm Water Permit and in Section 7: Planning and Land Development Program – PLD 3 – Update CEQA Process. The District has created a guidance document that will meet this Storm Water Permit requirement entitled *Guidance for Addressing Stormwater Quality for CEQA Review*, which has been attached. In an effort to streamline future CEQA processing and maintain compliance with the Storm Water Permit, the District recommends that all future CEQA review within the City of Fresno utilize the attached guidance document Exhibit "A". 6-3

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

1. Page 3-13, Figure 3-6 Proposed Land Use: Show existing ponding Basin "AV" and outline correct parcels for Basin "CE" located northwest of American and Maple Avenues. 6-4

2. Page 3-27, 3.6.5 Proposed Utilities: Correct "purpose" to read "act".

3. Page 3-36, 3.8 Subsequent Entitlements and Approvals: Correct "Municipal" to read "Metropolitan".

4. Page 4.10-7, Hydrology and Water Quality: Correct "Municipal" to read "Metropolitan".

5. Page 4.10-23, Hydrology and Water Quality: Second paragraph, the District requests removal of LID measures related to parcels.

6. Page 4.14-9, Figure 4.14-4 Existing and Planned Parks and Ponding Basins: The District has acquired all ponding basins shown on this Figure. Re-label the District Basin "AV" shown as "Planned District ponding basin" along Fig Avenue as an existing District ponding basin. Outline correct parcels for Basin "CE" located northwest of American and Maple Avenues.

7. Page 4.16-14, Utilities and Service System Stormwater: "164" should be corrected to say "165".

8. Page 6-10, Figure 6-1: While we understand basin designations may not be able to change for the current General Plan Land Use document, we wish to point out existing Basin "AV" needs to be added with future updates.

6-4 cont.

Following comments below are specific to the review of the South Central Specific Plan document (the individual pages are included and the section or sentence has been highlighted for your reference):

9. Page 106, Storm Water: Correct "purpose" to read "act".

10. Page 112, Storm Water: Third paragraph, revise "ten" to "eleven" and eliminate remainder of sentence "and one planned ponding basin to be located on the east side of Fig Avenue, between North and Central Avenues".

11. Page 112, Storm Water: Fourth paragraph, correct "480" to "372", correct content to eliminate "outside of the Fresno city limits but" and eliminate "so".

12. Page 113, Figure 7.5 - Existing and Planned Open Space: The District has acquired all ponding basins shown on this Figure. Re-label the District basin shown as "Planned District ponding basin" along Fig Avenue as an existing District ponding basin. Outline correct parcels for basin located northwest of American and Maple Avenues.

6-5

Thank you for the opportunity to comment. If you have any questions or require further information, please do not hesitate to contact me at (559) 456-3292.

Sincerely,

Denise Wade
Master Plan Special Projects Manager

DW/lrl

Attachment

LETTER 9
Leadership Council for Justice & Accountability et al.

Letter 9

July 30, 2024

Submitted via email
scsp@fresno.gov

Attention: Sophia Pagoulatos, Planning Manager
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

RE: Comments in Response to the Draft South Central Specific Plan

Dear Ms. Pagoulatos,

The undersigned organizations and community members are writing to provide comments to the draft South Central Specific Plan (SCSP). The expansive industrial development proposed in the SCSP will have detrimental consequences in an already overburdened community while also denying the community of the amenities it needs to thrive. The City of Fresno must reassess the recommendations that it will receive and has received from community stakeholders and update the plan to conform with local and state policy goals and mandates and usher in a healthy and robust future for South Central Fresno. 9-1

I. The South Central Specific Plan Area and Surrounding Neighborhoods Already Suffer Disproportionate Environmental Burdens

The SCSP area encompasses and extends up to large swaths of Southwest, South Central, and Southeast Fresno which are home to various communities and neighborhoods and thousands of people. These neighborhoods include Calwa, Malaga Daleville, the Flamingo Mobile Home Park, the Roy and Almy Avenue neighborhoods in West Fresno, the neighborhood along Britten Avenue, the neighborhood located at Drummond and Jensen Avenues in Southeast Fresno, among others, as well as elementary schools, religious facilities, parks, and other sensitive community locations. These neighborhoods are amongst the most environmentally burdened in the entire State of California according to California Environmental Protection's (EPA) CalEnviroScreen 4.0 tool (Attachment 1 CES 4.0 Results Data Dictionary). In fact, the most socio-economically and environmentally burdened census tract in the 8,057 census tracts in California is found in the City of Fresno within the boundary lines of the SCSP. (Attachment 2 9-2

CES 4.0 Map of census tract 6019001100). The rest of the census tracts within the boundary lines are all found in the top 5% of CalEnviroScreen's most impacted census tracts across California (see attachment 1). Even further specific evidence has been documented in the recent results of UC Merced's Health Impact Assessment whose data shows that there are high rates of chronic health conditions correlating with the proximity to truck routes and high polluting sources.[1] 9-2 cont.

Despite well-documented data demonstrating such disproportionate impact and repeated oral and written comments by community residents living within the plan area, the City proposes a plan that will further exacerbate and entrench environmental impacts.

II. The Draft South Central Specific Plan Will Increase Health and Safety Risks for Residents of the Specific Plan Area

The draft South Central Specific Plan would continue to facilitate and concentrate intensive and industrial land uses in the SCSP neighborhoods and its implementation will intensify truck traffic, including heavy-duty diesel truck traffic. Additionally, proposed development standards, encompassed in a draft overlay zone, are insufficient to protect sensitive receptors from the deluge of industrial uses and trucks. Industrial uses exacerbate health, safety, and the quality of life in the already overburdened South Central planning area. Some of the impacts of industrial development include pedestrian, bike and road safety, air pollution from diesel and gas combustion along with emissions from breaking and tire deterioration, vibration and noise of passing trucks; light pollution throughout the night interrupting sleep and well-being, and groundwater depletion and degradation. 9-3

A. Implementation of The South Central Specific Plan Will Increase Industrial Uses In Areas Zoned Industrial, Business Park, and Even General Commercial

The Draft SCSP, as currently drafted, will facilitate significant increases in intense and polluting uses near and impacting sensitive receptors. For instance, despite an apparent shift from Industrial Zones to Business Parks and Regional Business Parks throughout much of the plan area, Business Park and Regional Business Park allow for many - if not most - of the uses allowed in industrial areas including but not limited to warehousing and other facilities that attract truck traffic. Business Park and / or Regional Business Park allows for construction and material yards, custom manufacturing, limited industrial uses, indoor warehousing and storage, outdoor storage, personal storage, wholesaling and distribution, freight / truck terminals and warehouses, light fleet-based services, and agricultural processing.[2] These uses will intensify and 9-4

[1] Fresno Community Environmental Health Impact Assessment: https://clc.ucmerced.edu/publications

increase pollution and nuisance in the overburdened neighborhood.

Even the General Commercial Zone will allow for uses that are not appropriate for areas adjacent to sensitive receptors. On page 58 of the draft SCSP, it states that "The Commercial - General designation allows for a wide range of commercial uses *that are not appropriate in other areas because of higher volumes of vehicle traffic and potential adverse impacts on other uses.* Examples of allowable uses include: building materials, storage facilities with active storefronts, equipment rental, wholesale businesses, and specialized retail not normally found in shopping centers." Some of the more intensive uses General Commercial zoning allows include such as building materials and services, construction and material yards, and communications facilities within buildings. Such uses are not allowed in zones more appropriate for residential neighborhoods including Neighborhood Mixed Use. 9-4 cont.

B. Truck Traffic in the Plan Area Will Intensify with Implementation of the Plan

The Draft SCSP acknowledges increased traffic as a result of plan implementation but does not identify what share of that increase will be due to heavy duty trucks. The truth is that plan implementation will significantly increase truck traffic by facilitating uses that rely on heavy duty trucks. The Draft SCSP relies on a truck reroute study that is currently pending before City Council. Not only has that reroute study not been adopted, but it will also be an inadequate tool - if adopted - to protect the South Central Plan area from truck traffic, pollution from trucks, and the safety impacts of truck traffic.

It is notable - and of great concern - that the Truck Reroute study identifies truck regulated areas designed to limit throughway truck traffic on neighborhood roads - a designation that eludes the vast majority of the South Central planning area. This raises the concern that the truck reroute study will actually push truck traffic to the South Central neighborhoods and leave them even more vulnerable to the impacts of trucks - both those with starting points or end points in the plan area, or those using its roads as thoroughfares. While one important road - Cherry Avenue from Central Avenue to North Avenue - will not be a truck route, sensitive receptors along that route will still be subject to heavy duty truck traffic that services use on or near that road. In short, the truck reroute study, if adopted, will not protect the residents and students who live, play, and study in the South Central planning area from increased truck traffic that implementation of the plan will attract. 9-5

It also bears noting that the Truck Reroute Study fails to follow the recommendations of the accompanying UC Merced Health Impact Assessment which called for at least a 1,000 foot 9-6

[2] Agricultural processing would require a conditional use permit in Regional Business Park and Business Park zones.

buffer between sensitive receptors and diesel trucks.[3] Implementation of the South Central Specific Plan, even with incorporation of the truck reroute study, will guarantee intensification of truck traffic within 1,000 feet of sensitive receptors throughout the plan area. 9-6 cont.

C. The Development Standards in the South Central Specific Plan Will Not Protect Sensitive Receptors from Industrial Land Uses.

The Draft SCSP includes a proposed overlay zone that will require certain protections and standards to protect sensitive receptors from industrial land uses. Unfortunately, the overlay zone is unclear and ambiguous in parts and does not provide or require the necessary protections to ensure that industrial land uses will not hurt the people living, working, playing, studying, and praying in the SCSP area. Most notably, the proposed overlay zone purports to create a buffer between industrial and otherwise intense land uses and sensitive receptors. The buffer will not do that as it will not preclude warehouses and other industrial uses from nearly neighboring homes and other sensitive receptors. The overlay policies and the buffer zone in particular merely create an illusion of protection, similar to the shift from industrial zoning to business park. 9-7

1. The Proposed Overlay Zone is Unclear and Ambiguous

The Draft Overlay Zone includes three categories - (1) prohibited uses, (2) uses that are not allowed within 1,000 feet of a sensitive receptor, and (3) uses that are allowed within 1,000 feet of a sensitive receptor subject to some conditions, most notably a conditional use permit. The Overlay Zone will not lead to better protections of the residents in the South Central communities because the language of the draft SCSP ensures that there are loopholes to benefit industrial stakeholders so that their planning projects can continue in the same destructive patterns that impact the residents. 9-8

a. The proposed overlay zone does not appear to address all industrial land uses allowed in the SCSP area

Several allowable land uses in the Industrial and Business Park zones are not included in the list of prohibited uses, uses that cannot be within 1,000 feet of a sensitive receptor, or allowed within 1,000 feet but subject to a conditional use permit. General Industrial, for example, is allowed in industrial zones however it is not included in any of the three categories. Similarly Intense Industrial is allowed in Heavy Industrial zones but is not included in any of the categories identified in the plan. Agricultural processing as well is allowed in Industrial and Business Park zones but it is not included in any of the three categories. It is unclear if these and 9-9

[3] Fresno Community Environmental Health Impact Assessment: https://clc.ucmerced.edu/publications

other industrial uses that are allowed in industrial and business park zones will be subject to any of the requirements in the overlay zone. 9-9 cont.

b. It is unclear how uses that fall in "Category 3" will be treated if they do not meet the conditions required by "Category 3"

Several uses are listed in category 3 (uses that can be within 1,000 feet of a sensitive receptor but that require a Conditional Use Permit) are subject to other requirements. It is unclear what rules would apply to those uses if they did not meet the identified requirements, i.e. CARB criteria for zero or near zero emissions. Would these uses be allowed beyond 1,000 feet from a sensitive receptor? Would they simply not be allowed? The development standards are unclear and confusing with respect to several of these uses, including warehousing uses, in category 3. 9-10

c. The SCSP does not define or accurately describe what criteria near zero or zero emission facilities must meet

The SCSP notes that three types of warehousing, storage, and distribution uses are allowed within the proposed 1,000 feet "buffer" around sensitive uses as long as these uses meet CARB criteria for near zero or zero emission facilities, as defined in CA Sustainable Freight Action Plan (July 2016). However, the state's Sustainable Freight Action Plan does not appear to include a list of criteria for facilities to be considered zero emission or near-zero emission and neither the SCSP nor the accompanying DEIR provide any details about the required criteria. Thus, the public and decision-makers have no way of understanding how uses would qualify as "zero or near-zero facilities," reduce emissions, or compare to other warehouses. Moreover, the California Sustainable Freight Action Plan does not define the term "near- zero" so it remains unclear what the SCSP's use of the term even means and how it can be verified. 9-11

d. The SCSP recommends set-backs for "industrial uses" but does not define such uses

The proposed overlay zone recommends building set back standards for industrial uses but does not provide details about what uses would be subject to this recommendation. Members of the public, developers, and even the City's decision-makers would be left guessing what uses would be subject to the setback standards. 9-12

2. The Proposed Overlay Zone Still Allows Intensive Industrial Uses Near Sensitive Receptors 9-13

The Overlay Zone does not provide sufficient protection from industrial uses, other intensive land uses, or related truck traffic. It will not prevent the continued environmental

degradation of the South Central Specific Plan Area nor will it protect sensitive receptors from polluting land uses. 9-13 cont.

a. Several industrial and otherwise intense land uses will ostensibly be allowed near sensitive receptors

Many industrial and otherwise intense land uses will be allowed in very close proximity to sensitive receptors. intense land uses, including but not limited to Motorcycle/Riding Club, Construction and Material Yards, Limited Industrial, Warehousing, Storage, and Distribution: Indoor Warehousing and Storage; Warehousing, Storage, and Distribution: Outdoor Storage; and Warehousing, Storage, and Distribution: and Wholesaling, Storage and Distribution will be allowed as close to 100 feet from a sensitive receptor with a CUP and with few other protections. As has been the case to date, CUPs will be routinely and summarily approved with little public oversight and not public hearing.[4] Areas next to sensitive receptors must be properly zoned, and the aforementioned types of classifications should not be permitted even under a CUP. 9-14

Additionally, as noted above, several uses don't fall within any of the restrictive categories included in the Overlay Zone and may be allowed within 1,000 feet of sensitive receptors. These uses include General Industrial, Intense Industrial, Agricultural Processing, Construction and Material Yards, and Building Materials and Services. These uses could intensify air, water, light, and noise pollution in addition to traffic safety concerns yet appear to be allowed as close as 100 feet from a sensitive receptor.

3. The Proposed Overlay Zone Will not Protect People from The Impacts of Warehousing and Similar Facilities that Attract Truck Traffic

The proposed Overlay Zone includes inadequate protections from the impacts of truck traffic servicing warehouses and other industrial uses. The development standards call for truck entries to be oriented away from sensitive receptors unless physically impossible.[5] There should be no such exception. If orienting entries and loading docks away from sensitive receptors is not possible, then that particular use is inappropriate. Similarly, the development standards suggest that loading docks and truck entries should be located away from sensitive receptors if feasible.[6] Again, there should be no such caveat. It's critical for health and safety considerations such standards be in place. Finally, the proposed development standards only require a 300 foot buffer 9-15

[4] City of Fresno Code of Ordinances: Part V, Article 49, Sec. 15-4904 (J)(L). Article 50, Sec. 15-4904 (M) and Table 15-4907
[5] Draft SCSP pg 73
[6] Id

for warehouses that are larger than 400,000 square feet.[7] Not only is a 300 foot buffer inadequate given the impacts of truck idling and queueing on sensitive receptors, but a standard buffer should not be limited to only massive facilities. 9-15 cont.

D. The Proposed Land Use Plan Does Not Address Existing Needs Including the Beed for Neighborhood Mixed Used Zoning and Parks

The Draft SCSP fails to adequately incorporate recommendations of people who live in the plan area. Residents of the South Central neighborhoods recommended less industrial uses, but also recommended more community-serving amenities, more parks and green space, and more housing.

The Plan's allocation of land for parks falls far short of recommended park space. In fact the draft plan only designates 3 acres for a park and that land is at the far edge of the plan area, leaving the majority of the planning area far from any hope of a park or recreational space. Community members have repeatedly asked for more trees to create a better tree canopy to reduce heat island impacts. Insultingly, the development standards do not require any trees to be planted except for saplings that don't reach their maturity until 10 years later. 9-16

Despite a call for more community-serving amenities, housing, and pedestrian-friendly retail opportunities that would best be fulfilled through Neighborhood Mixed Use zoning, there is virtually no such zoning in the entire plan area. Instead the plan allocates almost all non-residential uses to industrial and business park zones along with some General Commercial zones which the draft plan itself describes on page 56 as not necessarily compatible with "other areas because of higher volumes of vehicle traffic and potential adverse impacts on other uses".

Unfortunately, despite the articulated desire for more housing and mixed use development in the area, including near Orange Center Elementary school, residents are seeing more and more land gobbled up for industrial uses, making residential development more and more untenable. This plan could reverse that harmful trend if corrected.

E. The proposed land use and circulation plan does not protect the safety of pedestrians and cyclists in the plan region.

Community residents have consistently and repeatedly voiced their concerns about the lack of safety for pedestrians and cyclists in the SCSP area as a result of significant heavy duty truck and employee traffic from distribution and industrial facilities in the plan area. In fact, the SCSP notes that "there are many locations that lack bikeways and sidewalks or that have 9-17

[7] Draft SCSP pg 73 Developmental Regulation

sidewalks gaps between development" and goes on to state that "inconsistent bicycle and pedestrian networks contribute to an unsafe and uninviting environment for pedestrians and cyclists."[8]

While the SCSP states that it incorporates relevant portions of multiple transportation planning documents and identifies *planned* bicycle, trail, and sidewalk networks, it completely fails to identify how planned network investments will actually be funded and fully realized. Furthermore, SCSP does not commit to or identify any actions the City will take to ensure timely implementation in the circulation or implementation chapters of the SCSP. It excuses any commitments by noting that improvements can only be made if they are feasible and within city limits with no acknowledgement to address bikeway and sidewalk infrastructure deficiencies for areas within the city's sphere of influence[9]. 9-17 cont.

With respect to public transit, the SCSP points to existing transit services and planned service extension to support the North Pointe Business Park but does not analyze transit service deficiencies nor identify transit improvement for residents living within the SCSP area. Additionally, the circulation chapter discusses the Clean Shared Mobility Network, which is entirely a Southwest Fresno Specific Plan Transformative Climate Communities (TCC) project that lies within the Southwest Fresno Specific Plan and it does not infiltrate nor directly benefit South Central Fresno community members. The Clean Shared Mobility Network project should not be mentioned in the SCSP unless the City plans and commits to duplicate the project and its benefits of a mobility network within the community of South Central. To state that this Clean Shared Mobility Network adjoins the SCSP as if it will benefit South Central is a farce because none of the project's services are within the SCSP area. 9-18

With respect to traffic calming, the SCSP offers no analysis as to the traffic calming needs of the Plan area to protect pedestrians and bicyclists, The SCSP only proposes the City should consider traffic claiming studies and to seek funding for traffic calming *studies after* the SCSP is adopted which is unacceptable. 9-19

Insultingly, the circulation chapter identifies construction of the SR 99 South Fresno Corridor on American and North Avenues as a project that will improve traffic operations and safety at the interchanges and on intersecting and nearby local streets resulting in lower air emissions on the local road system and improved access for businesses in the Plan Area.[10] Community opposition to the SR 99 South Fresno Corridor project is well documented and residents have repeatedly called on the local, state, and federal agencies to rescind project approval due to significant air quality impacts of the proposed project. Most recently, public 9-20

[8] Draft SCSP, page 81
[9] Draft SCSP, page 81
[10] Draft SCSP, page 93

comments were submitted to the Federal Highways Administration documenting the disastrous impacts to the health and well benign of South Fresno neighborhoods, including those within the SCSP area, should the project move forward. Those comments are incorporated herein (and included as Attachment 3). 9-20 cont.

Lastly, as noted in Section II. B of our comments, the truck reroute study is inadequate and truck traffic will intensify in the SCSP area. 9-21

F. Implementation of the Plan's Policy Framework is Unclear and Ambiguous

The policy and implementation framework found in Chapters 3 and 8 of the draft plan fail to include enforceable, timely, and meaningful policies and implementation actions. Proposed policies across categories are vague, unenforceable, and will not result in reduced pollution exposures near sensitive receptors in the Plan Area. A few notable examples include:

T-6 - Help school districts implement a "safe routes to school: " program;

T-7 Build, repair, and maintain roads in good conditions;

T-12 Consider a funding mechanism to pre-fund infrastructure improvements, prior to allowing development to occur;

AQ-2 Request additional 24-hour air monitors from the San Joaquin Valley Air Pollution Control District around distributions centers, major roads near distributions centers, and at receptive school districts; 9-22

N-2 Identify noise-impacted areas in the Plan Area;

EGB-3 Encourage installation go solar panels, battery storage, and zero-emission backup electricity generators at distribution centers;

W-2 Implement a periodic water quality testing program in areas where contamination has been an issue;

W-6 Seek funding to expand water facilities ato neighbors within the Plan Area;

E-10 Prioritize hiring local residents;

PN-1 Establish new noticing requirements for all project types;

CBD-1 Consider a Community Benefit Fund to pay for measures such as air filtration systems, dual-paned windows, parks, job training programs, and job fairs near the Plan Areas.

Several of the proposed policies mentioned above fail to include a timeline for implementation, identify responsible city departments, identify secured funding sources to implement, and a plan for enforcement. Additionally, the SCSP states that "implementations of policies are subject to available resources, staff capacity and availability, funding, and priorities of decision makers among other things"[11], thereby rendering proposed policies and implementation actions meaningless. 9-22 cont.

III. The Draft South Central Specific Plan is Inconsistent with Local and State Policy Goals and Mandates

A. The SCSP is Inconsistent with the Goals, Strategies, and Overall Intent of the AB 617 South Central Fresno Community Emission Reduction Plan

AB 617 initiated a state-wide effort to monitor and reduce air pollution, and improve public health, in communities that experience disproportionate burdens from exposure to air pollutants through new community-focused and community-driven actions.[12] After an extensive public engagement process and the San Joaquin Valley Air Pollution Control District's (Air District) own comprehensive identification and prioritization analysis, the South Central Fresno neighborhood was recommended by the Air District Governing Board and selected by the California Air Resources Board (CARB) as a first-year community for the development of a community air monitoring plan and emission reduction plan to reduce pollution impacts due to the area's high cumulative air pollution exposure burden. [13] The SCSP area is within the boundaries of the AB 617 South Central Fresno Region and thus subject to the goals and strategies within the adopted community emission reduction plan (CERP). (Please find included as Attachment 4 a map showing the boundaries of the City of Fresno, the boundaries of the City of Fresno's sphere of influence, the boundaries of the AB 617 South Central Fresno Region, and the boundaries of the South Central Specific Plan) 9-23

As noted in the CERP, top community sources of concern include heavy duty trucks, land use and industrial development, and industrial processing in the plan area. [14] To address these concerns, the CERP includes several strategies intended to reduce high cumulative air 9-24

[11] Draft SCSP, page 135
[12] 2019 South Central Fresno Community Emission Reduction Plan https://community.valleyair.org/media/kx2gz0h4/01finalscfresnocerp-9-19-19.pdf
[13] 2019 South Central Fresno Community Emission Reduction Plan https://community.valleyair.org/media/kx2gz0h4/01finalscfresnocerp-9-19-19.pdf
[14] 2019 South Central Fresno Community Emission Reduction Plan https://community.valleyair.org/media/kx2gz0h4/01finalscfresnocerp-9-19-19.pdf

pollution exposure including but not limited to incentive programs for heavy duty truck replacement with zero and near zero emission technology; reducing idling of heavy duty trucks within the community; installation of electric charging infrastructure at distribution center, warehouse, and other types of freight facilities where heavy duty diesel trucks are loaded or unloaded; a heavy duty truck rerouting study which is now pending before the city; supporting projects that reduce vehicle miles traveled to promote active transportation and increase the walkability of community neighborhoods; increased coordination with the City and County on land use planning, permitting and CEQA processes to minimize impact on air quality; increased urban greeting and forestry to improve air quality; and installation of vegetative barriers around and near sources of concern.[15] 9-24 cont.

The CERP is unequivocal that its purpose is to reduce pollution in the designated south Fresno area. While the Air District leads CERP implementation, the City has a critical role in supporting CERP implementation and emission reduction. As noted above, the proposed land uses and development standards in the draft SCSP will facilitate significant increases in intense and polluting uses near and impacting sensitive receptors within the AB 617 South Central Fresno region thereby undermining community-led, SJVAPCD, and CARB efforts to improve air quality and reduce pollution exposure in the region.

B. The SCSP is Inconsistent with the Goals and Projects of the City of Fresno's Transform Fresno Initiative.

In 2016, the City of Fresno was awarded a $70 million Transformative Climate Community (TCC) program grant by the California Strategic Growth Council for Southwest, Downtown and Chinatown areas of Fresno. AB 2722, which created the TCC program, calls for investment in areas that have a high proportion of census tracts identified as disadvantaged communities and that focus on communities that are most disadvantaged.[16] The goals of the TCC program are to invest in community-led climate resilience projects in California's most disadvantaged communities. The program aims to achieve these goals through a combination of community-driven climate projects to improve public health and the environment, to strengthen the economy through community serving projects, and to reduce greenhouse gas emissions[17]. 9-25

A historic and unprecedented participatory process led to the identification of a series of projects that would result in significant environmental and economic benefits to the Chinatown,

[15] 2019 South Central Fresno Community Emission Reduction Plan, pp 46- 126 https://community.valleyair.org/media/kx2gz0h4/01finalscfresnocerp-9-19-19.pdf
[16] Bill Text: AB 2722 Transformative Climate Communities, Chapter 371, Section 1 Part 4 of Section 75240 of Division 44 of the Public Resources Code
[17] Transformative Climate Communities Fact Sheet: https://sgc.ca.gov/grant-programs/tcc/docs/20231218-TCC_Fact_Sheet.pdf

Downtown, and Southwest Fresno neighborhoods.[18] Funded projects and programs include but are not limited to clean mobility options, urban greening and increased park space, infrastructure to support neighborhood serving amenities, community gardens, affordable housing, and rooftop solar – all intended to provide environmental and health benefits to communities most disproportionately impacted and reduce greenhouse gasses.[19]

9-25 cont.

The Transform Fresno investment area is within the AB 617 South Central Fresno boundary and adjacent to the SCSP area. Combined with strategies in the South Central Fresno CERP, Transform Fresno seeks to improve environmental and health conditions in the very same neighborhoods that will be negatively impacted by the SCSP. Air quality knows no boundaries, and if approved as is, the SCSP will also undermine local and state efforts to build community and climate resilience.

C. The Plan Fails to Adhere to the Mandates of the City of Fresno's Resolution Calling for the Development of the Plan

9-26

On November 14, 2019, the Fresno City Council passed resolution 2019-23 directing City staff to develop land use designations, zoning, and policies to protect sensitive uses in the SCSP area from the impacts of industrial development and to engage in other planning activities to ensure the extension of essential infrastructure and services to unincorporated SCSP neighborhoods in the City's development trajectory and engage residents' in crafting economic development strategies and policies reflective of residents' priorities for economic mobility and business investment in local communities (Attachment 5: Resolution 2019-235). Specifically, the resolution provides that the City "wishes to obtain input from residents" "to develop a vision, land use changes, and policies that...avoid and minimize impacts to existing sensitive land uses from new development and ensure a decent quality of life and a healthy environment for residents of existing neighborhoods and communities within and near the [SCSP area]." p. 2. The resolution repeatedly emphasizes the City's intention that SCSP residents inform the SCSP's policies and land use designations, stating that the plan's land use policies should be "reflective of community input," and that residents and stakeholders "shall inform the [SCSP] to the greatest extent feasible, through an inclusive community engagement process." p. 2.

The SCSP does not conform with the mandates outlined in the City's own resolution.

9-27

1. The SCSP Does not Adequately Reduce Intensity of land uses or Include New Land Use Designations

[18] https://www.transformfresno.com/about/
[19] https://www.transformfresno.com/projects/

The plan is also not aligned with Resolution 2019-235, which states that the SCSP plan incorporates reductions in the zoning intensity near sensitive uses to provide buffers to protect sensitive uses from adverse impacts from more intense land uses in a manner that reflects stakeholder input. The resolution also states that the Mayor and city council desire new land use designations, policies and implementation actions specific to the plan area, and incorporate relevant environmental mitigation measures reflective of community input and the analysis prepared for the Environmental Impact Review.

9-27 cont.

The reduction in zoning from Heavy or Light Industrial to Regional and Business Park which would still allow intense industrial and polluting uses does not meet this required component of the resolution for the reasons noted above. Furthermore, the plan contains no new land use designations that would reduce pollution impact and intensity of industrial uses, invest in neighborhood serving amenities and services, and promote pedestrian safety and walkability as repeatedly requested by community residents throughout the plan development process.

2. The Draft SCSP Does Not Adequately Incorporate Input From Community-based Stakeholders

Resolution 2019-235 also states that the SCSP must be informed by stakeholder input. And yet the Draft SCSP largely ignores many of the priorities and recommendations community members raised.

Community members recommended a significant reduction in industrial land uses. The Draft SCSP largely ignores this recommendation, instead swapping in Business Park for Industrial zones which allow many of the same polluting uses. If anything, this change misleads and misinforms community stakeholders rather than incorporating the recommendations. For reduced industrial uses.

9-28

Community stakeholders also recommended increased housing and neighborhood mixed uses zonings to address the need for housing and neighborhood serving retail. Unfortunately, the draft plan provides virtually no Neighborhood Mixed Use.

Finally, community members recommended additional park space and walking and biking paths. The Draft SCSP falls far short of providing land requisite to address the need for parks in the neighborhood and fails to make the necessary commitments to update pedestrian and bike safety and infrastructure.

In short, the City failed to live up to its mandate to incorporate stakeholder input - or at least community input - into the Draft SCSP.

D. The Draft SCSP Fails to Align with the City of Fresno's General Plan Goals and Policies

The ongoing industrialization of the the SCSP area contradicts and is not in alignment with the General Plan's goals of promoting healthy communities[20] and improving public health and safety.[21] The draft SCSP is also not in alignment with the General Plan's Environmental Justice Goal A which states that, "...related to land use planning… ensure new developments do not disproportionately burden disadvantaged communities. To ensure the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation and enforcement of environmental laws, regulations and policies do not disproportionately impact any individual race, any culture, income or education level."[22] 9-29

IV. Recommendations

A. Ensure Effective Public Engagement in The Development of the Final SCSP

Despite the City's own call for ongoing community engagement in the development of the SCSP (through Resolution 2019-235) the City failed to meaningfully engage impacted people and seek feedback on the Draft SCSP. We are hopeful that the City incorporates all of the substantive changes recommended below, but regardless, more engagement will be necessary before plan adoption to ensure inclusion of all impacted neighborhoods. 9-30

B. Recommended Changes to the Draft South Central Specific Plan

The City should redraft the SCSP based on recommendations included in the Community Plan Alternative, included in additional community engagement as recommended above, and included herein to promote health, safety, equitable access to amenities, and to align with City and State policies and mandates. We've summarized the recommendations below and look forward to working with you to incorporate and implement the following land use and policy changes. 9-31

[20] Draft SCSP, page 13, goal number 9
[21] Draft SCSP, page 15, goal number 15
[22] Id.

We recommend the following changes to the Land Use Map to ensure that sensitive receptors are protected from some of the harshest impacts of increased industrialization and intensification of land use:

- Eliminate Industrial Zoned Land within one half mile of sensitive receptors or land zoned for sensitive receptors
- Shift Industrial Zoned Land to Business Park, Commercial General or Neighborhood Mixed Use subject to the recommendations below
- Change land that is currently zoned General Commercial to Neighborhood Mixed Use in areas that would allow a half mile buffer between the NMX use and existing industrial uses
- Change land that is currently zoned Industrial or Business Park to Neighborhood Mixed Use in areas that would allow a half mile buffer between the NMX use and industrial uses
- Increase park acreage by at least 10 acres to address the need for parks, playgrounds, and recreational areas in the plan area

9-32

We recommend inclusion of the following transportation and circulation policies:

- Eliminate truck routes that pass within 1,000 feet of sensitive receptors
- Implement UC Merced's Health Impact Assessment's recommendations of developing truck routes outside of the 1,000 foot buffer and even further away when considering more vulnerable populations; any new and future truck routes must be designed to avoid locations where people live, work and play.
- Set enforceable timelines for implementation of pedestrian safety plans and traffic calming measures, including but not limited to:
    - Construction of Class I bike routes
    - Construction of walking and bike paths on canal banks
    - Construction of complete streets
- Coordinate with residents and law enforcement entities to enforce truck routes and other traffic calming and traffic safety measures

9-33

We recommend the following policy changes to the proposed overlay zone:

- Prohibit intensive land uses and / or land uses that attract heavy duty truck traffic within a half mile of a sensitive receptor or an area zoned for a sensitive receptor. Such uses include but are not limited to general industrial, intense industrial, limited industrial, warehousing, service station, shooting / archery range, salvage and wrecking, freight / truck terminals and warehouses, waste transfer facility, mining and quarrying, motorcycle / riding club, construction and material yards, building materials and services, communications facilities within buildings, and agriculture processing and agricultural services.

9-34

- Require a CUP for any of the following uses in the plan area and require public notice and a public hearing prior to CUP approval: general industrial, intense industrial, limited industrial, warehousing, service station, shooting / archery range, salvage and wrecking, freight / truck terminals and warehouses, waste transfer facility, mining and quarrying, motorcycle / riding club, construction and material yards, building materials and services, communications facilities within buildings, and agriculture processing and agricultural services.
- Require that all loading docks at warehousing facilities and similar facilities are oriented away from sensitive receptors and eliminate discretion to override the requirement
- Require a half mile set-back from dock-doors to sensitive receptors
- Prohibit expansion, modification, and intensification of existing and new industrial uses in the SCSP area boundaries unless they meet all technologically feasible components of development standards laid out in the City's Development Code, including but not limited to requirements related to set-backs, landscaping, screening, ingress and egress standards, queuing standards, dock door orientation, and buffer zones.
- Require local hiring practices and standards to ensure that residents of the Planning Area and adjacent neighborhoods have access to job and career opportunities that result from plan implementation.

9-34 cont.

We recommend that the following additional policies be incorporated into the City's Development Code upon its adoption:

- Require extension of water and wastewater service to any residents living in or adjacent to the City's sphere of influence who opt for municipal water and wastewater service
- Require fire suppression systems in businesses that pose high risk of fires including businesses that produce pallets, chemicals, and other flammable materials.
- Require businesses that pose great fire risk to provide nearby sensitive receptors with military grade gas/respirator masks for the population of school staff/faculty/ and students for emergency use during an active fire
- Require the creation of a Community Benefit Fund (CBF) to fund home and neighborhood level improvements and facilitate job and career opportunities for residents of the plan area. Additionally, require all industrial developments to contribute funds to the CBF.

9-35

* * * *

Thank you for your consideration of these comments and recommendations. We look forward to working with you, and other stakeholders, to create a South Central Specific Plan that matches the potential of South Fresno neighborhoods to thrive.

Sincerely,

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Leadership Counsel for Justice and Accountability

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Faith in the Valley and Healthy Fresno Air

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LETTER 10
Leadership Council for Justice & Accountability
Edward T. Schexnayder, SMW Law

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Letter 10

July 30, 2024

Via Electronic Mail Only

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Re: Draft Environmental Impact Report For The Fresno South Central Specific Plan (SCH# 2019079022)

Dear Ms. Pagoulatos:

This firm represents the Leadership Counsel for Justice and Accountability ("Leadership Counsel") in matters relating to the City's South Central Specific Plan ("SCSP", "Specific Plan", or "Project"). The Leadership Counsel has serious concerns about the environmental impacts of the SCSP as currently proposed. The Draft Environmental Impact Report ("DEIR") substantially understates, and fails to fully analyze, the severity and extent of the Project's significant effects on air quality, greenhouse gas ("GHG") emissions, public health, safety, and noise among others. In addition, the Specific Plan is inconsistent with the San Joaquin Valley Air Pollution Control District's Program Air Basin Plan and AB 617 Implementation Program. But none of these impacts or inconsistencies of the Project can be discerned from reading the DEIR. The DEIR is thus inadequate as an informational document and violates the minimum standards of adequacy under the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 et seq., and the CEQA "Guidelines," California Code of Regulations, title 14, § 15000 et seq. 10-1

The DEIR is deficient under CEQA for multiple reasons. As discussed in more detail below, the DEIR fails to: include an adequate description of the environmental setting or of the Project; fails to adequately analyze and propose mitigation for significant environmental impacts related to air quality, public health, climate change, public safety, and other topics; and fails to analyze the Project's cumulative impacts in any meaningful 10-2

way. For example, the DEIR fails to sufficiently discuss how the Project's significant unavoidable air quality impacts translate to adverse health impacts for the thousands of residents[1] of the South Central Fresno communities and adjacent areas. In addition, the numerous vague, voluntary, and unenforceable policies and measures relied on as mitigation in the DEIR fail to comply with CEQA, which requires enforceable, concrete commitments for mitigation. As a result, the DEIR fails to describe measures that could avoid or substantially lessen the Specific Plan's numerous significant impacts. The flaws demand that the DEIR be substantially modified and recirculated for review and comment by the public and public agencies. 10-2 cont.

The DEIR's failings will most directly and significantly impact low-income, disadvantaged residents and communities, especially communities of color, in South Central Fresno. The City must revise and recirculate the DEIR to provide the public an accurate assessment of the environmental issues at stake, and a mitigation strategy—developed *before* SCSP approval—that fully addresses the Project's significant impacts. The City must also take a serious look at alternatives that can better avoid or lessen most of the Project's significant impacts. The revised DEIR should include the changes to the SCSP requested in the comments submitted by the Leadership Counsel for Justice and Accountability. The proposed revisions to SCSP policies are feasible mitigation measures that can effectively reduce the Project's impacts. 10-3

This letter, along with the air quality report prepared by Patrick Sutton, Senior Environmental Engineer, Baseline Environmental, Inc. ("Baseline Report" attached as Exh. A) constitute our comments on the DEIR. Please refer to the Baseline Report for further detail and discussion of the DEIR's inadequacies with regard to air quality impacts. 10-4

I. The DEIR's Flawed Project Description Does Not Permit Meaningful Public Review of the Project.

Under CEQA, the inclusion in the EIR of a clear and comprehensive description of the proposed project is critical to meaningful public review. *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 193 ("*Inyo II*"). The court in *Inyo II* explained why a thorough project description is necessary: 10-5

> "A curtailed or distorted project description may stultify the objectives of the reporting process. Only through an accurate view of the project may

[1] https://ww2.arb.ca.gov/our-work/programs/community-air-protection-program/communityhub-2-0/south-central-fresno

> affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the "no project" alternative) and weigh other alternatives in the balance."

Id. at 192-93. Thus, "[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." *Santiago County Water District v. County of Orange* (1981) 118 Cal.App.3d 818, 830.

Here, the DEIR fails to adequately describe aspects of the Project that are essential for the DEIR to provide a meaningful environmental analysis. In some instances, the DEIR presents an incomplete, unclear, and misleading description of allowed uses within the Plan Area. For example, the DEIR indicates that three types of warehousing, storage, and distribution uses are allowed within the proposed 1,000 feet "buffer" around sensitive uses as long as these uses "meet CARB criteria for zero emission facilities, as defined in CA Sustainable Freight Action Plan (July 2016) (sic). DEIR at 3-30. However, the SCSP states that these same uses "Must meet CARB criteria for zero *or near zero* emission facilities, as defined in CA Sustainable Freight Action Plan (July 2016)[2]. SCSP at page 71; emphasis added. Therefore, the DEIR presents a description of uses that is inconsistent with the SCSP, and does not evaluate impacts from allowing "near zero emission facilities" to be located within the 1,000-foot buffer. 10-5 cont.

Moreover, the state's Sustainable Freight Action Plan does not appear to include a list of criteria for facilities to be considered zero emission or near-zero emission and the DEIR fails to disclose any details about the required criteria. Thus, the public and decision-makers have no way of understanding how uses would qualify as "zero or near-zero facilities," reduce emissions, or compare to other warehouse. The California Sustainable Freight Action Plan does not define the term "near- zero" at all so the SCSP's use of the term begs the question as to what constitutes "near-zero emissions." This lack of clarity indicates that warehouse, storage, and distribution uses that emit pollutants will in fact be allowed within 1,000 feet of sensitive uses. 10-6

In another example, the DEIR's description of the Project fails to disclose the number of truck trips that would result from implementation of the SCSP. The DEIR makes a single reference to the fact that the plan would result in an additional 72,241 trips per day. DEIR at 4.3-29. Yet, it fails to elaborate on how many of these trips would be due to heavy duty trucks, including diesel-powered haul trucks, and how many would be automobiles. This information is important because diesel trucks create greater 10-7

[2] https://ww2.arb.ca.gov/our-work/programs/california-sustainable-freight-action-plan

environmental impacts including more particulate matter, more traffic safety issues, significant road deterioration, and a higher level of noise. 10-7 cont.

The SCSP and the DEIR also present contradictory, misleading information regarding the level of protection proposed SCSP policies and standards would provide sensitive uses and residents. The SCSP states that the "Plan seeks to improve the quality of life" of residents in the Plan Area. SCSP at 40. The SCSP Guiding Principles include decreasing "land use intensity of undeveloped parcels surrounding sensitive uses" applying setback requirements for industrial uses, and "establishes being a good neighbor in part by "locating high intensity land uses away from sensitive uses." SCSP at 40 and 41. Similarly, the DEIR states that Project characteristics include providing buffers from sensitive uses. DEIR at 2-2, 3-12, 2-48.

Despite these declarations, the SCSP as proposed would allow many polluting uses near residents and sensitive uses. It expressly allows three types warehousing uses and "Limited Industrial" uses, the latter of which is not defined in the SCSP, DEIR, or the City's Zoning Code. SCSP at 71 and DEIR at 3-30. The harmful impacts resulting from warehousing uses are well known to include harmful criteria pollutant emissions, loud noise from loading docks, light pollution, and truck traffic 24 hours a day. Yet the SCSP's proposed development standards include minimal setbacks that are unlikely to protect residents. For example, the specified building setback between industrial uses and sensitive uses is only 100 feet, and even this standard is optional. *See*, DEIR at 3-30 [The buildings *should* setback a minimum of 100 feet when sharing the same property line.] Neither the SCSP nor the DEIR offer any explanation for how this setback distance was derived. Even if the 100-foot setback distance is adequate to protect area residents, which there is no evidence to support, the wording of this standard is optional and unenforceable, thereby negating any potential benefits. 10-8

In addition, the DEIR is unclear about exactly which proposed land uses will be allowed adjacent to sensitive land uses. *See*, DEIR Figure 3-16, showing proposed land uses and 1000-foot buffer areas. Specifically, the colors used to indicate Neighborhood Mixed Use and Regional Business Park are so similar as to be indistinguishable from each other. The distinction is important because the two designations allow very different uses. As discussed above, the Regional Business Park designation allows warehouse and limited industrial uses. By contrast, the Neighborhood-Mixed Use designation allows residential uses and local-serving, pedestrian-oriented commercial development, such as convenience shopping and professional offices in two- to three-story buildings. Yet, a reader reviewing the maps presented in the DEIR cannot decipher which use is which. 10-9

Finally, the proposed SCSP does not, in fact, "buffer" residential areas and schools from polluting industrial uses. As shown in DEIR Figure 3-16 SPLU Proposed Buffers, intensive uses such as Business Park, Regional Business Park, and Light and Heavy Industrial uses continue to be allowed within the so-called buffer. Furthermore, the DEIR fails to clearly describe the uses allowed in each proposed land use designation. This failure implicates the analysis of plan-related impacts. A revised DEIR should present a clear description of allowed uses, a corrected and thorough evaluation the transportation, air quality, greenhouse gas, light, and noise impacts associated with a higher level of such uses in the planning area, proposed measures to minimize impacts and an explanation of any residual impacts remaining after mitigation. Analyzing the potential future development in the Plan Area is an integral part of the Project and must be analyzed in this EIR. *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713. 10-10

II. The DEIR's Analyses of and Mitigation for the SCSP's Environmental Impacts Are Legally Inadequate.

The evaluation of a proposed project's environmental impacts is the core purpose of an EIR. *See*, CEQA Guidelines § 15126.2(a) ("An EIR shall identify and focus on the significant [environmental] effects of the proposed project"). As explained below, the DEIR fails to analyze the Project's numerous environmental impacts, including those affecting air quality, greenhouse gas emissions, and public health and safety. In addition, in numerous instances, the DEIR also fails to adequately analyze the Project's cumulative impacts. These inadequacies require that the DEIR be revised and recirculated so that the public and decision-makers receive a proper analysis of the Project's significant environmental impacts and feasible mitigation for those impacts. *See*, CEQA Guidelines, § 15002(a)(1) (listing as one of the "basic purposes" of CEQA to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities"). 10-11

If supported by substantial evidence, the lead agency may make findings of overriding considerations and approve the project in spite of its significant and unavoidable impacts. *Id.* at §§ 15091, 15093. However, the lead agency cannot simply conclude that an impact is significant and unavoidable and move on. A conclusion of residual significance does not excuse the agency from (1) performing a thorough evaluation and description of the impact and its severity before and after mitigation, and (2) proposing *all* feasible mitigation to "substantially lessen the significant environmental effect." CEQA Guidelines § 15091(a)(1); *see also, id.* § 15126.2(c) (requiring an EIR to

discuss "any significant impacts, *including those which can be mitigated but not reduced to a level of insignificance*" (emphasis added). "A mitigation measure may reduce or minimize a significant impact without avoiding the impact entirely." 1 Stephen Kostka & Michael Zischke, *Practice Under the California Environmental Quality Act* § 14.6 (2d ed. 2008).

The "programmatic" nature of this DEIR is no excuse for its lack of detailed analysis. CEQA requires that a program EIR provide an in-depth analysis of a large project, looking at effects "as specifically and comprehensively as possible." CEQA Guidelines § 15168(a), (c)(5). Because it looks at the big picture, a program level EIR must provide "more exhaustive consideration" of effects and alternatives than an EIR for an individual action, and must consider "cumulative impacts that might be slighted by a case-by-case analysis." CEQA Guidelines § 15168(b)(1)-(2).

Further, it is only at this early stage that the City can design wide-ranging measures to mitigate City-wide environmental impacts. *See*, CEQA Guidelines § 15168(b)(4) (programmatic EIR "[a]llows the lead agency to consider broad policy alternatives and program wide mitigation measures at an early time when the agency has greater flexibility. . . ."). A "program" or "first tier" EIR is expressly not a device to be used for deferring the analysis of significant environmental impacts. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 199. It is instead an opportunity to analyze impacts common to a series of smaller projects, in order to avoid repetitious analyses. Thus, it is particularly important that the DEIR for the SCSP analyze the overall impacts for the complete level of development it is authorizing now, rather than when individual specific projects are proposed at a later time. 10-11 cont.

The DEIR finds that the City's plans for future growth and development as set out in the SCSP will result in significant and unavoidable impacts in six different topic areas. DEIR at 2-6 to 2-55. As detailed below, in numerous instances, the DEIR fails to thoroughly assess impacts deemed to be significant or to identify additional feasible mitigation measures to reduce the severity of impacts, especially ones that remain significant even after mitigation. Therefore, the DEIR, here, fails to provide the legally required analysis of the substantial industrial growth that the Specific Plan allows and promotes. Thus, the City must revise the DEIR to accurately analyze and mitigate the Plan's significant impacts.

A. The DEIR Fails to Adequately Analyze and Mitigate the SCSP's Air Quality Impacts.

The City of Fresno, and the surrounding San Joaquin Valley Air Basin, suffer from some of the nation's worst air quality. As the DEIR acknowledges, the southern portions of the City, including the South Central planning area, experience poor air quality due to a large concentration of industrial uses and high volumes of truck traffic. DEIR at 4.3-13. South Central Fresno was prioritized and selected by the California Air Resources Board (CARB) for additional emissions monitoring, adoption of a community emission reduction plan inclusive of measures that will result in quantifiable emission reductions, and investment of additional resources under Assembly Bill 617 due to the community's disproportionate cumulative air pollution exposure burden. Therefore, it is imperative that the DEIR provide an accurate assessment of the SCSP's potential to further degrade air quality and public health.

By the DEIR's own admission, implementation of the Specific Plan would cause a substantial increase in air pollution that would expose sensitive receptors to substantial additional pollution concentrations. DEIR at 2-15. However, as described below and in the Baseline Report, the DEIR's analysis of air quality impacts fails to include recent information reflecting the baseline condition, grossly underestimates project-related increases in air pollutants, and presents inadequate mitigation. Furthermore, the DEIR fails to adequately analyze the Specific Plan's consistency with Assembly Bill 617 programs for the Plan Area. In addition, the DEIR includes a faulty analysis of plan-related health risks. Baseline Report at 6-13. Thus, the DEIR's analysis of air quality impacts does not comply with CEQA. 10-12

The fact is that this Project will have a devastating impact on local and regional air quality. Disadvantaged communities and people of color, who already suffer from health impacts of poor air quality, will feel these impacts more acutely than other City residents. Unfortunately, the details of these impacts remain unknown because the DEIR does not provide anything close to a complete analysis of these issues. These egregious flaws in the air quality analysis are described below. In addition, we incorporate by reference the letter dated July 29, 2024 from Baseline Environmental, Inc. ("Baseline Report").

1. Inconsistency with Assembly Bill 617

Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017) addresses air pollution impacts in environmental justice communities and requires CARB and local air districts to develop and implement additional emissions reporting, monitoring, reduction plans and measures in an effort to reduce air pollution exposure in the most impacted 10-13

communities. https://community.valleyair.org/ As discussed above, in 2018, South Central Fresno was one of the first communities selected by CARB for investment of additional resources under AB 617. As pointed out by the Attorney General's Office in their Notice of Preparation ("NOP") comments, the SJVAPCD has been implementing the South Central Fresno Community Emissions Reduction Program ("CERP") since it was adopted in early 2020. *See*, Letter from Deputy Attorney General, Scott Lichtig, dated July 22, 2019 at 7 and 8.

The DEIR states that the SCSP:

> "is intended—to build upon the policy framework established by the following previously adopted plans, including the Community Emissions Reduction Program: South Central Fresno (2019, San Joaquin Valley Air Pollution Control District): an emissions reporting, monitoring, and reduction plan that was *developed under AB 617 to reduce air pollution exposure in disadvantaged communities*.

DEIR at 3-10; emphasis added.

10-13 cont.

However, while the State is investing substantial public funds to reduce air pollution in the planning area, the proposed SCSP would directly undercut these efforts, by increasing polluting industrial uses by more than 18 million square feet, resulting in significant unavoidable impacts. *See*, e.g., SCSP at DEIR at 2-1, 2-8. 2-15, 3-5, 4.3-19, 4.3-24. 4.3-28, 4.3-33. As the DEIR admits "[I]mplementation of development under the proposed plan would intensify urbanization in the Plan Area, which would in turn increase criteria air pollutants and ozone precursors in an area that is currently designated as an extreme nonattainment area with respect to the NAAQS." DEIR at 4.3-26. Thus, the proposed Specific Plan would increase pollutant emissions at a scale that could negate expected benefits from implementation of the South Central Fresno CERP.

As explained in the Attorney General's Office NOP comments, "[T]he City's EIR must account for how additional industrial development will comply with the existing legal requirement that emissions be reduced in this area." *See*, Letter from Deputy Attorney General, Scott Lichtig, dated July 22, 2019 at 8. Although the DEIR acknowledges requirements to reduce pollution emission reductions under AB 617, the DEIR fails to analyze the proposed SCSP's consistency with the CERP and AB 617 generally. *See*, DEIR at 3-10, 4.3-12 and 4.3-13 (describing AB 617), and at 4.3-19 and 4.3-20 (analysis of the proposed Specific Plan's consistency with applicable air quality

plans *omitting* analysis of consistency with AB 617). This approach does not comport with CEQA.

In *Banning Ranch*, the California Supreme Court unequivocally held that CEQA prohibits lead agencies from "perform[ing] truncated and siloed environmental review, leaving it to other responsible agencies to address related concerns seriatim." *Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 941. Despite the Supreme Court's admonition, here the DEIR takes a similar approach to the approach invalidated in *Banning Ranch*. The DEIR omits any analysis of the Project's consistency with AB 617 and consistency with the associated 'Community Emissions Reduction Program: South Central Fresno' (2019, San Joaquin Valley Air Pollution Control District), and simply ignores how developing in the Planning Area will impair emissions reductions in the area. In *Banning Ranch,* the Supreme Court held this approach was unlawful. 2 Cal.5th at 940-41. Here as well, this DEIR's omission violates CEQA as a matter of law. *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, 510 ("*Friant Ranch*"). 10-13 cont.

2. The DEIR's Study Area Boundary Ignores CARB's South Central Fresno Community Emissions Reduction Program Boundary Thereby Failing to Properly Describe the Existing Setting.

Moreover, CARB's CERP boundary for the South Central Fresno area and surrounding area, encompasses most of the City Fresno and captures many of the small unincorporated communities nearby. *See*, SCSP Figure 1-7 at 17. The DEIR appears to use the SCSP boundary as the study area for air quality analysis. However, because air pollutant emissions are not contained within arbitrary map boundaries, the DEIR should have used an expanded study area that captures all impacted sensitive receptors, including those outside the SCSP area boundary. Expanding the study boundary would both ensure consistency with the CERP and AB 617, but would also capture the full impacts of the SCSP on surrounding sensitive receptors. 10-14

3. The DEIR Fails to Consider Existing Impacts as Part of the Environmental Setting.

The DEIR fails to fully describe the Project setting, including impacts that would occur outside of the project boundary, as CEQA requires. CEQA Guidelines § 15125(a). This description of the environmental setting constitutes the baseline physical conditions by which a lead agency determines the significance of an impact. *Id*. "Knowledge of the regional setting is critical to the assessment of environmental impacts." CEQA 10-15

Guidelines § 15125(c). Without such an understanding, any impacts analysis or proposed mitigation becomes meaningless. 10-15 cont.

Here, as explained in the Baseline Report, the DEIR fails to incorporate critical findings from the Truck Reroute Study, its associated Fresno Health Impact Assessment ("Fresno HIA"), and the Downtown Neighborhoods Community Plan ("DNCP") regarding the severity of existing air quality and health risk conditions in the Plan Area and City of Fresno. Baseline Report at 9 and 10. Based on the findings of adverse health conditions in the Fresno HIA, the Truck Reroute Study applied a 1,000-foot buffer around proposed truck routes to determine where truck-regulated areas would be most beneficial to reduce health risks. Baseline Report at 9. As shown in Figure 1 of the Baseline Report, Proposed Truck Routes with 1,000-foot Buffer in the Plan Area would affect substantially more sensitive receptors than the 500-foot setback from highways as evaluated in the DEIR. Baseline Report at 12. 10-16

In addition, a 2015 health risk assessment prepared for the DNCP (immediately adjacent to the SCSP area) showed particulate matter concentrations from vehicle emissions near SR 99, SR 41, and SR 180 in the DNCP area indicate existing cancer risk to sensitive receptors exceeds 100 in a million at distances from 1,000 to 5,000 feet from the freeways. Baseline Report at 9. That study recommended that any new residential development in areas with a cancer risk above 100 in a million incorporate ventilation systems with a Minimum Efficiency Reporting Value (MERV) 13 or higher to clean particulate matter from indoor air. *Id.* The City of San Francisco similarly adopted a requirement for MERV 13 ventilation systems for new residential development where cancer risk is above 100 in a million. Therefore, by omitting data and recommendations from these reports, the DEIR failed to incorporate information about the existing baseline conditions and impacts in the SCSP area. *Id.* at 13. 10-17

SCSP Policy T-3: Limit truck idling times states that "Recommendations that result from this (Truck Route) Study shall be adopted by reference in this Plan." SCSP at 136. However, the fact that recommendations in the Truck Route Study will be incorporated into the Plan does not excuse the City from including baseline information from the Truck Route Study into the DEIR. The Truck Route Study, along with its HIA, should be incorporated into the DEIR evaluation and the analysis recirculated for public review. Moreover, there is no excuse for failing to include data and analysis from the health risk assessment prepared for the DNCP, which was published nine years ago. 10-18

Describing existing conditions is critical because they affect analyses of multiple issue areas, such as impacts to air quality, public health, and public safety, among others. A revised DEIR should include the data from the Truck Reroute Study and the Fresno 10-19

HIA to accurately describe the existing setting of the Plan Area. Once that information is incorporated, the DEIR should be revised to incorporate the 1,000-foot buffer distance used by the Truck Reroute Study as well as a buffer from major roadways recommended in the Fresno HIA. *Id.* The DEIR should also be revised to evaluate existing cancer risk from freeways and major roadways in the Plan Area. *Id.* Only then can the DEIR properly evaluate air quality impacts from increased truck and automobile traffic on sensitive receptors in the Plan Area. 10-19 cont.

4. The DEIR Presents a Flawed Criteria Air Pollutants Analysis and Proposes Vague Unenforceable Mitigation Measures.

The DEIR's analysis of the SCSP's impacts related to increased criteria air pollutants is critically flawed in at least two ways. First, the DEIR's analysis of expected criteria pollutants is incorrect, such that resulting emissions would be significantly higher than disclosed in the DEIR. Second, the DEIR's identified measures for mitigating admittedly significant impacts related to criteria pollutants are vague and unenforceable. These flaws are discussed in more detail below. 10-20

a. The DEIR's Analysis of Criteria Air Pollutants Uses Flawed Methodology That Grossly Underestimates the SCSP's Emissions.

The DEIR states that criteria pollutant emissions from construction of the development under the SCSP will be below applicable thresholds of significance and therefore less-than-significant. DEIR at Tables 4.3-4 and 4.3-5, 4.3-25 and 4.3-26. However, as explained in detail in the attached Baseline Report, the DEIR analysis suffers from a series of errors that substantially understates its emissions estimates. Specifically, in the two construction scenarios evaluated, the DEIR underestimates emissions by failing to account for seven years of construction in one scenario and accounting for only a small fraction of emissions in the second scenario. Baseline Report at 2-4. The result is that actual criteria pollutant emissions during construction would be substantially higher than disclosed in the DEIR. Critically, reactive organic gases, or ROG, emissions would be 61% higher and nitrogen oxide, or NOx, emissions would be 448% higher than disclosed in the DEIR. Baseline Report at 3. 10-21

These flaws are particularly important because these emissions would expose workers and nearby residents to health risks from exposure to particulate matter, ROG, NOx, and other toxic air contaminants. It is well documented that short-term exposure to PM10 is associated with worsening of respiratory diseases, including asthma and chronic obstructive pulmonary disease (COPD), leading to hospitalization and emergency

department visits. *See*, https://www.arb.ca.gov/research/aaqs/common-pollutants/pm/pm.htm. Long-term exposure (months to years) to particulate matter is linked to respiratory mortality and lung cancer. *Id*.

As discussed above and in the Baseline Report, the Specific Plan as proposed would result in exceedance of applicable thresholds for ROG, also known as volatile organic compounds (VOCs), NOx. Baseline Report at 3 and 4. The increased levels of ROG and NOx emissions would increase health risks to area residents. For instance, according to CARB,

> "controlled human exposure studies that show that NO2 exposure can intensify responses to allergens in allergic asthmatics. In addition, a number of epidemiological studies have demonstrated associations between NO2 exposure and premature death, cardiopulmonary effects, decreased lung function growth in children, respiratory symptoms, emergency room visits for asthma, and intensified allergic responses."

10-21 cont.

https://ww2.arb.ca.gov/resources/nitrogen-dioxide-and-health. VOCs can also lead to problems with the lungs, central nervous system, kidney and liver, function, and cancer. *See*, "Health effects of volatile organic compounds", attached as Exh. B. Moreover, given that the Plan Area already bears a disproportionate burden of industrial pollution and vehicle emissions in the region, even a small amount of added pollutant emissions will result in significant added impacts. *See*, *Los Angeles Unified School District v. City of Los Angeles* (1997) 58 Cal.App.4th 1019 ("*LA Unified*"); *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 718.

The DEIR must be revised to correct the aforementioned errors and to disclose the full extent and severity of the proposed SCSP's criteria pollutant impacts. Once the analysis is corrected, the revised DEIR must be recirculated to allow the public and decision-makers to review and comment on the new information.

b. The DEIR's Proposed Mitigation Measures to Address the Project's Significant Criteria Air Pollutants Are Inadequate Under CEQA.

10-22

An EIR is inadequate if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *San Franciscans for Reasonable Growth v. City and County of San Francisco* (1984) 151 Cal.App.3d 61 at 79. The City may not use the inadequacy of its impacts review to avoid mitigation: "The agency should not be allowed to hide behind its own failure to collect data." *Sundstrom v. County of*

Mendocino (1988) 202 Cal.App.3d 296, 306. The formulation of mitigation measures may not be improperly deferred until after Project approval; rather, "[m]itigation measures must be fully enforceable through permit conditions, agreements, or legally binding instruments." CEQA Guidelines § 15126.4(a)(2). Here, the DEIR's identification and analysis of mitigation measures, like its analysis of impacts, are legally inadequate. The DEIR's proposed measures to mitigate the admittedly significant impacts related to criteria air pollutants fall far short of meeting CEQA's requirements.

Below are some examples of unclear and inadequate mitigation measures:

Mitigation Measure 4.3-1a: Prepare an Ambient Air Quality Analysis and Mitigation Plan or Voluntary Emissions Reduction Agreement

"[P]rior to future discretionary project approval, and once all feasible on-site reduction measures have been incorporated, development project applicants shall prepare and submit … an AAQA to determine whether any SJVAPCD annual mass emissions thresholds are exceeded or if a future project's emissions may result in the violation of an AAQS. If no thresholds are exceeded, no further action is necessary. If one or more thresholds are exceeded, prior to the issuance of Certificates of Occupancy, future development will engage in a voluntary emissions reduction agreement (VERA) through coordination with SJVAPCD to reduce emissions to meet SJVAPCD's annual mass emissions thresholds for any pollutant that exceeds the respective threshold. (Emphasis added.) 10-22 cont.

As an initial matter, the City provides no justification for confining this and other measures to discretionary projects. At the planning stage, the City can and should require all ministerial and discretionary to comply with mitigation measures to better reduce the Project's environmental impacts.

It is also unclear what this mitigation measure is referring to when it states that "all feasible on-site reduction measures have been incorporated." If the measure requires measures MM 4.3-1b through 4.3-1l to be implemented, the measure should be revised to expressly say so.

Mitigation Measure 4.3-1b: Use Clean Fleets during Construction

"For any on-site equipment that cannot be electric-powered, and diesel-powered equipment is the only available option, construction contractors shall use equipment that either uses only high-performance renewable diesel or meets EPA Tier 4 emissions standards." (Excerpt.)

The Tier 4 Final emissions standards substantially reduce NOx emissions by about 80 percent or more compared to the Tier 4 Interim emission standards; therefore, the DEIR should clarify the use of Tier 4 Final emissions standards.

The DEIR fails to define the term "high-performance renewable diesel." Blends of renewable diesel and conventional diesel are labelled with an R followed by the percentage (by volume) of the renewable diesel content. For example, R100 is 100% renewable diesel, whereas R65 is 65% renewable diesel blended with conventional diesel. Studies prepared by CARB (*see*, CARB's Low Emission Diesel Study Final Report, attached as Exh. C.) found that the NOx and PM emissions from a Tier 4 Final engine versus a lower tier engine that uses R100 are similar. However, testing of R65 and R50 diesel blends in lower tier engines resulted in either the same or increased emissions of NOx, respectively, compared to conventional diesel fuel. Therefore, the DEIR should clarify that use of R100 is required.

<u>Mitigation Measure 4.3-1d: Implement Dust Control Measures</u>

"This shall be enforced by the City with verification by SJVAPCD." (Excerpt.)

SJVAPCD already requires preparation of a Dust Control Plan in accordance with Reg VIII. This measure should be revised to clarify that these additional measures shall be included in the Dust Control Plan already required to be submitted to SJVAPCD. 10-22 cont.

<u>Mitigation Measure 4.3-1f: Reduce Emissions from Architectural Coatings</u>

"This shall be enforced by the City with verification by SJVAPCD." (Excerpt.)

This measure is unclear about how the SJVAPCD will verify compliance with the measure.

<u>Mitigation Measure 4.3-1h: Use Low- or Zero-Emission Heavy-Duty Trucks and Equipment</u>

"Future tenants of new and redeveloped commercial and industrial land uses (those over which the City will have discretionary approval) shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on the project site are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2026"

This measure is vague and leaves many questions unanswered. For example, how will the City expedite, monitor, and enforce the transition to zero emission vehicles? How

does the City define "commercially available" and "domiciled on the project site", and what is considered "adequate electrical infrastructure"? A revised measure should include clear performance standards for how fleet transition will take place and clarify overall what parts of the measure apply to trucks versus off-road equipment.

Mitigation Measure 4.3-1i: Use Low- or Zero-Emission Vehicles

This measure, which requires future tenants of new and redeveloped commercial and industrial land uses within the plan area to transition to zero emission vehicle fleets, is vague regarding how the City will monitor and enforce milestones for transitioning to zero emission.

Mitigation Measure 4.3-1m: Reduce Off-Site Emissions

This measure would allow projects to implement off-site emissions reduction strategies or programs, once all on-site measures (i.e., Mitigation Measures 4.3-1a through 4.3-1i) have been exhausted. This measure should be revised so that it is required if Mitigation Measure 4.3-1a cannot mitigate impacts below the applicable thresholds. This revision would ensure that on-site emission reductions, which are more effective for reducing impacts on local residents, are implemented first before off-site emission reductions are sought. 10-22 cont.

Furthermore, the ability for future projects to effectively reduce off-site emissions of criteria air pollutants is speculative. In accordance with CEQA Guidelines 15126.4(a)(2), feasible mitigation measures must be fully enforceable. For an emission offset program to be considered feasible mitigation, the emission reductions must be genuine, quantifiable, additional, and verifiable at the time of preparation of the EIR (*Golden Door Properties, LLC v. County of San Diego* (2020) 50 Cal.App.5th 467). The availability of criteria air pollutant emission offsets for future projects to purchase on an ongoing and annual basis is speculative due to potential limitations on offset availability. Therefore, the use of an emissions offset program cannot be used to guarantee that criteria air pollutant emissions from future developments under the proposed plan would meet the SJVAPCD's thresholds of significance.

In short, the revised DEIR should change the proposed mitigation measures to ensure they are clear, feasible, and enforceable. Only then can the City rely on the mitigation measures to reduce the Project's significant criteria pollutant impacts.

5. The DEIR Fails to Adequately Analyze the SCSP's Potential to Impact Public Health.

It is well-established that living close to high traffic areas and exposure to the associated emissions leads to adverse health effects beyond those associated with regional air pollution in urban areas. *See*, California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective, attached as Exh. D and "Air pollution impacts from warehousing in the United States uncovered with satellite data", July 24, 2024, attached as Exh. E. Here, despite the fact that implementation of the SCSP would result in significant air pollution emissions, the DEIR fails to adequately analyze health risks of plan-related exposure of nearby sensitive receptors to emissions of toxic air contaminants ("TACs") resulting from future increased industrial uses, truck traffic, and vehicle miles travelled ("VMT"). These flaws are discussed further below and in the attached Baseline Report. 10-23

a. The DEIR Fails to Disclose the Severity and Extent of Cancer-Risk from Plan-Related Construction Emissions.

The DEIR's analysis of the Project's potential to expose sensitive receptors to TACs (e.g., diesel particulate matter ("PM") during construction) is incomplete and inaccurate. As explained in the Baseline Report, the DEIR states that "construction-related TAC emissions for any given project would not expose existing sensitive receptors to an incremental increase in cancer risk greater than 20 in 1 million or a hazard index greater than 1.0." DEIR at 4.3-29 and Baseline Report at 6 and 7. The DEIR relies in large part of the "relatively short duration" of construction activity near any particular receptor as a basis for the statement, however, the DEIR fails to provide supporting evidence for this conclusion. *Id.*

10-24

In fact children exposed to airborne carcinogens, such as diesel PM from construction activities lasting more than six months can suffer considerable health effects. This is because children are about 10 times more susceptible to health effects from exposure to TACs than adults. *See*, Office of Environmental Health Hazard Assessment (OEHHA). February, 2015. Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments, attached as Exh. F. In addition, children have a higher breathing rate per body mass and typically spend a higher fraction of time at home compared to adults. Baseline Report at 5. When these characteristics are taken into account, a child is about 48 times more susceptible to cancer risk from exposure to TACs than an adult. *Id.* This means a child exposed to one year of diesel PM emissions from construction would have the equivalent cancer risk to an adult exposed to the same level of diesel PM emissions over 48 years. *Id.* Therefore, the DEIR's reliance on the

"relatively short duration" of construction activities is inadequate justification for dismissing construction-related health risks, especially in regard to the health risks posed to children.

In addition, as described in the Baseline Report, there are numerous examples of health risk assessments performed in California that demonstrate sensitive receptors exposed to diesel PM during construction can result in a cancer risk greater than 20 in a million. Baseline Report at 5. One such assessment that the City of San Francisco prepared to evaluate potential cancer risk from construction under their proposed Housing Element, indicated that construction of a 200-unit apartment complex with 3,000 square feet of retail uses would result in a cancer risk greater than the SJVAPCD's threshold of 20 in a million. That study showed that cancer risk for receptors could range from 173 in a million for adjacent receptors and 21 in a million for receptors within 328 feet from construction sites. Given the size of the SCSP Plan Area, it is foreseeable that some sites could propose projects of similar size and intensity. Therefore, it is not only plausible, but foreseeable, that cancer risk from construction sites in the plan area would result in significant impacts, especially to children. 10-24 cont.

Finally, the DEIR fails to evaluate potential health risks associated with emissions of total organic gases from passenger vehicles. As discussed in the Baseline Report, projects resulting in substantial passenger vehicle traffic and associated emissions also expose sensitive receptors to cancer risk. Other cities include total organic gasses in their evaluations of health risk. This EIR should do so as well.

b. The DEIR Fails To Adequately Analyze and Mitigate Health Impacts to Residents Living Close to Truck Routes.

As the DEIR acknowledges, implementation of the SCSP as proposed would result in a massive increase in industrial uses, truck traffic, and VMT, which as discussed above, will introduce new sources of TACs that would exacerbate the already adverse conditions of the South-Central community. DEIR at 4.3-28 and Baseline Report at 9. This will result in increased pollutant emissions and public safety and public health risks. 10-25

c. The DEIR's Health Risk Analysis Improperly Applies Project-Level Cancer Risk Thresholds.

The DEIR ultimately concludes that the impacts related to TACs exposure would be significant, but the associated mitigation measure reveals another flaw. Mitigation Measures 4.3-3a, b, and c require each future proposed projects in the Plan Area to a 10-26

conduct segmented health risk assessments and to implement recommendations from the health risk assessments to ensure that cancer risk to nearby receptors is at or below SJVAPCD's threshold of 20 in one million. DEIR at 2-15 to 2-17 and Baseline Report at 9 and 10. However, the DEIR erred when it applied the SJVAPCD project level threshold to segmented pieces of future projects, even though cancer risk is a cumulative condition. *Id.*

Instead, as explained in the Baseline Report, the DEIR should have summed potential cancer risks to sensitive receptors exposed to TACs from construction, operational permitted sources, operational truck activity, and other sources. After these sources are summed, they should be compared to the project-level cancer risk threshold of 20 in one million. *Id.* By applying the cancer risk threshold in a piecemeal fashion to each source of project-related TAC emissions, individual projects could generate a cancer risk as high as 60 in a million at nearby sensitive receptors.[3] This level of pollution exposure is not supported by the SJVAPCD, and is especially unacceptable given the extremely high levels of existing poor air quality and pollution burden in the South-Central Fresno community. The result is that, despite the DEIR's conclusion that impacts related to exposure of sensitive receptors to substantial pollutant concentrations would be significant even after mitigation, the DEIR fails to disclose the full extent and severity of this foreseeable impacts.

10-26 cont.

Furthermore, the DEIR fails to support the use of SJVAPCD's project-level cancer risk threshold of 20 in a million. Baseline Report at 7. The project-level threshold is inappropriate because, as discussed above, it does not account for the additive impacts of potential cancer risks to sensitive receptors exposed to TACs from construction, operational permitted sources, operational truck activity, and other sources. Therefore, it does not evaluate cumulative health risks. In addition, the project-level threshold fails to take into account the existing levels of air pollution and health risks in the Plan Area, and the fact that communities of color in the Plan Area are experiencing higher health risks for the same exposures to pollution. Baseline Report at 7 and 8 and UC Merced Fresno Community Environmental Health Impact Assessment, attached as Exh. G. In 2015, a health risk assessment was prepared for the Downtown Neighborhoods Community Plan in the City of Fresno,[4] which is located adjacent and to the north of the Plan Area. The

[3] 20 in a million for construction + 20 in a million for permitted sources + 20 in a million for truck activity = 60 in a million.
[4] FirstCarbon Solutions, 2015. Health Risk Assessment Report: Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and the Downtown

study modeled diesel PM concentrations from vehicle emissions along State Route (SR) 99, SR 41, and SR 180 in the DNCP area and found that the existing cancer risk to sensitive receptors exceeded 100 in a million at distances ranging from about 1,000 to 5,000 feet from the freeways.

As explained in the Baseline Report, other jurisdictions have developed thresholds of significance to account for poor existing air quality conditions, the existing health risks in the community including receptors more vulnerable to air pollution, and the cumulative health risks associated with exposure to air pollution from new development. *Id.* In San Francisco, for example, if the existing health risk at receptors already meet or exceed substantial pollutant concentrations defined for the area, then an excess cancer risk at or above 7 per million from a project is considered a substantial health risk. Baseline Report at 10-11.

10-26 cont.

Similarly, the South Coast Air Quality Management District is currently developing updated guidance for evaluating cumulative air quality impacts from increased concentrations of TACs for projects in the South Coast Air Basin. The guidance is considering a range of project-level cancer risk thresholds ranging from as low as 1 in a million to as high as 10 in a million based on the existing cancer risks from air pollution in the basin, proximity to high volume diesel-fueled mobile sources, and the protection of AB 617 communities, as well as other criteria. *Id.* Given that the South-Central Fresno AB 617 Community experiences similar or more severe air pollution burden than communities in San Francisco and the South Coast Air Basin (e.g., Los Angeles), the DEIR should be revised to use a more conservative project-level cancer risk threshold to evaluate if development under the proposed plan would expose sensitive receptors to substantial air pollutant concentrations. *Id.*

6. The DEIR's Analysis of Cumulative Health Risks for Polluting Emissions Fails to Account for Significant Impacts to All Affected Receptors.

10-27

The DEIR's analysis of cumulative health risks from toxic air contaminants fares no better than the rest of the air quality analysis. The cumulative health risk analysis fails in two ways. First, the DEIR failed to properly evaluate the cumulative health risks for new sensitive receptors that would be exposed to TAC emissions from highways in the Plan Area. As discussed in section III.A.2 and in the Baseline Report, because the health

Development Code Project, City of Fresno, Fresno County, California. Available at: https://www.fresno.gov/wp-content/uploads/2023/04/AppEAQASMBLD.pdf. November 12.

risk analysis only considered impacts to sensitive receptors up to 500 feet from highways, it failed to adequately analyze receptors beyond the 500-foot setback. Baseline Report at 12-13.

Second, the DEIR analysis failed to evaluate the cumulative health risks to existing sensitive receptors in the broader South-Central Fresno AB 617 Community that would be exposed to mobile-source TAC emissions generated by the proposed plan. Instead, the DEIR limits the analysis to the mapped boundary of the SCSP area. As discussed above in section III.A.1, and in the Baseline Report, because the SCSP would generate an additional 72,241 trips per day, a revised DEIR must evaluate health risks for *all* existing receptors who would be exposed to the cumulative mobile-sources toxic air contaminants generated by the proposed plan. Baseline Report at 13. 10-27 cont.

In sum, the DEIR's analysis of impacts to public health fails to fulfill CEQA's mandate. A revised DEIR must include an accurate analysis of potential air quality impacts that discloses the full extent and severity of impacts to the community in the planning area. Merely stating that an impact will occur is insufficient; an EIR must also provide "information about how adverse the adverse impact will be." *Santiago County Water District*, 118 Cal.App.3d at 831. This information, of course, must be accurate and consist of more than mere conclusions or speculation. *Id.* The revised analysis should take into account the high pollutant exposure burden of the community, consider more appropriate thresholds of significance, and consider truck routes to protect sensitive receptors from additional exposure to toxic air contaminants.

B. The Greenhouse Gas Emissions and Energy Analyses Do Not Comply With CEQA.

1. The DEIR fails to make a clear significance determination or base its conclusions on substantial evidence.

An EIR must make a significance determination regarding a project's potentially significant impacts. *Sierra Watch v. County of Placer* (2021) 69 Cal.App.5th 86, 101–102. "Absent a determination regarding the significance of the impacts …, it is impossible to determine whether mitigation measures are required or to evaluate whether other more effective measures than those proposed should be considered." *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656. Thus, to effectively evaluate the SCSP's impacts, the DEIR must determine whether the GHG emissions from construction activities will have a significant impact on the environment. 10-28

The impact analysis for construction-related GHG emissions uses an improper threshold of significance. Thresholds must be "founded on substantial evidence." *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160, 206. The DEIR justifies its use of the SMAQMD threshold for evaluating construction-related emissions by stating that "it is tied to meeting the state's long-term GHG reduction targets set by EO B-30-15." DEIR at 4.8-13. But the target set by EO B-30-15 (40 percent below 1990 levels by 2030) has been replaced with more rigorous long-term goals. Exh. H, Executive Order B-30-15. As the DEIR itself states, EO B-30-15's "target was superseded by AB 1279 in 2022, which codifies a goal for … reduction of emissions 85 percent below 1990 levels by 2045." DEIR at 4.8-1; Exh. I, Assembly Bill 1279. Thus, the DEIR uses a threshold of significance that is outdated and does not align with the State's current GHG reduction goals. 10-29

In fact, the DEIR elected not to apply SJVAPCD's thresholds of significance in its GHG impact analysis for the same reason: SJVAPCD's thresholds are not "tied to future GHG target years (i.e., 2045, 2050)" and therefore "would not be sufficient to demonstrate consistency with the established milestone years beyond 2030" as required by AB 1279 and the Scoping Plan. DEIR at 4.8-8. Similarly, the SMAQMD threshold used in the construction-related GHG emissions analysis is based on a 2030 target and fails to account for milestones beyond that. The DEIR must use an updated threshold of significance for its analysis of construction-related impacts. 10-30

Further, the DEIR fails to make any significance determination regarding construction-related GHG emissions. *Id*. at 4.8-13. The DEIR avoids concluding whether there will be a significant impact on the environment, instead stating that "it is unknown" whether development standards would "reduce emissions below [the] applicable threshold." *Id*. at 4.8-13. In contrast, the DEIR states a conclusion regarding the significance of operation-related emissions. *Id*. at 4.8-16. Although the DEIR concludes that GHG emissions from the Project as a whole will be significant, this is based only on the operation-related emissions and makes no reference to construction. *Id*. at 4.8-12. As a result, the DEIR fails to inform the public and decision-makers on the impacts from the Project's construction phase. 10-31

This omission is compounded by the unclear and unsupported impact analysis for construction-related GHG emissions. As discussed in section II.A of this letter above, the DEIR employs a faulty methodology the evaluate criteria air pollutants. The DEIR underestimates emissions by failing to account for seven years of construction in one scenario and accounting for only a small fraction of emissions in the second scenario. Baseline Report at 2-4. The DEIR employs the same faulty method to estimate GHG emissions. The result is that actual GHG emissions during construction would be

substantially higher than disclosed in the DEIR. In addition, the DEIR provides the Project's maximum and average annual GHG emission levels, but does not state which of these two metrics is being compared to the significance threshold of 1,100 MTCO2/year. *Id*. at 4.8-13. The Project's maximum annual GHG emissions falls above the significance threshold, while the average annual GHG emissions falls below the threshold, resulting in ambiguity. Because the DEIR fails to make a significance determination, and one metric falls above the threshold while the other falls below it, it is impossible to ascertain the Project's construction-related impacts. *Id*. at 4.8-13. It is insufficient to merely state the threshold without providing the final significance determination and the analytical steps taken to reach it. *Sierra Watch,* 69 Cal.App.5th at 101–102 (holding that "an agency's conclusion as to whether a given impact is significant is not enough" and "there must also be a disclosure of the analytic route the ... agency traveled"). Moreover, the EIR's ambiguity defeats the core purpose of CEQA: informing the public. *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391 as modified on denial of reh'g (Jan. 26, 1989) ("The Legislature has made clear that an EIR is 'an informational document' and that '[t]he purpose of an environmental impact report is to provide … the public [] with detailed information about the effect which a proposed project is likely to have on the environment.").

10-31 cont.

The analysis is similarly unclear in the section on wasteful use of energy. An EIR's energy impact analysis should include a project's "energy requirements and [] energy use efficiencies by amount and fuel type for each stage of the project." CEQA Guidelines, Appx. F § II.C.[5] The DEIR lays out the expected energy needs for each stage of the Project, but fails to ascertain what levels of energy use would be wasteful. It merely states the project "would result in the wasteful, inefficient, or unnecessary use of energy." DEIR at 4.6-11. Because the EIR never determines the amount of energy use that will be "wasteful" before mitigation, it cannot reasonably conclude that mitigation measures will make it less than significant. *California Clean Energy Committee*, 225 Cal.App.4th at 210 (CEQA's "requirements are not satisfied by saying an environmental impact is something less than some previously unknown amount"). But the DEIR does exactly that: it omits this analytical step and jumps straight to the conclusion that the impact from wasteful energy use would be less than significant after mitigation. To comply with CEQA, the agency must make its analytical route clear in the EIR. *Sierra Watch,* 69 Cal.App.5th at 101–102.

10-32

[5] EIRs must address applicable considerations from Appendix F. *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, 211.

2. The DEIR's GHG and Energy analyses rely on improperly deferred mitigation and inadequate measures.

An EIR must "identify mitigation measures for each significant environmental effect"; it cannot defer "formulation of mitigation measures … until some future time." CEQA Guidelines § 15126.4(a)-(b). The specific details of a mitigation measure can be developed after project approval only where the agency "(1) commits itself to the mitigation, (2) adopts specific performance standards the mitigation will achieve, and (3) identifies the type(s) of potential action(s) that can feasibly achieve that performance standard." CEQA Guidelines § 15126.4(b). 10-33

Here, the EIR's GHG analysis improperly defers mitigation and fails to comply with the above requirements. For example, measure 4.8-1a merely states that future construction will "use low-carbon concrete, minimize the amount of concrete used, and produce concrete on-site if it is more efficient and lower emitting than transporting ready-mix." DEIR at 4.8-17. The goal to "minimize" concrete is not specific enough to commit the agency to any particular mitigation or to allow an objective measurement of success. *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93. Further, the measure fails to set forth any specific performance standards on what constitutes "low-carbon" or "more efficient" concrete. *Sierra Watch,* 69 Cal.App.5th at 110 (mitigation measure inadequate because it provided no specific details on how to achieve the goal of "quieter" construction procedures). Because the measure is "entirely vague," it "offers no instruction on how [any] of these determinations are to be made." *Id*. CEQA demands more than a generalized goal: the EIR must commit to specific mitigation goals by setting performance standards and identifying actions to meet those standards. *King & Gardiner Farms, LLC v. County of Kern* (2020) 45 Cal.App.5th 814, 856 ("Simply stating a generalized goal for mitigating an impact does not allow the measure to qualify for the exception to the general rule against the deferred formulation of mitigation measures."). 10-34

Other mitigation measures in the GHG analysis cross-reference measures from other sections, which similarly fall short. For example, measure 4.6-1b[6] requires that new development "incorporate strategies to cool the urban heat island, reduce energy use and ozone formation, and maximize air quality benefits" by implementing "four key strategies: plant trees, selective use of vegetation for landscaping, install cool roofing, and install cool pavements." DEIR at 4.6-11. The DEIR fails to elaborate or provide any further detail on its vague strategy of planting trees or using selective vegetation, which 10-35

[6] The DEIR cross references to mitigation measure "4.6-2b," which does not exist. This was presumably intended to reference mitigation measure 4.6-1b, and this comment is based on that assumption.

can vary greatly in its effectiveness depending on the species of plants. *See*, Exh. J, "Cooling Effect of Trees with Different Attributes and Layouts on the Surface Heat Island of Urban Street Canyons in Summer." In other words, the "mitigation measure merely proposes a generalized goal of [cooling the urban heat island] and then sets out a handful of cursorily described mitigation measures for future consideration." *Golden Door Properties, LLC,* 50 Cal.App.5th at 520 quoting *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70, 93. This cursory description is insufficient, and the EIR must set forth specific performance criteria that allow for evaluating the efficacy of the mitigation measures. 10-35 cont.

Measure 4.3-1m is another example of a measure that is inadequate due to its vague description. The measure states that the Project requires "the development of new or participation in existing off-site emissions reduction strategies/programs (e.g., urban forestry programs, local building retrofit programs, off-site EV charger funding, public transit subsidies)." DEIR at 4.3-24. Again, this mitigation measure impermissibly proposes a generalized goal of "off-site emission reduction" and then briefly references potential strategies without further explanation. Moreover, it is impossible to "determine the efficacy" of hypothetical programs in reducing GHG emissions because they have yet to be developed. *POET, LLC v. State Air Resources Bd.* (2013) 218 Cal.App.4th 681, 738 as modified on denial of reh'g (Aug. 8, 2013). In sum, the DEIR violates CEQA by deferring mitigation without providing the requisite detail and performance standards. A revised DEIR must provide further specificity and performance criteria to avoid improperly deferring mitigation. 10-36

When a lead agency relies on mitigation measures to find that project impacts will be reduced to a level of insignificance, there must be substantial evidence that the measures will be effective. *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1027; *Kings County*, 221 Cal.App.3d at 726-29; *Sierra Club v. County of San Diego* (2014) 231 Cal.App.4th 1152, 1168. In addition to being effective, mitigation measures proposed in an EIR must be "fully enforceable" through permit conditions or other agreements. Pub. Res. Code § 21081.6(b); CEQA Guidelines § 15126.4(a)(2). An EIR may only rely on measures to mitigate environmental impacts under CEQA if they set forth firm, enforceable commitments to implement those measures. *See*, *Napa Citizens for Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 358 (citing *Rio Vista Farm Bureau Center v. County of Solano* (1992) 5 Cal.App.4th 351, 377). Enforceability is vital because CEQA requires that mitigation measures actually be implemented—not merely adopted and then disregarded. *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1186-87; 10-37

Fed'n of Hillside & Canyon Ass'ns v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1261. 10-37 cont.

The DEIR fails to show that its mitigation measures will be enforceable. For example, measure 4.6-1c requires "proposed industrial land uses … to source renewable natural gas." DEIR at 4.6-11. But it later admits that "the City cannot guarantee future industrial businesses would source their natural gas from renewable resources due to limitations regarding enforceability." *Id*. at 4.6-12. The DEIR claims that the other mitigation measures are sufficient and therefore energy impacts will be insignificant, even if the so-called "requirement" for renewable natural gas is not followed. *Id*. In other words, the measure is meaningless: the DEIR touts it as a measure to promote renewable energy and reduce GHG emissions, but concedes and expects its unenforceability and non-compliance. 10-38

In addition CEQA requires that an EIR analyze whether a proposed mitigation would itself result in significant impacts. CEQA Guidelines section 15126.4(a)(1)(D); *Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986. Some sources of renewable gas contribute to air pollution in their production. For example, policies that promote sourcing gas from livestock operations contribute to air pollution by increasing the intensity of those operations. Dairy operations in the San Joaquin Valley contribute to ozone and particulate matter pollution. For example, large livestock operations account for 57% of ammonia emissions in the San Joaquin Valley air basin. *See*, Environmental Protection Agency, Technical Support Document, EPA Evaluation of PM2.5 Precursor Demonstration, San Joaquin Valley PM2.5 Plan for the 2006 PM2.5 NAAQS.[7] In addition to the health risks of ammonia exposure on its own, ammonia reacts with nitrogen oxides (e.g., NOx) and contributes to the formation of ammonium nitrate, a fine particulate matter ("PM2.5"). Ammonium nitrate comprises a large portion of the PM2.5 in the San Joaquin Valley. For example, ammonium nitrate comprises 38 percent of the PM2.5 mass on an annual average basis in Bakersfield, and 61 percent on high PM2.5 days. *See,* San Joaquin Valley Air Pollution Control Dist., 2018 Plan for the 1997, 2006, AND 2012 PM2.5 Standards at 3-2 to 3-3 (Nov. 15, 2018). [8]As large dairy operations continue to grow in the San Joaquin Valley air pollution from those facilities will similarly increase. Therefore, a revised DEIR must evaluate the potential impacts of this proposed measure. 10-39

Moreover, the DEIR fails to show that its mitigation measures will be effective. In the case of measure 4.6-1c, as discussed above, its effectiveness cannot be substantiated 10-40

[7] Available at https://www.regulations.gov/document/EPA-R09-OAR-2019-0318-0005.
[8] Available at https://perma.cc/6GMN-J3MC.

at all given that it cannot be enforced. And the other measures similarly lack support. For example, measure 4.6-1b describes planting trees, landscaping, cool roofing, and cool pavements as "key strategies" to reduce energy use. *Id*. at 4.6-11. But it provides no evidence, let alone substantial evidence, on the efficacy of those strategies in reducing energy. Despite lacking evidence for the effectiveness of several mitigation measures, the DEIR nonetheless concludes that the impacts of energy consumption will be less than significant after mitigation. *Id*. at 4.6-13. The DEIR's hollow and unsupported measures fail to meet CEQA's standard of enforceable and effective mitigation. 10-40 cont.

Where a project will have significant environmental impacts, the EIR must adopt any "feasible mitigation measure available that [will] substantially lessen" the severity of the impact. Pub. Res. Code § 21002; CEQA Guidelines § 15126(a). Here, the DEIR finds that energy consumption will have a significant impact, but it leaves feasible mitigation on the table. For example, measure 4.6-1d requires only 50% of on-site energy to come from renewable sources for buildings under 400,000 square feet. DEIR at 4.6-11; SCSP at 75. But a greater level of renewable energy would further reduce the severity of the impact from energy consumption. It is feasible to require 100% of on-site energy to be renewable, as evidenced by mitigation measures for other recent development projects. *See*, *e.g.* Mariposa Industrial Park Final EIR[9] at 2-9 (requiring all buildings to have sufficient solar panels to provide 100% of the operation's base and future power demand). Yet the DEIR stops short of such feasible mitigation, requiring only half of the energy demand in new developments under 400,000 square feet to be supplied by on-site renewable energy. By leaving such a large gap in feasible mitigation, the Project unnecessarily increases the environmental impact from emissions. To comply with CEQA, the EIR must increase the minimum level of renewable energy to the highest feasible amount. 10-41

C. The DEIR fails to adequately disclose the Project's increase in VMT.

An EIR is an informational document at its core. *See* CEQA Guidelines § 15002(a)(1) (one of the "basic purposes" of CEQA is to "[i]nform governmental decision makers and the public about the potential, significant environmental effects of proposed activities"); *Laurel Heights Improvement Assn. v. Regents of the University of California* (1993) 6 Cal.4th 1112, 1123 ("Laurel Heights II"). Accordingly, the EIR must reflect a good faith effort at full and accurate disclosure of a project's impacts. CEQA Guidelines 10-42

[9] Available at https://www.stocktonca.gov/Documents/Business/Planning%20&%20Engineering/Other%20Projects%20Environmental/Mariposa_Revised_Final_Environmental_Impact_Report_FEIR_-_12622.pdf .

§ 15151. The EIR must clearly explain and support its conclusions; the information should not need to be "painstakingly ferreted out" by the public and decisionmakers. *Environmental Planning and Information Council of Western El Dorado County v. County of El Dorado* (1982) 131 Cal.App.3d 350, 357 (finding an EIR inadequate where the document did not make clear the effect on the physical environment).

The DEIR's discussion of VMT fails to meet this goal. The DEIR repeatedly states that the Project would result in a "decrease in VMT" (DEIR at 4.6-9, 11, 12, 13; 4.8-12, 16) but this assertion is misleading. Any claimed VMT reduction is only on a per capita basis, while the total VMT in the Plan Area will dramatically increase. DEIR Appx. D at 41. The DEIR's misleading VMT conclusion infects other areas of the DEIR. For example, it claims a decrease in VMT to assert that the Project will result in a less than significant impact from VMT-related GHG emissions. DEIR at 4.8-15 to 4.8-16. In doing so, it fails to disclose how the increase in total VMT will lead to increased GHG emissions. Indeed, the DEIR's energy analysis calculates how increased VMT is expected to increase energy use in the Plan Area. DEIR at 4.6-10. There is no reason why the EIR could not perform a similar GHG analysis.

The DEIR's VMT analysis also relies on an improper baseline. An EIR must evaluate a project's environmental impacts using an existing conditions baseline, which typically means the conditions "as they exist at the time the notice of preparation is published." CEQA Guidelines § 15125; *Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal.App.4th 683, 706-07. Although there is some flexibility in selecting the "baseline," the agency must support its selection with substantial evidence. CEQA Guidelines § 15125; *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310, 328. Here, the DEIR uses an outdated baseline in its VMT analysis. The Notice of Preparation was published in 2021, yet the Fresno ABM model used "has a base year of 2015." DEIR Appx. D at 9. Thus, in determining the significance of the VMT impacts, the DEIR compared the Project's projected VMT to estimates that are now nearly a decade old. DEIR at 4.6-11; 4.8-12 (asserting the Project would result in a "less-than-significant VMT impact" because VMT would be "33 percent lower than 2015 existing conditions"). During these intervening years, per capita VMT may have decreased, meaning the Project's VMT "reductions" are likely smaller than the DEIR claims. Moreover, the DEIR fails to provide substantial evidence showing that its 2015 baseline allows for an accurate reflection of the Project's VMT impact. While the DEIR states that the model was adjusted with 2018 data, that data was still outdated at the time of the NOP. *Id*. By using an unsupported and outdated baseline, the DEIR artificially inflates its VMT reductions and does not allow "the public to . . . intelligently weigh the environmental consequences of [the agency's] contemplated

10-42 cont.

action." *Environmental Planning & Information Council v. County of El Dorado* (1982) 131 Cal.App.3d 350, 355.

The DEIR's per capita VMT analysis fails to disclose the actual VMT impacts of the Project. As an initial matter, the VMT analysis is opaque, making it difficult to determine how the agency reached the final numerical figures listed. The DEIR states, without further explanation, that "the SCSP project area was overlaid on the Fresno ABM loaded vehicle assignment network and the total VMT for the SCSP project area was calculated by multiplying daily volumes by distance traveled." DEIR Appx. D at 29. From this description, it is impossible to determine how VMT was calculated for trucks and passenger vehicles, and how these assumptions compare to average VMT in the City and County.

Even with this opacity, it appears that the DEIR improperly understates the Project's per capita VMT impact. It calculates per capita VMT under Project conditions using a future projected service population for the Plan area, but excludes roughly half of this population from its calculation of "existing" per capita VMT. DEIR Appx. D at 29, 41. Instead, the "existing" VMT calculation only includes the VMT of current residents and employees in the Plan area. *Id*. at 29. The DEIR does not disclose the existing VMT of the additional 19,093 members of the service population that are expected to use the Plan area in the future. *Id*. at 41. Instead, the DEIR simply assumes these future users of the Plan Area currently have zero VMT, without providing any evidence to support this assumption. 10-42 cont.

To accurately compare Project conditions to existing conditions, the EIR must compare the VMT of the service population during Project implementation to the current VMT of that same population before the Project. Without any information regarding how the Project will change the existing VMT for the Plan area's future service population, it is impossible to determine whether the DEIR's assertion of a per capita VMT reduction is correct.

D. The DEIR Fails to Sufficiently Analyze Impacts Related to Bicyclist and Pedestrian Safety

Residents of South Central Fresno have long called for the City to encourage the development of more housing and walkable streets in and around their neighborhoods. Instead, industrial development proposed in the SCSP would inevitably bring more truck traffic to the Plan area. This increase in traffic would present substantial safety issues to residents of South Central Fresno—which already lacks consistent and safe infrastructure for pedestrians and cyclists. 10-43

The City has a duty under CEQA to consider whether a project would . . . "create[s] risks to pedestrians in and around the project site." *City of Maywood* v. *Los Angeles Unified School Dist.* (2012) 208 Cal.App.4th 362, 391. The SCSP DEIR, however, does not adequately analyze the Plan's potential danger to pedestrians, cyclists, or other residents who may be vulnerable to traffic hazards. It neglects to examine the impact of increased truck traffic near sensitive existing uses in or around the Plan Area, such as around Orange Center Elementary School. The DEIR then concludes—without sufficient evidence or analysis—that the SCSP's traffic safety impacts would be less-than-significant. 10-43 cont.

The residents of South Central Fresno know better. The SCSP continues the City's trend of pushing industrial uses and related truck traffic onto South Central Fresno, a community long-overburdened by pollution. Residents of South Central Fresno already feel unsafe due to heavy truck traffic and poor pedestrian infrastructure, especially in certain areas of the Plan. Continued industrialization only increases threats to residents' safety. By summarily claiming that the SCSP will have a less-than-significant effect on traffic hazards, the DEIR ignores residents' lived experiences.

1. The DEIR Must Examine How Implementation of the SCSP Would Impact Bicyclist, Pedestrian, and Traffic Safety.

The City's DEIR should have described how it anticipated the SCSP to impact bicyclist, pedestrian, and motorist safety. It did not. For an EIR to find that a potential environmental impact is not significant, it must contain an adequate analysis of the magnitude of the impact and the degree to which it is mitigated by mitigation measures. *See*, *Sundstrom*, 202 Cal.App.3d at 306-07. If an agency fails to investigate a potential impact, its finding of significance cannot stand. *Id*. An EIR that incompletely or inaccurately considers how it would impact bicyclist, pedestrian, and traffic safety is legally insufficient. *City of Maywood*, 208 Cal.App.4th at 391. 10-44

The DEIR does not meet its legal mandate to provide an intelligent evaluation of potential traffic safety harms. *See*, *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal.App.4th 713, 730. Industrial facilities, such as warehouses, are known to bring heavy truck traffic.[10] This traffic presents a known risk of substantial

[10] Bureau of Environmental Justice, Cal. Atty. Gen., Warehouse Projects: Best Practices and Mitigation Measures to Comply with the California Environmental Quality Act

safety issues—especially where trucks may pass through residential areas, school zones, or other places that pedestrians frequent and may be most vulnerable.[11] However, the DEIR is vague in its contemplation of traffic safety. Of the four potential impacts it addresses, none directly assess potential harm due to increased truck traffic.

The impact discussions in the DEIR's Transportation and Circulation section only obliquely references traffic safety. Impact 1 examines whether the SCSP conflicts with existing general policies and programs. It concludes that the goals for pedestrian and cyclist safety are consistent between the plans, and thus there is no conflict. DEIR at 4.15-14. However, this purported analysis comes with no attempt of assessing what the SCSP's truck traffic impacts would actually be for the community. It thus fails to conduct a sufficient analysis of traffic safety impacts under *City of Maywood*. 208 Cal.App.4th at 362. Nor do Impacts 2 (VMT), 3 (geometric design features) or 4 (emergency vehicle access) consider how increased truck traffic from increased industrialization may pose safety hazards. This omission is particularly troubling because the City is aware that traffic safety is an "area of controversy" for the Plan. DEIR at 2-4. The DEIR should have included an analysis of this potential impact. 10-44 cont.

Additionally, the DEIR also should have—but did not—discuss where in the Plan Area increased truck traffic is most likely to create unsafe conditions for pedestrians, cyclists, and others. There is no excuse for this lack of analysis as the City knows the location of existing truck routes in and around the Plan area, and the DEIR and SCSP acknowledge that existing pedestrian facilities are inadequate. *See*, DEIR at 4.15-12 ("[T]here are currently very limited pedestrian facilities in the vicinity of the project site. Sidewalks do exist on portions of East Avenue, North Avenue, Central Avenue, Church Avenue, and Jensen Avenue but are disconnected from one another or are disjointed"); SCSP at 120 ("there is a lack of complete sidewalks, which results in hazards to

(Sept. 2022) at 11, online at https://oag.ca.gov/system/files/media/warehouse-best-practices.pdf.

[11] In fact, earlier this year, a 10-year-old boy in Fresno County was killed after being struck by truck traffic. Gajarian, *10-year-old boy killed in Sanger crash identified*, Fox 26 News (Mar. 8, 2024), available online at: https://kmph.com/news/local/10-year-old-boy-killed-in-sanger-crash. And last year, a 12-year-old girl was hit by a truck on her walk home from school. Meza, *Girl hit by truck while walking home from school, police say*, Your Central Valley (Aug. 31, 2023), online at: https://www.yourcentralvalley.com/news/local-news/girl-hit-by-truck-while-walking-home-in-fresno-police-say/.

pedestrians, particularly to children around neighborhood schools that there are incomplete bicycle and pedestrian facilities within the Plan Area").

Neither the DEIR nor Plan identify how the Plan's end uses will impact users of the Plan Area's already-precarious bicycle and pedestrian facilities. Rather, the DEIR simply states that "the Plan would substantially increase industrial uses in the Plan Area and implement commercial and minor residential development. Thus, the industrial and other uses would substantially increase traffic, including truck traffic, in the Plan Area." DEIR at 4.15-16.

The mere acknowledgement that the Plan's industrial uses would substantially increase truck traffic is insufficient. The Plan must also disclose the extent of increased truck traffic and identify where there are cyclists, pedestrians, or other sensitive receptors who would be impacted by them. Courts have determined that "recognition of the characteristics of the [plan's] tenants is a necessary prerequisite to accurate identification and analysis of the environmental consequences that will result from approval of the proposed project[]." *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App. 4th 11841213. And in the *City of Maywood*, the court invalidated an EIR for a parallel problem as here—the EIR lacked sufficient detail and analysis to provide a basis on which to assess risks to pedestrians. 208 Cal.App.4th at 387. While the *Maywood* EIR and accompanying safety study expressly contemplated some traffic safety hazards, it crucially failed to evaluate the issue in detail, and "[t]he record [did] not contain any evidence that the [planner] considered or otherwise addressed these issues." *Id.* at 395. 10-44 cont.

Similarly, here, the SCSP DEIR should have reasonably described the Plan's features and how they would impact pedestrian and traffic safety—particularly for areas where safety considerations were most pressing. That the SCSP DEIR is a program-level DEIR does not excuse it from undergoing such analysis. "[D]esignating an EIR as a program EIR . . . does not by itself decrease the level of analysis otherwise required." *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 17 Cal.App.5th 413, 426. Instead, "[t]he level of specificity of an EIR is determined by the nature of the project and the 'rule of reason' . . . rather than any semantic label." *Id*. Even if "more precise information may be available during [later] environmental review," an EIR must, at minimum, "provid[e] what information it reasonably can now." *Id*. at 440 (citing CEQA Guidelines § 15144).

If community members had been adequately consulted, the DEIR might have noted the following traffic safety hot spots, where residents feel the most acute danger from truck traffic. For instance, Orange Center Elementary School is located within the 10-45

Plan Area, on South Cherry Avenue between East Central Ave and East North Avenue. The school is a block from the CA-41 freeway. Elementary-age students and their guardians walking to and from school are particularly vulnerable to safety issues brought by increased truck traffic. The DEIR only mentions Orange Center Elementary in the context of traffic safety to say that the school would be subject to City programs and "potential safety improvements." DEIR at 3-23. It does not, as required, provide an analysis of the safety risk that the increased SCSP traffic might cause.

In addition, residential communities exist in close proximity to industrial uses throughout the Plan Area. These communities already face danger from truck traffic brought by warehouse development within the past decade. Residents report that trucks pass right in front of their homes, and that the increase in traffic has led them to feel unsafe walking or driving in their neighborhoods. For a number of communities in South Central Fresno, the SCSP zones light and heavy industrial uses and business park uses are located immediately adjacent to known residential areas. The DEIR entirely fails to contemplate how residents of these communities will be impacted by truck and other traffic the SCSP's uses will inevitably bring. 10-45 cont.

The DEIR's current acknowledgement of potential traffic safety harms is an unreasonably bare assessment of how the SCSP would impact traffic safety in the Plan area. It is thus legally deficient.

2. The DEIR Improperly Relies On Proposed Policies To Conclude That The SCSP's Traffic Safety Impacts Would Be Less Than Significant.

The DEIR's traffic safety analysis also attempts to shortcut CEQA procedures by saying that proposed plan policies will render the vaguely discussed impacts to pedestrians and cyclists "less than significant." However, pointing to these policies does not substitute for an actual analysis of whether Plan impacts may be significant and require mitigation. *See*, *Lotus,* 223 Cal.App.4th 645. 10-46

The DEIR barely discusses traffic safety impacts to begin with, but even when it does, it fails to meet CEQA requirements. In a proper analysis, an EIR would examine the significance of an environmental impact, *then*, for each significant impact, discuss proposed mitigation. Pub. Res. Code, § 21100(b). However, the SCSP DEIR circumvents this process by neglecting to reach a conclusion about the significance of traffic safety impacts separately from its discussion of policies intended to mitigate such impacts. DEIR at 4.15-14. This approach is not permissible under CEQA. In *Lotus*, the court held that "avoidance, minimization and/or mitigation measures," are not "part of the project,"

and could thus not be used to justify a finding that an environmental impact was not significant. (2014) 223 Cal.App.4th 645, 655-6 .

Here, the DEIR attempts to engage in the same practice that the court invalidated in *Lotus*. In Impact 4.15-1, the DEIR suggests that "[p]roposed SCSP policies would encourage the construction of bicycle and pedestrian safety improvements and transportation demand management strategies for employees to support the use of alternative modes of transportation." DEIR at 4.15-14. However, merely gesturing towards proposed policies as de facto mitigation is not an analysis of traffic safety impacts. "By compressing the analysis of impacts and mitigation measures into a single issue, the EIR disregards the requirements of CEQA." *Lotus*, 223 Cal.App.4th at 656.

Furthermore, SCSP policies that the DEIR claims will automatically mitigate possible impacts are too vague to suffice as mitigation. And the formulation of mitigation measures cannot be developed after project approval unless the agency "commits" itself to "specific performance standards." *League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 122. 10-46 cont.

For instance, Policy MT-5-d merely states: "Pedestrian Safety. Minimize vehicular and pedestrian conflicts on both major and non-roadways through implementation of traffic access design and control standards addressing street intersections, median island openings and access driveways to facilitate accessibility while reducing congestion and increasing safety." And Policy MT-6-c says: "Link Paths and Trails and Recreational Facilities. Strive to provide path or trail connections to recreational facilities, including parks and community centers where appropriate, and give priority to pathway improvements within neighborhoods characterized by lower vehicle ownership rates and lower per capita rates of parks and public open space." None of these policies commit the City to specific mitigation or performance standards. They are thus inadequate substitutes for real mitigation plans. *League to Save Lake Tahoe*, 75 Cal.App.5th at 122.

3. The DEIR Fails To Adequately Analyze the Cumulative Affects Related to Bicyclist and Pedestrian Safety.

The DEIR also erroneously relies on the Truck Reroute Study,[12] discussed in prior sections, to justify its claim that traffic safety impacts will be less than significant. The DEIR states: "The [Truck Reroute Study] is designed to address, among other things, 10-47

[12] City of Fresno, South Central Fresno AB617 Community Truck Reroute Study and related Health Assessment (Apr. 2024), online at https://www.fresno.gov/publicworks/south-central-truck-re-route-study/.

truck transportation conflicts, accidents, and residential and school impacts . . . it is anticipated that its recommendations will be implemented by the City and would further reduce the potential for such hazards." SCSP DEIR at 4.15-16. However, the DEIR cannot summarily assume that the study will mitigate potential truck traffic impacts the SCSP's proposed industrialization would bring. In fact, the DEIR must conduct an analysis of the SCSP and Truck Reroute Study's cumulative safety risks, as both plans will affect traffic safety in South Central Fresno. Failure to consider these closely related plans in tandem renders the SCSP's cumulative impact analysis deficient. *See*, *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1213-14.

Contrary to the DEIR's assumptions, residents have cause for concern that the Truck Reroute Study will *increase*, rather than reduce, truck safety hazards in the Plan area and near sensitive receptors. A closer read of the Study shows that, while it plans to diverts truck traffic from some areas of Fresno, it will push heavy duty trucks *into* the SCSP Plan area. For instance, the Truck Reroute Study includes truck routes on Cedar Avenue between American and Central Avenues, and on North Avenue between Maple and Peach Avenues near existing residents. The Truck Reroute Study also designates "Truck Regulated Areas" ("TRAs") where truck traffic is to be limited—but the map of proposed TRAs leaves a massive gap where much of the SCSP is located. Key sensitive receptors within the SCSP Plan Area are not even covered; Orange Center Elementary School is not currently in a TRA. Therefore, the Truck Reroute Study is likely to cause more safety risks—bringing more dangerous truck traffic into places where people in South Central Fresno live and go to school. By failing to conduct an analysis of truck traffic impacts from the Study and SCSP, the DEIR fails its CEQA mandate to consider cumulative impacts. 10-47 cont.

Because the DEIR failed to adequately examine SCSP's impact on traffic safety, it cannot reasonably conclude that traffic safety impacts would be less than significant. It likewise cannot say that mitigation for its insufficiently analyzed Plan is unnecessary. The DEIR's determination that traffic safety impacts will be less than significant and require no mitigation is thus legally invalid.

E. The DEIR's Analysis of Hydrology and Water Quality is Inadequate.

The DEIR's description of the environmental setting for hydrology and water quality is inadequate. The DEIR discloses that groundwater quality is a concern in the Plan Area due to several major contaminant plumes. DEIR at 4.10-12 and 4.10-21. The DEIR indicates that the plumes contain organic and inorganic compounds, solvents, 10-48

pesticides and other contaminants. *Id.* "Known contaminants include dibromo-3-chloropropane (DBCP), ethylene dibromide (EDB), trichloropropane (TCP), volatile organic compounds (VOCs) such as trichloroethylene (TCE) and tetrachloroethylene (PCE), nitrate, manganese, radon, chloride, and iron." *Id.* Despite these concerns, the DEIR analysis of the Project's impact on groundwater supply and quality is cursory and incomplete.

The DEIR states that most contaminants in groundwater are being addressed, yet it fails to indicate existing pollutant levels to disclose the extent and severity of the pollution. This information is key to understanding the existing condition of water quality in the area. The DEIR also fails to disclose information about the number and locations of domestic wells in the Plan Area. Many residents on portions of East Central, Malaga, and Britten Avenues, among other residential areas, rely on groundwater via domestic wells. Therefore, information on groundwater quality at these well sites as well as the status of groundwater generally are important data points to establish a baseline for water quality in the area from which to measure potential impacts. 10-48 cont.

Likewise, the DEIR analysis fails to analyze the potential for the vast increase in industrial and business park uses to result in further contamination of groundwater. Instead the DEIR, relies solely on future project compliance with existing regulations to conclude that any related impacts would be less-than-significant. DEIR at 4.10-19. However, the fact that development may comply with existing regulations does not mean that its impacts will be less than significant. *See*, *Kings County Farm Bureau,* 221 Cal.App.3d 692.

Despite concerns about the existing quality of groundwater in the area, the DEIR analysis of the Project's impact on groundwater supply and quality is cursory and incomplete so that the document's conclusions that impacts to groundwater supplies and recharge would be less than significant are unsupported.

F. The DEIR Fails to Adequately Analyze and Mitigate for the SCSP's Noise Impacts

In evaluating the effects of noise on sensitive receptors, the DEIR states that "the plan is designed to buffer residentially designated areas with less intensive land uses (e.g., Business Park) such that new industrial uses would not be located within distances that could expose existing sensitive receptors to excessive stationary noise levels." DEIR at 2-48. As an initial matter, this assertion is misleading because the Business Park designation still permits warehouses and other uses that could still generate substantial noise. In any event, the DEIR concedes that "it is possible that new stationary noise 10-49

sources could result in excessive noise at sensitive receptors and exceed applicable City of Fresno standards." *Id*. Therefore, any reasonable person can see that, because the plan would result in excessive noise in exceedance of standards, the plan cannot be said to buffer residents from the harmful effects of noise.

While in this instance the DEIR accurately concludes that related impacts would be significant, it fails to identify measures to minimize these impacts. The DEIR only proposes requiring development applicants to prepare an acoustical analysis to identify project-specific noise effects and noise abatement measures, thus deferring analysis and mitigation. Moreover, this measure only perpetuates the City's approach over the last decade, which has resulted in allowing development that has added significant stationary and mobile noise sources (e.g., large truck fleets) immediately adjacent to residential areas. For example, recently approved Amazon facilities are located approximately 500 feet from a residential neighborhood along Central Avenue. Hundreds of heavy duty trucks travel through the intersection at Central and Orange daily and enter the facility nearby on Orange Avenue, and area residents experience noise disturbance from truck traffic 24 hours a day, seven days a week. Instead, the DEIR should have included a measure that expressly prohibits new development that results in noise exceeding the City's standards. 10-49 cont.

A revised DEIR should include additional mitigation to ensure that new development will not result in excessive noise to sensitive receptors.

G. The DEIR Fails to Provide an Adequate Analysis of the Project's Potentially Significant Cumulative Impacts..

CEQA requires lead agencies to disclose and analyze a project's "cumulative impacts," defined as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." Guidelines § 15355. Cumulative impacts may result from a number of separate projects, and occur when "results from the incremental impact of the project [are] added to other closely related past, present, and reasonably foreseeable probable future projects," even if each project contributes only "individually minor" environmental effects. Guidelines §§ 15355(a)-(b). A lead agency must prepare an EIR if a project's possible impacts, though "individually limited," prove "cumulatively considerable." CEQA § 21083(b); Guidelines § 15064(i). A proper cumulative impact analysis is "absolutely critical," *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217, as it is a mechanism for controlling "the piecemeal approval of several 10-50

projects that, taken together, could overwhelm the natural environment," *Las Virgenes Homeowners Fed'n, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 306. 10-50 cont.

As discussed above, the DEIR repeatedly fails to analyze the Project's cumulative impacts. Additionally, the DEIR's cumulative analysis fails to include the Caltrans South Fresno State Route 99 ("SR 99") Corridor Project, which will implement operational changes at the North Avenue interchange and American Avenue interchange. The North Avenue interchange is located in the center of the SCSP area and the American Avenue interchange is approximately one mile to the southeast of the SCSP area. See, https://dot.ca.gov/-/media/dot-media/district-6/documents/d6-environmental-docs/06-0h240/sr99-sth-fre-sr99-crrdr-f-060h240-0223-a11y.pdf The EIR for the SR 99 Corridor Project was finalized in January 2023, well in advance of release of this project DEIR.

The DEIR's omission of this project is a serious flaw because the interchange reconfiguration project will add significant traffic capacity to the interchanges. *See*, comments submitted by Friends of Calwa, Inc. and Fresno Building Healthy Communities dated July 14, 2024, attached as Exh. K. The SR 99 Corridor Project will expand capacity by construct new additional bridge overcrossings, ramps, and additional structures to facilitate increased traffic flow and will expand SR 99 from six to eight lanes. Id. at 1.This project will more than double capacity for heavy duty trucks and cars to travel between an expanding SR 99 and local South Fresno roadways and add thousands of daily truck trips to the area. Id. at 2. Yet, the EIR fails to evaluate how increased heavy duty truck and automobile traffic entering the SCSP area from these interchanges will combine with the Project's environmental impacts and contribute to already significant impacts related to air quality, public health, climate change, public safety, and noise. 10-51

In addition, the DEIR fails to adequately address the cumulative noise impacts of anticipated development in the SCSP area. The DEIR concedes that the Project's construction and operational noise impacts would both be significant and unmitigable to levels less than significant. DEIR at 4.12-13 to 4.12-18. The DEIR also concedes that cumulative construction and operational noise impacts would be cumulatively considerable. DEIR at 5-13 to 5-14. However, because it does not include noise impacts from increased heavy duty truck traffic due to the SR 99 Corridor Project, the DEIR fails to disclose the extent and severity of cumulative impacts, both in the short- and long-term. Most egregiously, the DEIR concludes that "no additional mitigation is available beyond what is identified" in the document. *Id*. This conclusion is incorrect. The City can propose additional SCSP policies to address these impacts, such as: requiring *real* protective buffers to prohibit any new industrial and business park uses from locating near residential areas; prohibiting uses from exceeding external noise standards near 10-52

residential areas, and establishing a prohibition on truck traffic travelling through residential areas. The DEIR simply fails to propose such common sense mitigation that could help relieve the noise burden on residents in the Plan area.

10-52 cont.

Because DEIR fails to provide any meaningful analysis of or mitigation for these potentially significant impacts, the DEIR must be recirculated.

H. The DEIR Fails to Adequately Analyze Alternatives to the Proposed Specific Plan

Under CEQA, a proper analysis of alternatives is essential to comply with the Act's mandate that significant environmental damage be avoided or substantially lessened where feasible. Pub. Res. Code § 21002; CEQA Guidelines §§ 15002(a)(3), 15021(a)(2), 15126(d); *Citizens for Quality Growth v. City of Mount Shasta* (1988) 198 Cal.App.3d 433, 443-45. As the California Supreme Court has stated, "[w]ithout meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process . . . . [Courts will not] countenance a result that would require blind trust by the public, especially in light of CEQA's fundamental goal that the public be fully informed as to the consequences of action by their public officials." *Laurel Heights Improvement Ass'n,* 47 Cal.3d at 404.

10-53

Critically, an EIR must consider a "reasonable range" of alternatives "that will foster informed decision-making and public participation." CEQA Guidelines § 15126.6(a); *Laurel Heights Improvement Assn,* 47 Cal.3d at 404 ("An EIR's discussion of alternatives must contain analysis sufficient to allow informed decision making."). The discussion of alternatives must focus on alternatives to the project or its location that are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly. CEQA Guidelines § 15126.6(b). The DEIR fails to meet CEQA's mandates for an adequate alternatives analysis.

1. The DEIR's Failure to Adequately Describe the Existing Setting and Analyze Project Impacts Undermines the Alternatives Analysis.

As a preliminary matter, as described throughout this letter, the DEIR's failure to describe the existing setting and to disclose the extent and severity of the Project's broad-ranging impacts necessarily distorts the document's analysis of Project alternatives. As a result, the alternatives are evaluated against an inaccurate representation of the Project's impacts. Proper identification and analysis of alternatives is impossible until Project

10-54

impacts are fully disclosed. To take one example, once the DEIR reveals the full extent of the air pollutant emissions and related public health impacts in the planning area, the City should consider additional alternatives and/or reduced industrial uses, that would help lessen such impacts. 10-54 cont.

2. The DEIR's Dismissal of the Community Plan Option Alternative Is Unsupported.

The DEIR presents two additional "options" to the alternatives: the Community Plan Option and the Business Plan Option. Of these two options the Business Plan is a straw man alternative because a) it fails to reduce *any* of the SCSP's significant impacts and (*see*, CEQA Guidelines § 15126.6(b)) and b) fails to meet several of the City's stated objectives (e.g. minimize environmental and neighborhood impacts and protect against incompatible uses). By contrast, the Community Plan Alternative, proposed by the community, reduces impacts in several topic areas, and as discussed below, would reduce impacts even further if the amount of non-residential development was reduced while keeping the number of jobs the same as provided by the proposed project. Lastly, the DEIR provides no explanation or analysis as to why the Community Plan alternative is relegated to the apparent lesser status of an "option" rather than being considered as an "alternative" to the project.

10-55

As discussed above, inexplicably, the Community Plan Alternative is assumed to have the same amount of non-residential development as the SCSP. DEIR at 6-26. The two alternatives to the project (the Farmland Conservation Alternative and the Reduced Plan Area Alternative (i.e., no lands in the SOI) have a significantly reduced amount of non-residential development due to a reduction in the geographic area considered for development. *See,* Table 1 below. Given that the Community Plan was proposed by area residents, largely due to their concerns about air quality impacts, and public health and safety of residents overall, it would make sense that the Community Plan alternative would also include a reduced amount of non-residential development. The Community Plan is shown to result in a greater number of jobs than the proposed SCSP (11,644 additional jobs, or 25,955, compared to the proposed project, 14, 311). DEIR at 6-29. Therefore, it appears to be feasible to consider the Community Plan with a reduced amount of non-residential development that would still yield the same number of jobs as the proposed SCSP. Such an alternative would not only meet the City's objectives, it would also result in reduced impacts in key issue areas for the community, such as reduced criteria pollution emissions, a reduced number of residents being exposed to polluting emissions, reduced health risks, and reduced exposure to safety risks and noise

10-55 cont.

sources due to reduced truck traffic associated with industrial and regional business park uses.

Table 1: Comparison of proposed alternatives.

	Existing	Prop Plan	No Project/ GP Alt	Farmland Conserv	Reduced Plan Area	Community Plan Option	Business Plan Option
Residential units/persons		**91 / 313**	**0**		**53**	**739 / 2,262**	**0**
Jobs		**14,311**	**13,702**	**11,709**	**8,300**	**25,955**	**13,657**
Non-Residetial		**12,021,744**		**9,857,830**	**6,972,612**	**12,021,744**	**12, 021,744**
Aesthetics			**Sim**	**<**	**<**	**Sim**	**Sim**
Agriculture		**992**	**Sim**	**<Avoids**	**<**	**Sim**	**Sim**
Air Quality			**>**	**<**	**<**	**<**	**>**
Biology			**Sim**	**<**	**<**	**Sim**	**Sim**
Cultural			**Sim**	**Sim**	**Sim**	**Sim**	**Sim**
Energy			**Sim**	**<**	**<**	**Sim**	**Sim**
Geology			**Sim**	**<**	**<**	**Sim**	**Sim**
GHG			**>**	**<**	**<**	**<**	**>**
Hazards			**Sim**	**<**	**<**	**Sim**	**Sim**
Hydrology			**Sim**	**<**	**<**	**Sim**	**Sim**
Land Use			**Sim**	**Sim**	**Sim**	**Sim**	**Sim**
Noise			**Sim**	**<**	**<**	**Sim (< trucks)**	**Sim**
Pop/ House			**Sim**	**Sim**	**Sim (<)**	**>**	**<**
Pub Serv/Rec			**Sim**	**<**	**<**	**Sim**	**Sim**
Transportation			**>**	**Sim**	**Sim**	**Sim**	**>**
Utilities			**>**	**<**	**<**	**>**	**>**

III. The DEIR Must Be Revised and Recirculated.

10-56

Under California law, the present DEIR cannot properly form the basis of a final EIR. CEQA and the CEQA Guidelines describe the circumstances that require recirculation of a DEIR. Such circumstances include: (1) the addition of significant new information to the EIR after public notice is given of the availability of the DEIR but before certification, or (2) the DEIR is so "fundamentally and basically inadequate and

conclusory in nature that meaningful public review and comment were precluded." CEQA Guidelines § 15088.5.

Here, as this letter explains, the DEIR fails to adequately reveal or describe the true extent of numerous of the Project's significant environmental impacts, which clearly requires extensive new information and analysis. This analysis will likely result in the identification of new, substantial environmental impacts or substantial increases in the severity of significant environmental impacts. Once the DEIR reveals the full extent of the Specific Plan's impacts, the City should consider land use designation changes that prohibit high-pollutant emitters in the buffer around residential areas to lessen such health hazards. 10-56 cont.

IV. Conclusion

As described above, the DEIR violates CEQA in numerous respects. Unfortunately, the impact of the CEQA violations will be felt most acutely by the City's most vulnerable residents; low-income residents and communities of color. If not remedied, this disproportionate impact on area residents, will result in violations of state law. Through the environmental review process, the City has an opportunity to develop a Specific Plan that minimizes the Project's significant impacts and complies with CEQA, while at the same time ensuring that the most disadvantaged neighborhoods in South Central Fresno do not bear the burdens of the City's growth. 10-57

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Edward T. Schexnayder
Carmen Borg, AICP, Urban Planner

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Brian Moore, Air Resources Supervisor, CARB, Brian.Moore@arb.ca.gov

Ryan Hayashi, Deputy Air Pollution Control Officer, SJVAPCD, Ryan.Hayashi@valleyair.org

Councilmember Miguel Arias, District3@fresno.gov

Exhibits:

Exhibit A:	Baseline Environmental, Inc. Report
Exhibit B:	"Health effects of volatile organic compounds," Medical News Today
Exhibit C:	CARB's Low Emission Diesel Study Final Report
Exhibit D:	California Air Resources Board, Air Quality and Land Use Handbook: A Community Health Perspective
Exhibit E:	Nature Communications, Kerr et. al. "Air pollution impacts from warehousing in the United States uncovered with satellite data", July 24, 2024
Exhibit F:	OEHHA February 2015 Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments
Exhibit G:	UC Merced Fresno Community Environmental Health Impact Assessment
Exhibit H:	Executive Order B-30-15
Exhibit I:	Assembly Bill 1279
Exhibit J:	*Atmosphere* 2023, 14(5), 857; https://doi.org/10.3390/atmos14050857, Yan et al, Cooling Effect of Trees with Different Attributes and Layouts on the Surface Heat Island of Urban Street Canyons in Summer
Exhibit K:	Comments submitted by Friends of Calwa, Inc. and Fresno Building Healthy Communities dated July 14, 2024

APPENDIX B
City Council Resolution 2019-235

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RESOLUTION NO. 2019-235

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, IN SUPPORT FOR COMMUNITY ENGAGEMENT IN THE SOUTH CENTRAL SPECIFIC PLAN ENVIRONMENTAL IMPACT REPORT

WHEREAS, the City desires to engage in public outreach to assist in determining potential revisions to the draft Specific Plan for the South Central Specific Plan (SCSP), which may also include incorporation of relevant mitigation measures as part of the proposed Specific Plan ; and

WHEREAS, the City has begun work on an Environmental Impact Report (EIR) for the development of the SCSP; and

WHEREAS the SCSP boundaries are depicted in Figure IM-1 of the General Plan, a copy of which is attached hereto as Exhibit A; and

WHEREAS, the draft SCSP is a compilation of certain policies from existing City plans; and

WHEREAS, the SCSP encompasses and adjoins incorporated and unincorporated residential neighborhoods and communities, as well as elementary schools and religious institutions; and

WHEREAS the neighborhoods and communities within and adjacent to the SCSP are impacted by high levels of pollution, poverty, and unemployment and a lack of high-quality jobs with opportunities for career advancement; and

WHEREAS, disadvantaged unincorporated communities, and neighborhoods located within and adjacent to the SCSP lack basic municipal infrastructure; and

Date Adopted: 11/14/2019
Date Approved: 11/20/2019
Effective Date: 11/20/2019

WHEREAS, the General Plan Land Use and Circulation Map applies the Heavy Industrial land use designation to parcels occupied by and adjacent to residential, elementary school, religious, and commercial land uses; and

WHEREAS, the City wishes to obtain input from residents who live within and near the SCSP and other key stakeholders to inform development of the specific plan in order to develop a vision, land use changes and policies that: 1) avoid and minimize adverse impacts to existing sensitive land uses from new development and ensure a decent quality of life and a healthy environment for residents of existing neighborhoods and communities within and near the SCSP; 2) As a separate process to be conducted in 2020, study standards, and procedures for annexation of existing neighborhoods and communities in and near the SCSP and goals and performance measures for the extension of municipal infrastructure and services to these neighborhoods and communities; and 3) facilitate and promote economic development that advances community priorities relating to industry type, employment opportunities, job quality and community benefits; and

WHEREAS, the City desires that the specific plan be referred to as the South Central Specific Plan (SCSP).

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Mayor and City Council of Fresno desire that the Specific Plan shall strongly consider and may incorporate reductions in the zoning intensity of undeveloped lands near to sensitive uses such as residences, schools and religious institutions in order to provide "buffers" to protect sensitive uses from adverse impacts from more

intense land uses in a manner that reflects stakeholder input.

2. The Mayor and City Council of Fresno also desire that the plan include new land use designations, policies and implementation actions specific to the plan area, and incorporate relevant environmental mitigation measures reflective of community input and the analysis prepared for the Environmental Impact Review.

3. The City desires that residents and stakeholders in and adjacent to the plan area shall inform the South Central Specific Plan, through an inclusive community engagement process. The community engagement process will include community meetings held before, during and after development of a draft specific plan. Community residents and stakeholders shall have an opportunity to review and provide feedback of draft documents, including but not limited to proposed land use designations and policy and implementation actions specific to the plan area. If determined feasible by the ad hoc committee, an advisory committee will be established and comprised of residents who live within and near the SCSP and key community stakeholders. A draft final Plan document shall be reviewed and considered for approval prior to Planning Commission and City Council action at a noticed public meeting.

4. The City desires the assistance of a qualified consultant with the capacity and expertise to conduct the community engagement and long-range planning specific herein in a high-quality manner. In consultation with the impacted Councilmembers, the City shall select a consultant to perform these tasks.

5. The Mayor and City Council of Fresno also desire that the current draft plan may be revised to include proposed new land use designations and/or policies specific to the plan area and incorporate relevant environmental mitigation measures

reflective of community input and the analysis prepared for the Environmental Impact Review.

6. Council authorizes the City Manager to expend $250,000, in addition to the original amount authorized for the contract, and/or hire additional consultants, to fulfill the scope of work outlined herein.

* * * * * * * * * * * * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 14th day of November, 2019.

AYES : Arias, Bredefeld, Chavez, Esparza, Karbassi, Soria, Caprioglio
NOES : None
ABSENT : None
ABSTAIN : None

Mayor Approval: November 20th, 2019
Mayor Approval/No Return: N/A, 2019
Mayor Veto: N/A, 2019
Council Override Vote: N/A, 2019

YVONNE SPENCE, MMC CRM
City Clerk

By: Yvonne Spence 11/22/19
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: 11/22/19
Brandon M. Collet Date
Senior Deputy

November 15, 2019

Council Adoption: 11/14/19
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR LEE BRAND

FROM YVONNE SPENCE, MMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the City Council meeting of 11/14/19, Council adopted the attached Resolution No. 2019-235, entitled **In support of community engagement in the South Industrial Priority Specific Plan.** Item 4-A (2), File ID19-11527, by the following vote:

Ayes	:	Arias, Bredefeld, Caprioglio, Chavez, Esparza, Karbassi, and Soria
Noes	:	None
Absent	:	None
Recused	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before November 25, 2019. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

_____

_____

_____ Date: 11-20-19
Lee Brand, Mayor

COUNCIL OVERRIDE ACTION: Date: _____

Ayes :
Noes :
Absent :
Abstain :

RECEIVED
2019 NOV 20 P 3:52
CITY OF FRESNO
CITY CLERK'S OFFICE

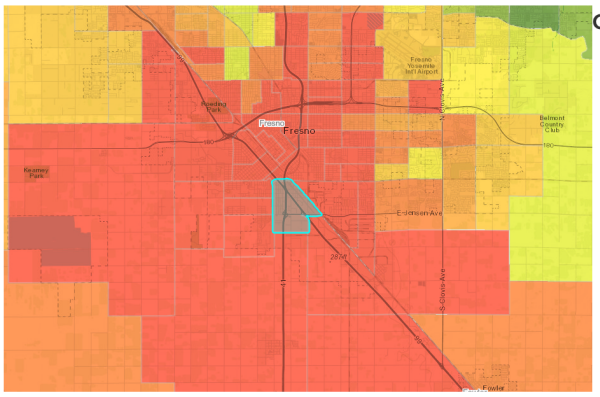
SCSP_CES

Legend

CalEnviroScreen 4.0 Results

- > 90 – 100 (Highest Scores)
- > 80 – 90
- > 70 – 80
- > 60 – 70
- > 50 – 60
- > 40 – 50
- > 30 – 40
- > 20 – 30
- > 10 – 20
- 0 – 10 (Lowest Scores)

CalEnviroScreen 4.0 High Pollution, Low Population



Census Tract: 6019001100 (Population: 2,780)

The results for each indicator range from 0-100 and represent the percentile ranking of census tract 6019001100 relative to other census tracts.

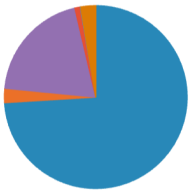
Overall Percentiles	
CalEnviroScreen 4.0 Percentile	100
Pollution Burden Percentile	100
Population Characteristics Percentile	100

Exposures	
Ozone	82
Particulate Matter 2.5	98
Diesel Particulate Matter	99
Toxic Releases	92
Traffic	60
Pesticides	43
Drinking Water	84
Lead from Housing	96

Environmental Effects	
Cleanup Sites	98
Groundwater Threats	91
Hazardous Waste	96
Impaired Waters	0
Solid Waste	80

Sensitive Populations	
Asthma	97
Low Birth Weight	96
Cardiovascular Disease	92

Socioeconomic Factors	
Education	93
Linguistic Isolation	79
Poverty	99
Unemployment	94
Housing Burden	91



Race/Ethnicity Profiles

Hover your mouse over the pie chart segment to see the race/ethnicity in percentages and approximate counts.

Age Profiles

Hover your mouse over the pie chart segment to see the age characteristics in percentages and approximate counts.

Census Tract	Total Population	California County	ZIP	Approximate Location	Longitude	Latitude	CES 4.0 Score	CES 4.0 Percentile	CES 4.0 Percentile Range	Ozone	Ozone Pctl	PM2.5	PM2.5 Pctl	Diesel PM	Diesel PM Pctl	Drinking Water	Drinking Water Pctl	Lead	Lead Pctl	Pesticides	Pesticides Pctl	Tox. Release
6019001100	2780	Fresno	93706	Fresno	-119.78	36.71	93.18	100.00	0% (highest sc	0.060	82.48	13.906	97.71	1.123	98.72	733.95	84.39	89.60	96.47	1.00	42.90	4859.0946
6019000700	3664	Fresno	93706	Fresno	-119.83	36.73	81.33	99.96	0% (highest sc	0.060	82.48	13.521	95.88	0.174	57.09	733.95	84.39	68.39	77.00	44.57	71.59	1630.3427
6019000200	2689	Fresno	93706	Fresno	-119.81	36.74	80.75	99.95	0% (highest sc	0.060	82.48	13.819	97.47	1.390	99.30	733.95	84.39	75.41	85.12	16.63	64.41	1975.208
6019001000	4255	Fresno	93706	Fresno	-119.80	36.70	80.55	99.92	0% (highest sc	0.060	82.48	13.554	96.02	0.097	36.19	790.59	92.69	65.01	72.90	1321.97	90.83	3178.0984
6019000300	4225	Fresno	93706	Fresno	-119.80	36.73	76.40	99.80	0% (highest sc	0.060	82.48	13.776	97.36	0.693	95.22	733.95	84.39	82.05	91.09	59.94	73.38	2385.2677
6019000902	5191	Fresno	93706	Fresno	-119.80	36.72	75.46	99.71	0% (highest sc	0.060	82.48	13.683	96.79	0.256	71.00	733.95	84.39	63.55	70.93	2103.60	93.21	2610.472
6019000400	5498	Fresno	93721	Fresno	-119.78	36.73	75.30	99.68	0% (highest sc	0.060	82.48	13.89	97.69	0.674	94.87	733.95	84.39	91.92	98.08	1.75	46.59	3010.1577
6019001301	5342	Fresno	93702	Fresno	-119.75	36.73	71.21	99.24	0% (highest sc	0.061	84.58	13.888	97.67	0.184	59.07	733.95	84.39	92.75	98.51	1.86	47.21	2874.3143
6019000901	2759	Fresno	93706	Fresno	-119.80	36.71	70.21	99.13	0% (highest sc	0.060	82.48	13.65	96.52	0.122	43.92	733.95	84.39	62.70	69.49	2109.70	93.24	2841.495
6019002400	4401	Fresno	93703	Fresno	-119.78	36.76	68.07	98.63	0% (highest sc	0.060	82.48	13.73	97.09	0.625	93.70	733.95	84.39	85.91	94.03	0.00	0.00	1495.9934
6019002000	6284	Fresno	93728	Fresno	-119.83	36.76	67.94	98.58	0% (highest sc	0.060	82.48	13.565	96.05	0.968	98.02	888.72	97.20	75.84	85.52	0.03	17.03	1291.8224
6019002502	4577	Fresno	93702	Fresno	-119.76	36.75	67.59	98.51	0% (highest sc	0.060	82.48	13.717	97.03	0.699	95.36	733.95	84.39	82.56	91.58	0.00	0.00	1530.8433
6019002601	4971	Fresno	93702	Fresno	-119.76	36.75	65.62	97.97	0% (highest sc	0.060	82.48	13.817	97.46	0.253	70.40	733.95	84.39	92.65	98.46	0.00	0.00	1757.2764
6019003400	5456	Fresno	93703	Fresno	-119.78	36.77	64.87	97.78	0% (highest sc	0.060	82.48	13.758	97.21	0.625	93.71	733.95	84.39	85.46	93.62	0.00	0.00	1422.9684
6019000600	4750	Fresno	93721	Fresno	-119.79	36.74	64.45	97.62	0% (highest sc	0.060	82.48	13.757	97.20	0.414	85.66	733.95	84.39	71.82	81.22	0.00	0.00	1777.6443
6019002800	4435	Fresno	93703	Fresno	-119.75	36.76	61.55	96.43	0% (highest sc	0.061	84.58	13.729	97.08	0.289	75.20	733.95	84.39	76.54	86.12	0.00	0.00	1347.9333
6019004404	3152	Fresno	93650	Fresno	-119.79	36.84	61.50	96.38	0% (highest sc	0.060	82.48	13.579	96.12	0.257	71.14	860.21	96.65	61.68	68.15	0.00	0.00	1270.101
6019001304	5383	Fresno	93702	Fresno	-119.75	36.73	61.39	96.34	0% (highest sc	0.061	84.58	13.947	97.85	0.045	15.93	733.95	84.39	51.69	53.85	2.54	49.31	4333.0514
6019000100	3676	Fresno	93721	Fresno	-119.79	36.74	60.37	95.92	0% (highest sc	0.060	82.48	13.863	97.61	0.636	94.06	733.95	84.39	41.85	39.67	6.33	56.38	2032.9893
6019003805	7392	Fresno	93722	Fresno	-119.85	36.78	60.34	95.89	0% (highest sc	0.059	79.99	13.319	94.93	0.709	95.57	889.21	97.23	46.35	46.33	6.89	57.07	1090.4954
6019000502	3594	Fresno	93701	Fresno	-119.78	36.74	60.03	95.70	0% (highest sc	0.060	82.48	13.827	97.49	0.816	96.88	733.95	84.39	73.02	82.52	0.00	0.00	1802.3897
6019001303	2420	Fresno	93702	Fresno	-119.76	36.73	59.83	95.59	0% (highest sc	0.060	82.48	13.91	97.75	0.052	18.92	733.95	84.39	84.77	93.19	0.00	0.00	4319.5332
6019005202	3050	Fresno	93726	Fresno	-119.74	36.79	58.65	94.86	90-95%	0.061	84.58	13.751	97.16	0.179	58.07	733.95	84.39	66.64	74.88	0.00	0.00	1682.059
6019002602	3480	Fresno	93702	Fresno	-119.76	36.74	58.10	94.54	90-95%	0.060	82.48	13.845	97.56	0.202	62.36	733.95	84.39	92.41	98.30	0.00	0.00	2102.1723
6019003001	3241	Fresno	93727	Fresno	-119.71	36.76	57.25	94.06	90-95%	0.062	88.70	13.701	96.85	0.133	46.85	947.81	98.80	55.50	59.45	0.38	35.48	1153.2293
6019002300	3559	Fresno	93728	Fresno	-119.79	36.76	56.48	93.56	90-95%	0.060	82.48	13.717	97.04	0.429	86.51	733.95	84.39	87.56	95.19	0.00	0.00	1467.5107
6019000501	2532	Fresno	93721	Fresno	-119.77	36.74	55.37	92.83	90-95%	0.060	82.48	13.887	97.66	0.378	83.35	733.95	84.39	73.21	82.67	0.00	0.00	1926.3997
6019002702	4891	Fresno	93702	Fresno	-119.75	36.74	55.31	92.78	90-95%	0.061	84.58	13.859	97.60	0.097	36.42	733.95	84.39	83.07	92.01	0.00	4.90	1782.412
6019005100	6799	Fresno	93726	Fresno	-119.78	36.79	55.13	92.61	90-95%	0.060	82.48	13.768	97.29	0.362	82.10	733.95	84.39	81.83	90.94	0.00	0.00	1308.8046
6019002100	6200	Fresno	93728	Fresno	-119.82	36.76	54.37	92.01	90-95%	0.060	82.48	13.684	96.81	0.220	65.56	733.95	84.39	89.48	96.36	0.00	0.00	1312.511
6019002501	4720	Fresno	93703	Fresno	-119.76	36.76	53.98	91.64	90-95%	0.060	82.48	13.678	96.76	0.218	65.20	733.95	84.39	74.56	84.17	0.00	0.00	1452.6666
6019005408	2268	Fresno	93710	Fresno	-119.74	36.82	53.50	91.31	90-95%	0.061	84.58	13.646	96.48	0.284	74.64	818.46	94.88	21.28	13.60	160.05	79.79	1080.5807
6019003201	5151	Fresno	93703	Fresno	-119.74	36.78	52.94	90.85	90-95%	0.061	84.58	13.738	97.11	0.148	50.80	733.95	84.39	84.27	92.89	0.00	0.00	1828.9977
6019003702	4581	Fresno	93705	Fresno	-119.83	36.78	52.67	90.66	90-95%	0.060	82.48	13.641	96.45	0.352	81.33	733.95	84.39	80.46	89.68	0.00	0.00	1192.684
6019003202	5745	Fresno	93703	Fresno	-119.74	36.77	52.45	90.48	90-95%	0.061	84.58	13.714	97.00	0.156	52.72	733.95	84.39	69.63	78.71	0.00	0.00	1520.2823
6019003809	5362	Fresno	93722	Fresno	-119.87	36.79	51.66	89.64	85-90%	0.058	78.01	13.197	94.56	0.923	97.71	733.95	84.39	37.38	33.62	0.00	4.62	1051.8917
6019004207	11921	Fresno	93723	Fresno	-119.91	36.82	51.66	89.62	85-90%	0.058	76.94	12.815	92.96	0.484	89.26	790.04	92.66	36.12	32.06	771.28	87.93	1117.6153
6019005203	5107	Fresno	93726	Fresno	-119.76	36.78	51.34	89.26	85-90%	0.060	82.48	13.763	97.26	0.128	45.36	733.95	84.39	74.34	83.98	0.00	0.00	1419.594
6019001407	4798	Fresno	93727	Fresno	-119.73	36.73	51.29	89.21	85-90%	0.062	88.70	13.931	97.82	0.114	41.63	733.95	84.39	45.90	45.75	16.12	63.97	1759.9537
6019003701	3462	Fresno	93705	Fresno	-119.83	36.77	50.81	88.68	85-90%	0.060	82.48	13.643	96.47	0.240	68.72	733.95	84.39	85.30	93.55	0.00	0.00	1214.4313
6019002701	4209	Fresno	93702	Fresno	-119.75	36.75	50.46	88.34	85-90%	0.061	84.58	13.833	97.50	0.142	49.06	733.95	84.39	87.55	95.17	0.00	0.00	1470.1393
6019003301	3179	Fresno	93703	Fresno	-119.76	36.78	48.94	86.65	85-90%	0.060	82.48	13.755	97.19	0.102	37.96	733.95	84.39	87.86	95.40	0.00	0.00	1471.2536
6019004205	6153	Fresno	93722	Fresno	-119.85	36.80	48.46	86.13	85-90%	0.059	79.99	13.584	96.14	0.378	83.40	733.95	84.39	46.70	46.81	0.01	12.00	1112.7333

Census Tract	Total Population	California County	ZIP	Approximate Location	Longitude	Latitude	CES 4.0 Score	CES 4.0 Percentile	CES 4.0 Percentile Range	Ozone	Ozone Pctl	PM2.5	PM2.5 Pctl	Diesel PM	Diesel PM Pctl	Drinking Water	Drinking Water Pctl	Lead	Lead Pctl	Pesticides	Pesticides Pctl	Tox. Release
6019004704	5345	Fresno	93705	Fresno	-119.84	36.78	48.27	85.83	85-90%	0.060	82.48	13.637	96.44	0.305	76.95	733.95	84.39	75.67	85.33	0.00	0.00	1152.624
6019001411	6926	Fresno	93727	Fresno	-119.69	36.74	48.19	85.72	85-90%	0.062	88.70	13.609	96.27	0.224	66.21	951.96	98.85	41.62	39.47	6.76	57.03	1038.104
6019002903	3791	Fresno	93727	Fresno	-119.73	36.74	47.94	85.40	85-90%	0.062	88.70	13.863	97.62	0.076	28.25	949.56	98.83	54.94	58.63	0.00	0.00	1371.6693
6019001410	12169	Fresno	93725	Fresno	-119.72	36.71	47.39	84.88	80-85%	0.062	88.70	13.857	97.59	0.065	23.97	785.63	87.61	31.43	25.80	745.84	87.55	48666.313
6019003500	4901	Fresno	93704	Fresno	-119.80	36.77	47.10	84.57	80-85%	0.060	82.48	13.713	96.99	0.157	52.86	733.95	84.39	82.12	91.13	0.00	0.00	1336.335
6019005403	4872	Fresno	93710	Fresno	-119.76	36.81	46.47	83.81	80-85%	0.060	82.48	13.659	96.57	0.235	67.97	787.04	87.94	51.22	53.14	0.00	0.00	1142.0787
6019004504	5245	Fresno	93710	Fresno	-119.79	36.83	46.08	83.32	80-85%	0.060	82.48	13.57	96.08	0.311	77.60	878.54	97.03	40.41	37.77	0.00	0.00	1226.3924
6019005305	3648	Fresno	93726	Fresno	-119.74	36.80	45.03	82.00	80-85%	0.061	84.58	13.705	96.88	0.110	40.31	733.95	84.39	61.98	68.48	0.00	0.00	1312.2687
6019005204	4299	Fresno	93726	Fresno	-119.76	36.79	44.99	81.97	80-85%	0.060	82.48	13.746	97.15	0.050	18.22	733.95	84.39	75.25	84.97	0.00	0.00	1324.8336
6019005000	4548	Fresno	93726	Fresno	-119.79	36.80	44.88	81.87	80-85%	0.060	82.48	13.677	96.74	0.213	64.34	733.95	84.39	70.34	79.60	0.00	0.00	1225.6153
6019005301	6018	Fresno	93726	Fresno	-119.77	36.80	44.84	81.82	80-85%	0.060	82.48	13.712	96.98	0.132	46.35	733.95	84.39	79.71	88.97	0.00	0.00	1254.2016
6019002200	3617	Fresno	93728	Fresno	-119.80	36.76	44.30	81.24	80-85%	0.060	82.48	13.715	97.01	0.181	58.37	733.95	84.39	74.96	84.65	0.00	0.00	1386.939
6019004505	5425	Fresno	93710	Fresno	-119.79	36.82	43.75	80.42	80-85%	0.060	82.48	13.601	96.22	0.333	79.64	833.22	95.92	52.34	54.83	0.00	0.00	1219.9037
6019002904	3132	Fresno	93727	Fresno	-119.73	36.75	42.88	79.27	75-80%	0.062	88.70	13.771	97.35	0.053	19.20	956.15	98.89	76.30	85.92	0.00	0.00	1180.861
6019005410	3536	Fresno	93710	Fresno	-119.78	36.82	42.76	79.10	75-80%	0.060	82.48	13.614	96.33	0.570	92.06	733.95	84.39	38.89	35.48	0.00	0.00	1184.4457
6019004802	4448	Fresno	93705	Fresno	-119.82	36.79	41.97	78.00	75-80%	0.060	82.48	13.595	96.19	0.062	22.68	733.95	84.39	76.76	86.33	0.00	0.00	1195.8863
6019004701	6923	Fresno	93705	Fresno	-119.84	36.80	41.41	77.28	75-80%	0.060	82.48	13.597	96.20	0.077	28.65	733.95	84.39	56.74	61.18	0.00	0.00	1151.6996
6019002906	5229	Fresno	93727	Fresno	-119.73	36.76	41.30	77.07	75-80%	0.062	88.70	13.708	96.94	0.067	24.84	733.95	84.39	56.31	60.48	0.00	0.00	1216.3113
6019004703	4130	Fresno	93705	Fresno	-119.84	36.79	40.22	75.32	75-80%	0.060	82.48	13.589	96.18	0.043	15.53	733.95	84.39	75.10	84.79	0.00	0.00	1143.1593
6019005304	5365	Fresno	93726	Fresno	-119.74	36.80	39.87	74.77	70-75%	0.061	84.58	13.688	96.83	0.256	70.91	733.95	84.39	44.15	43.11	0.00	0.00	1195.175
6019005302	5355	Fresno	93726	Fresno	-119.77	36.80	37.96	72.08	70-75%	0.060	82.48	13.676	96.70	0.341	80.35	733.95	84.39	56.43	60.66	0.00	0.00	1206.0547
6019001414	8555	Fresno	93727	Fresno	-119.69	36.72	37.91	71.97	70-75%	0.062	88.70	13.677	96.73	0.055	19.90	768.10	86.94	34.07	29.35	379.34	84.17	3074.7912
6019004212	12379	Fresno	93722	Fresno	-119.87	36.82	37.48	71.34	70-75%	0.059	79.99	13.464	95.56	0.240	68.60	733.95	84.39	30.70	24.79	0.00	0.00	1185.3043
6019004409	3232	Fresno	93711	Fresno	-119.81	36.84	36.37	69.72	65-70%	0.060	82.48	13.465	95.57	0.037	13.38	859.24	96.60	17.75	9.88	0.00	0.00	1349.9583
6019001408	2677	Fresno	93727	Fresno	-119.73	36.73	36.01	69.15	65-70%	0.062	88.70	13.931	97.82	0.037	13.27	733.95	84.39	30.99	25.15	30.59	69.14	2333.8677
6019005804	6940	Fresno	93611	Fresno	-119.69	36.79	35.68	68.68	65-70%	0.062	88.70	13.702	96.86	0.106	39.40	801.79	93.78	46.18	46.09	5.18	54.55	1351.81
6019005409	3328	Fresno	93710	Fresno	-119.76	36.82	35.61	68.58	65-70%	0.060	82.48	13.61	96.30	0.050	18.00	787.80	87.97	46.85	47.03	0.00	0.00	1125.8167
6019004216	3454	Fresno	93722	Fresno	-119.92	36.84	35.42	68.28	65-70%	0.058	78.01	12.83	93.03	0.408	85.26	733.95	84.39	19.04	11.19	12.11	61.79	1433.4063
6019003104	4159	Fresno	93727	Fresno	-119.72	36.78	34.74	67.16	65-70%	0.062	88.70	13.71	96.93	0.091	33.86	799.12	93.62	51.31	53.25	0.28	33.83	3504.6439
6019005405	4693	Fresno	93710	Fresno	-119.77	36.83	33.56	65.09	65-70%	0.060	82.48	13.60	96.24	0.191	60.41	832.90	95.89	27.29	20.71	0.05	20.59	1133.349
6019005406	4192	Fresno	93710	Fresno	-119.77	36.83	33.54	65.07	65-70%	0.060	82.48	13.56	96.03	0.310	77.54	833.12	95.90	24.94	17.78	0.04	19.14	1141.9287
6019004801	4811	Fresno	93704	Fresno	-119.81	36.78	33.48	64.93	60-65%	0.060	82.48	13.61	96.25	0.092	34.34	733.95	84.39	73.47	82.99	0.00	0.00	1208.8663
6019004215	4557	Fresno	93722	Fresno	-119.90	36.83	32.65	63.54	60-65%	0.058	78.01	12.98	93.67	0.394	84.44	733.95	84.39	6.56	1.92	0.00	0.00	1290.8466
6019001413	6823	Fresno	93727	Fresno	-119.67	36.72	32.51	63.33	60-65%	0.062	88.70	13.49	95.71	0.098	36.66	801.77	93.77	35.11	30.69	398.25	84.59	1589.641
6019004211	6982	Fresno	93722	Fresno	-119.88	36.83	31.84	62.09	60-65%	0.058	78.01	13.19	94.52	0.155	52.42	733.95	84.39	20.82	13.08	0.00	0.00	1301.303
6019003810	5704	Fresno	93722	Fresno	-119.89	36.79	31.61	61.66	60-65%	0.058	78.01	13.00	93.73	0.14	49.50	733.95	84.39	33.55	28.65	0.14	28.59	1022.70
6019005805	6416	Fresno	93727	Fresno	-119.68	36.77	29.76	58.22	55-60%	0.062	88.70	13.51	95.83	0.25	69.66	868.06	96.89	13.29	6.12	120.46	78.34	1257.55
6019004901	4057	Fresno	93704	Fresno	-119.80	36.79	29.63	58.06	55-60%	0.060	82.48	13.71	96.89	0.19	60.26	733.95	84.39	68.99	77.78	0.00	0.00	1230.09
6019004503	5176	Fresno	93704	Fresno	-119.81	36.83	29.52	57.90	55-60%	0.060	82.48	13.49	95.69	0.14	48.49	873.91	96.97	17.06	9.29	0.00	0.00	1284.36
6019001409	2174	Fresno	93727	Fresno	-119.71	36.73	28.25	55.41	55-60%	0.062	88.70	13.76	97.24	0.08	30.88	733.95	84.39	40.41	37.76	74.70	74.97	1355.54
6019005509	5128	Fresno	93611	Fresno	-119.74	36.84	28.24	55.38	55-60%	0.062	88.70	13.47	95.61	0.09	33.11	733.95	84.39	20.25	12.56	0.00	0.00	1053.04
6019004506	3254	Fresno	93704	Fresno	-119.81	36.82	25.81	50.63	50-55%	0.060	82.48	13.56	96.07	0.14	49.52	838.82	96.10	33.88	29.14	0.00	0.00	1229.82
6019005407	3476	Fresno	93710	Fresno	-119.75	36.83	23.89	46.46	45-50%	0.061	84.58	13.63	96.42	0.10	36.88	733.95	84.39	40.41	37.74	38.62	70.55	1068.44

Census Tract	Total Population	California County	ZIP	Approximate Location	Longitude	Latitude	CES 4.0 Score	CES 4.0 Percentile	CES 4.0 Percentile Range	Ozone	Ozone Pctl	PM2.5	PM2.5 Pctl	Diesel PM	Diesel PM Pctl	Drinking Water	Drinking Water Pctl	Lead	Lead Pctl	Pesticides	Pesticides Pctl	Tox. Release
6019005510	4983	Fresno	93720	Fresno	-119.76	36.84	23.34	45.27	45-50%	0.061	84.58	13.51	95.84	0.05	16.52	733.95	84.39	13.11	6.04	0.05	21.52	1122.20
6019004601	3136	Fresno	93705	Fresno	-119.83	36.80	23.14	44.84	40-45%	0.060	82.48	13.54	96.00	0.07	25.56	733.95	84.39	50.88	52.75	0.00	0.00	1173.65
6019003600	4528	Fresno	93704	Fresno	-119.81	36.77	22.70	43.72	40-45%	0.060	82.48	13.63	96.38	0.07	27.18	733.95	84.39	72.38	81.84	0.00	0.00	1255.49
6019004210	3702	Fresno	93722	Fresno	-119.87	36.83	22.54	43.36	40-45%	0.058	78.01	13.29	94.80	0.18	58.66	733.95	84.39	19.65	11.81	0.00	0.00	1342.25
6019004408	3566	Fresno	93711	Fresno	-119.80	36.86	21.44	40.99	40-45%	0.060	82.48	13.38	95.26	0.20	61.19	733.95	84.39	12.13	5.41	0.01	13.62	1334.97
6019004213	3324	Fresno	93711	Fresno	-119.85	36.82	21.13	40.27	40-45%	0.059	79.99	13.45	95.49	0.08	29.35	733.95	84.39	38.83	35.41	0.00	0.00	1234.03
6019004406	5328	Fresno	93720	Fresno	-119.77	36.84	19.90	37.29	35-40%	0.060	82.48	13.53	95.93	0.31	77.69	863.85	96.74	10.96	4.35	0.00	0.00	1194.68
6019004303	4526	Fresno	93711	Fresno	-119.83	36.82	19.80	36.95	35-40%	0.060	82.48	13.50	95.77	0.10	37.06	733.95	84.39	29.12	22.90	0.00	0.00	1215.87
6019005516	6180	Fresno	93720	Fresno	-119.76	36.87	19.20	35.65	35-40%	0.061	84.58	13.34	95.06	0.17	56.76	733.95	84.39	16.07	8.48	0.00	0.00	1192.82
6019004208	7367	Fresno	93722	Fresno	-119.88	36.85	18.66	34.42	30-35%	0.059	79.99	13.08	94.09	0.07	26.35	733.95	84.39	8.75	3.05	18.68	65.48	1500.64
6019005605	1745	Fresno	93710	Fresno	-119.73	36.83	18.61	34.25	30-35%	0.062	88.70	13.66	96.59	0.12	42.59	733.95	84.39	15.06	7.54	104.70	77.38	1020.93
6019004405	3663	Fresno	93720	Fresno	-119.77	36.86	16.13	28.21	25-30%	0.060	82.48	13.42	95.41	0.16	52.84	733.95	84.39	4.89	1.22	0.00	0.00	1219.49
6019005504	3384	Fresno	93730	Fresno	-119.74	36.89	15.92	27.61	25-30%	0.062	88.70	13.17	94.44	0.09	33.22	733.95	84.39	11.99	5.24	1.94	47.48	1104.54
6019005505	7095	Fresno	93720	Fresno	-119.74	36.87	14.38	24.02	20-25%	0.062	88.70	13.33	94.97	0.04	12.87	733.95	84.39	15.21	7.66	0.00	0.00	1097.27
6019004214	4570	Fresno	93711	Fresno	-119.85	36.83	14.36	23.97	20-25%	0.059	79.99	13.35	95.10	0.05	19.95	733.95	84.39	11.56	4.93	0.00	0.00	1300.03
6019004301	4129	Fresno	93711	Fresno	-119.84	36.85	14.00	23.07	20-25%	0.060	82.48	13.23	94.65	0.05	19.60	834.81	95.97	20.03	12.24	78.19	75.31	1424.71
6019005507	5503	Fresno	93720	Fresno	-119.76	36.86	11.66	16.97	15-20%	0.061	84.58	13.35	95.08	0.03	9.98	733.95	84.39	10.00	3.78	0.00	0.00	1146.38
6019005517	7978	Fresno	93730	Fresno	-119.76	36.88	10.34	13.78	10-15%	0.061	84.58	13.24	94.67	0.11	40.04	733.95	84.39	5.08	1.35	0.00	0.00	1172.62
6019005508	5671	Fresno	93619	Fresno	-119.74	36.86	9.78	12.42	10-15%	0.062	88.70	13.39	95.30	0.12	43.41	733.95	84.39	10.31	3.94	0.00	0.00	1076.32

Census Tract	Tox. Release Pctl	Traffic	Traffic Pctl	Cleanup Sites	Cleanup Sites Pctl	Groundwater Threats	Groundwater Threats Pctl	Haz. Waste	Haz. Waste Pctl	Imp. Water Bodies	Imp. Water Bodies Pctl	Solid Waste	Solid Waste Pctl	Pollution Burden	Pollution Burden Score	Pollution Burden Pctl	Asthma	Asthma Pctl	Low Birth Weight	Low Birth Weight Pctl	Cardiovascular Disease
6019001100	92.20	1037.1	60.38	70.5	98.19	54.25	91.17	3.1	96.31	0	0.00	6	79.95	78.98	9.64	99.93	129.54	97.22	7.8	95.62	21.47
6019000700	74.93	690.502	35.28	16.5	77.32	9.5	44.83	2.36	94.12	0	0.00	5.75	78.14	67.85	8.28	97.40	139.45	98.24	10.65	99.78	22.68
6019000200	78.96	909.651	52.26	10.5	62.45	28.25	78.05	0.35	56.40	0	0.00	0	0.00	66.83	8.16	96.94	139.08	98.17	10.25	99.67	22.64
6019001000	85.48	243.272	5.70	15.45	75.38	20	68.42	0.56	72.97	0	0.00	5	75.67	66.35	8.10	96.70	139.35	98.23	8.76	98.40	22.68
6019000300	81.92	641.6	31.51	15	74.93	22.5	71.69	0.285	47.41	0	0.00	1	35.72	68.43	8.36	97.66	139.35	98.23	8.07	96.74	22.68
6019000902	83.13	347.277	10.86	11.7	64.87	14	56.13	0.03	4.12	0	0.00	4.25	71.13	62.48	7.63	93.64	139.35	98.23	10.18	99.63	22.68
6019000400	84.87	1162.42	67.00	12.15	69.19	24.5	73.97	2.39	94.20	0	0.00	0.5	22.08	71.96	8.79	98.98	106.01	94.24	6.12	77.55	18.98
6019001301	84.23	685.405	34.95	5.5	44.01	15	59.60	0.3	50.14	0	0.00	0	0.00	59.47	7.26	90.19	118.84	95.75	8.28	97.51	20.72
6019000901	84.08	364.259	11.90	9.2	58.72	12.5	53.10	0.27	45.73	0	0.00	3.5	66.69	62.12	7.58	93.39	139.35	98.23	7.76	95.39	22.68
6019002400	73.24	2460.09	92.24	9	58.17	0	0.00	0.28	46.80	0	0.00	1.5	42.31	61.25	7.48	92.41	128.34	97.03	8.47	97.96	16.68
6019002000	69.88	1093.52	63.63	6.1	46.34	18.5	66.06	4.8	97.68	0	0.00	2.6	59.43	68.79	8.40	97.82	73.1	80.73	7.04	90.29	10.05
6019002502	73.64	2785	94.63	0	0.00	0	0.00	0.11	19.25	0	0.00	6	79.95	58.20	7.11	88.28	119.77	95.87	5.99	74.90	20.88
6019002601	76.44	1609.5	80.29	0	0.00	0	0.00	0.11	19.25	0	0.00	6	79.95	55.77	6.81	83.85	119.77	95.87	7.26	92.20	20.88
6019003400	71.84	2091.79	88.38	9	58.17	0	0.00	0.36	57.46	0	0.00	0	0.00	58.68	7.16	89.01	133.03	97.53	7.2	91.58	16.16
6019000600	76.68	712.328	37.10	3.4	32.44	8	40.76	0.365	57.62	0	0.00	0	0.00	54.12	6.61	80.55	139.07	98.16	7.52	93.94	20.4
6019002800	70.66	1749.34	82.86	0	0.00	9	43.85	0.1	16.64	0	0.00	0	0.00	52.44	6.40	76.61	108.47	94.64	7.86	95.87	16.4
6019004404	69.70	1429.17	76.26	17.4	78.33	17.3	63.71	0.6	74.73	2	23.88	2.5	59.18	66.70	8.14	96.88	106.39	94.33	5.17	56.88	15.99
6019001304	90.60	459.679	17.99	3.15	31.75	30	79.69	0.3	50.14	0	0.00	1	35.72	54.36	6.64	81.03	112.4	95.16	7.11	90.89	19.54
6019000100	79.69	389.601	13.55	9	58.17	25	74.83	0.3	50.14	0	0.00	0	0.00	57.86	7.07	87.54	82.61	86.84	NA	NA	22.84
6019003805	65.72	882.017	50.15	0.5	7.71	2.5	16.75	1.36	89.37	0	0.00	0.5	22.08	57.98	7.08	87.75	94.19	90.90	6.02	75.56	13.99
6019000502	77.02	1581.12	79.71	0	0.00	0	0.00	0.27	45.73	0	0.00	0.6	22.96	54.62	6.67	81.57	136.39	98.06	8.53	98.09	20.89
6019001303	90.54	194.206	3.96	2.85	29.56	20	68.42	2.075	92.77	0	0.00	1	35.72	54.37	6.64	81.05	99.91	92.61	8.07	96.74	17.27
6019005202	75.61	1240.98	70.21	3.5	33.87	15	59.60	0.27	45.73	0	0.00	0	0.00	54.69	6.68	81.75	131.86	97.42	8.6	98.22	16.2
6019002602	80.22	1290.69	71.96	1	17.08	1.5	10.64	0.11	19.25	0	0.00	0.6	22.96	52.77	6.44	77.54	115.32	95.53	7.59	94.51	20.24
6019003001	67.53	807.695	44.83	12	68.94	14.5	56.95	0.47	67.04	0	0.00	2	52.90	61.26	7.48	92.43	86.64	88.52	5.19	57.39	16.1
6019002300	72.66	961.615	55.75	0.9	11.83	0	0.00	0.335	54.64	0	0.00	0	0.00	52.27	6.38	76.18	110.76	95.00	8.41	97.84	15.01
6019000501	78.48	2735.1	94.30	0	0.00	0	0.00	0.175	30.17	0	0.00	1.5	42.31	55.11	6.73	82.64	62.13	71.56	6.08	76.82	12.47
6019002702	76.77	729.065	38.59	4.25	38.39	2.4	15.24	0.1	16.64	0	0.00	0	0.00	47.62	5.81	63.92	105.75	94.18	7.57	94.35	18.49
6019005100	70.12	2096.91	88.40	0	0.00	0	0.00	0.285	47.41	0	0.00	0	0.00	52.80	6.45	77.66	132.71	97.52	6.32	80.73	16.3
6019002100	70.16	403.733	14.40	1.2	18.70	4.25	26.61	2.22	93.47	0	0.00	0	0.00	51.77	6.32	75.01	124.13	96.45	5.81	71.26	16.96
6019002501	72.42	1231.26	69.90	0	0.00	0	0.00	0.1	16.64	0	0.00	0.6	22.96	48.92	5.97	67.52	100.89	92.92	7.79	95.54	13.13
6019005408	65.47	1006.62	58.30	0	0.00	1	6.97	0.51	70.07	0	0.00	0	0.00	52.45	6.40	76.64	78.38	84.37	NA	NA	12.37
6019003201	77.37	1178.06	67.81	0	0.00	15	59.60	0.25	43.30	0	0.00	0	0.00	53.11	6.48	78.37	112.5	95.19	7.99	96.39	13.76
6019003702	68.37	512.33	21.86	0	0.00	4.5	27.76	0.845	82.41	0	0.00	0	0.00	51.06	6.23	72.93	141.83	98.50	9.08	98.77	15.23
6019003202	73.58	1398.52	75.41	0	0.00	3.75	25.09	0.055	7.65	0	0.00	0	0.00	47.72	5.83	64.18	107.23	94.39	7.9	96.04	13.62
6019003809	64.73	1090.44	63.46	0.2	2.59	0	0.00	0.42	63.07	0	0.00	2.5	59.18	51.75	6.32	74.93	99.16	92.31	7.81	95.68	14.93
6019004207	66.44	1108	64.40	2.75	29.43	0	0.00	0.435	64.63	2	23.88	5.5	77.62	63.26	7.72	94.50	76.94	83.28	4.56	40.11	13.95
6019005203	71.77	658.815	32.85	0	0.00	15	59.60	0.22	38.70	0	0.00	0	0.00	48.06	5.87	65.19	132.71	97.52	8.23	97.33	16.3
6019001407	76.46	660.454	33.04	2	25.63	0	0.00	0.2	35.62	0	0.00	0	0.00	48.40	5.91	66.22	74.51	81.75	7.53	94.03	13.73
6019003701	68.82	540.12	23.95	0	0.00	2.5	16.75	2.71	95.31	0	0.00	0	0.00	50.67	6.19	71.99	123.46	96.26	6.88	88.72	13.49
6019002701	72.72	733.655	39.05	0	0.00	9	43.85	0.02	2.51	0	0.00	0	0.00	46.63	5.69	61.29	119.77	95.87	7.23	91.87	20.88
6019003301	72.77	584.215	27.09	0	0.00	15	59.60	0.235	40.93	0	0.00	0	0.00	48.14	5.88	65.46	117.63	95.69	6.56	84.31	14.3
6019004205	66.32	1130.25	65.56	0	0.00	0	0.00	2.4	94.26	0	0.00	5.5	77.62	56.01	6.84	84.38	71.57	79.39	10.12	99.59	9.96

Census Tract	Tox. Release Pctl	Traffic	Traffic Pctl	Cleanup Sites	Cleanup Sites Pctl	Groundwater Threats	Groundwater Threats Pctl	Haz. Waste	Haz. Waste Pctl	Imp. Water Bodies	Imp. Water Bodies Pctl	Solid Waste	Solid Waste Pctl	Pollution Burden	Pollution Burden Score	Pollution Burden Pctl	Asthma	Asthma Pctl	Low Birth Weight	Low Birth Weight Pctl	Cardiovascular Disease
6019004704	67.49	477.529	19.18	0	0.00	0	0.00	0.11	19.25	0	0.00	0	0.00	43.97	5.37	53.98	141.83	98.50	5.96	74.39	15.23
6019001411	64.38	753.255	40.65	0	0.00	0.3	2.11	0.27	45.73	0	0.00	1	35.72	51.53	6.29	74.40	86.64	88.52	6.41	82.28	16.1
6019002903	71.07	659.002	32.89	2	25.63	0.9	4.52	0.2	35.62	0	0.00	0	0.00	44.05	5.38	54.18	70.53	78.78	8.26	97.45	12.95
6019001410	99.89	566.624	26.01	4.5	40.84	29	78.70	0.135	23.72	0	0.00	0.75	25.73	56.02	6.84	84.42	82.06	86.53	5.9	73.07	13.38
6019003500	70.54	1212.16	69.16	0.9	11.83	0	0.00	0.31	51.73	0	0.00	0	0.00	49.87	6.09	70.02	93.86	90.74	7.64	94.80	11.72
6019005403	67.19	1123.11	65.20	0	0.00	0	0.00	0.14	23.94	0	0.00	0	0.00	44.97	5.49	56.58	86.38	88.30	8.21	97.25	13.76
6019004504	69.04	1688.33	81.79	20.95	82.70	3.75	25.09	0.51	70.07	0	0.00	0	0.00	57.01	6.96	86.22	56.73	64.99	8.64	98.28	8.08
6019005305	70.14	1321.63	73.01	3.5	33.87	0	0.00	0.15	26.67	0	0.00	0	0.00	47.19	5.76	62.78	99.89	92.60	7.08	90.67	12.48
6019005204	70.41	665.357	33.34	7	50.32	0	0.00	0.145	24.71	0	0.00	0	0.00	44.25	5.40	54.75	132.71	97.52	6.56	84.31	16.3
6019005000	69.02	1995.05	87.03	0	0.00	1.5	10.64	0.255	43.65	0	0.00	0	0.00	50.59	6.18	71.84	98.48	92.14	7.67	94.97	12.38
6019005301	69.49	1005.85	58.23	7	50.32	0	0.00	0.27	45.73	0	0.00	0	0.00	50.31	6.14	71.13	132.71	97.52	6.02	75.56	16.3
6019002200	71.22	348.254	10.91	0	0.00	2.8	17.47	0.225	39.77	0	0.00	0	0.00	44.57	5.44	55.59	120.22	95.91	7.67	94.97	16.41
6019004505	68.95	1946.82	86.19	13.5	72.40	3.5	23.44	0.365	57.62	0	0.00	0	0.00	57.25	6.99	86.58	71.46	79.27	6.03	75.76	10.73
6019002904	68.13	747.329	40.14	0	0.00	9	43.85	0.02	2.51	0	0.00	0	0.00	44.62	5.45	55.71	74.17	81.46	6.51	83.69	13.66
6019005410	68.19	1580.22	79.69	2.35	27.64	2	14.31	0.41	62.48	0	0.00	0	0.00	51.85	6.33	75.22	86.38	88.30	6.97	89.49	13.76
6019004802	68.48	564.298	25.85	0	0.00	2	14.31	0.1	16.64	0	0.00	0	0.00	40.93	5.00	45.55	115.2	95.49	7.13	91.04	12.51
6019004701	67.43	838.368	46.94	0	0.00	0	0.00	0.395	60.23	0	0.00	0.5	22.08	44.43	5.42	55.16	127.72	96.92	6.59	84.85	13.88
6019002906	68.85	968.1	56.08	1.2	18.70	1.9	11.34	0	0.00	0	0.00	0	0.00	42.03	5.13	48.64	73.02	80.63	5.84	71.79	12.64
6019004703	67.22	625.458	30.19	0	0.00	0	0.00	0.32	52.64	0	0.00	0	0.00	41.91	5.12	48.23	125.69	96.75	5.8	71.03	13.71
6019005304	68.45	1445.62	76.76	0	0.00	0.1	0.07	0.61	75.25	0	0.00	0	0.00	48.77	5.96	67.24	64.56	73.72	7.44	93.38	8.52
6019005302	68.64	1359.18	74.05	0.7	9.59	0	0.00	0.37	58.27	0	0.00	0	0.00	50.13	6.12	70.68	80.43	85.47	4.66	42.80	10.41
6019001414	85.10	646.256	31.83	0.5	7.71	1	6.97	0.3	50.14	0	0.00	0	0.00	47.88	5.85	64.60	77.54	83.67	5.12	55.61	14.23
6019004212	68.20	776.344	42.46	1	17.08	0	0.00	0.51	70.07	0	0.00	6.25	80.44	49.84	6.09	69.92	64.09	73.33	5.56	65.83	10.05
6019004409	70.71	1237.15	70.10	21.7	83.37	9.25	44.18	0.2	35.62	2	23.88	2	52.90	52.56	6.42	76.95	69.05	77.78	6.76	87.34	11.17
6019001408	81.65	483.289	19.71	0	0.00	5	30.88	0.05	7.35	0	0.00	0	0.00	42.53	5.19	50.18	54.65	62.57	5.38	61.71	9.81
6019005804	70.76	555.895	25.18	5.5	44.01	15	59.60	0.72	78.98	0	0.00	0	0.00	55.12	6.73	82.65	55.96	63.98	6.32	80.73	10.25
6019005409	66.68	732.569	38.91	0	0.00	0	0.00	0.25	43.30	0	0.00	0	0.00	39.33	4.80	41.05	86.38	88.30	6.21	79.19	13.76
6019004216	72.08	1046.46	60.95	0	0.00	0	0.00	0.125	21.96	2	23.88	0	0.00	48.61	5.94	66.77	90.6	89.84	6.17	78.56	13.89
6019003104	86.73	648.163	31.99	1.7	21.09	7.5	39.45	0.905	83.51	0	0.00	0	0.00	52.84	6.45	77.75	47.34	52.64	6.98	89.65	7.65
6019005405	66.87	1109.48	64.45	4.1	37.79	2	14.31	0.315	51.89	0	0.00	0	0.00	49.24	6.01	68.43	86.38	88.30	5.35	61.01	13.76
6019005406	67.17	1272.74	71.44	2.25	27.49	0	0.00	0.555	72.71	0	0.00	0	0.00	50.64	6.18	71.92	65.23	74.55	6.43	82.61	10.55
6019004801	68.69	489.204	20.10	0	0.00	2	14.31	0.01	1.80	0	0.00	0	0.00	40.18	4.91	43.35	68.62	77.43	6.38	81.88	7.97
6019004215	69.87	588.384	27.41	0	0.00	0	0.00	0.01	1.80	2	23.88	0.5	22.08	39.83	4.86	42.39	99.16	92.31	6.21	79.19	14.93
6019001413	74.46	357.921	11.58	1	17.08	0	0.00	0.1	16.64	0	0.00	0	0.00	45.26	5.53	57.36	69.33	77.93	7.03	90.16	13.17
6019004211	70.01	529.323	23.21	0	0.00	0	0.00	0.15	26.67	2	23.88	1.25	38.99	40.61	4.96	44.58	99.08	92.27	6.57	84.53	14.92
6019003810	64.12	247.35	5.88	0	0.00	0	0.00	0.185	31.38	0	0.00	0	0.00	38.16	4.66	37.90	90	89.63	6.39	82.04	13.74
6019005805	69.53	453.47	17.58	17	78.01	1.5	10.64	1.13	86.84	0	0.00	4	70.42	59.95	7.32	90.77	56.04	64.05	4.62	41.72	10.84
6019004901	69.12	790.72	43.58	0	0.00	0	0.00	0.05	7.35	0	0.00	0	0.00	43.36	5.29	52.53	79.02	84.53	5.18	57.10	9.93
6019004503	69.80	870.46	49.26	9.25	58.96	8.25	41.42	0.05	7.35	2	23.88	0	0.00	46.44	5.67	60.80	66.02	75.35	5.98	74.70	9.23
6019001409	70.79	856.66	48.31	0	0.00	0	0.00	0.3	50.14	0	0.00	0	0.00	47.76	5.83	64.28	86.64	88.52	3.27	12.38	16.1
6019005509	64.78	807.81	44.85	4	37.55	15	59.60	0.655	76.80	0	0.00	0	0.00	46.93	5.73	62.04	38.82	39.37	6.2	79.00	7.49
6019004506	69.10	747.89	40.19	1	17.08	6	35.02	0.22	38.70	0	0.00	0	0.00	44.60	5.45	55.67	70.83	79.01	7.3	92.46	9.9
6019005407	65.17	1081.21	62.95	1	17.08	0	0.00	0.285	47.41	0	0.00	0	0.00	49.19	6.01	68.35	62.68	71.97	2.75	6.51	10.16

Census Tract	Tox. Release Pctl	Traffic	Traffic Pctl	Cleanup Sites	Cleanup Sites Pctl	Groundwater Threats	Groundwater Threats Pctl	Haz. Waste	Haz. Waste Pctl	Imp. Water Bodies	Imp. Water Bodies Pctl	Solid Waste	Solid Waste Pctl	Pollution Burden	Pollution Burden Score	Pollution Burden Pctl	Asthma	Asthma Pctl	Low Birth Weight	Low Birth Weight Pctl	Cardiovascular Disease
6019005510	66.60	918.36	52.93	0	0.00	0	0.00	0.6	74.73	0	0.00	0	0.00	40.68	4.97	44.88	49.88	56.42	4.51	38.97	9.49
6019004601	68.03	765.19	41.61	0	0.00	0.6	3.30	0.145	24.71	0	0.00	0	0.00	39.44	4.82	41.31	106.57	94.35	3.76	21.26	11.83
6019003600	69.50	448.11	17.29	0	0.00	2	14.31	0.135	23.72	0	0.00	0	0.00	40.79	4.98	45.08	95.32	91.33	5.04	53.46	11.15
6019004210	70.59	710.31	36.95	0	0.00	0	0.00	0.15	26.67	2	23.88	0	0.00	39.64	4.84	41.89	63.8	73.04	4.63	41.93	9.85
6019004408	70.53	1187.32	68.25	0.2	2.59	5	30.88	0.135	23.72	2	23.88	3	63.67	49.74	6.07	69.63	36.78	36.24	7.17	91.39	6.94
6019004213	69.19	474.37	18.96	0	0.00	0	0.00	0.075	10.15	0	0.00	0	0.00	35.08	4.28	29.30	50.66	57.51	5.96	74.39	8.99
6019004406	68.44	986.81	57.05	1	17.08	0	0.00	0.82	81.88	0	0.00	0	0.00	46.82	5.72	61.72	49.88	56.42	4.94	50.72	9.49
6019004303	68.84	673.57	34.04	0	0.00	0.6	3.30	0.16	28.30	0	0.00	0	0.00	37.56	4.59	35.99	54.54	62.44	4.95	51.01	9.88
6019005516	68.38	956.52	55.45	0	0.00	0	0.00	0.11	19.25	2	23.88	0.2	9.67	41.28	5.04	46.63	40.64	42.46	5.06	54.12	7.99
6019004208	73.32	819.95	45.66	0	0.00	0	0.00	0.1	16.64	2	23.88	0	0.00	42.06	5.14	48.75	76.06	82.69	3.99	26.29	11.94
6019005605	64.05	943.52	54.58	4	37.55	0.25	0.40	0.35	56.40	0	0.00	0	0.00	49.27	6.02	68.60	52.97	60.18	3.45	15.36	8.21
6019004405	68.94	1002.07	57.90	0	0.00	0	0.00	0.285	47.41	2	23.88	0	0.00	41.68	5.09	47.65	49.88	56.42	5.26	59.19	9.49
6019005504	66.12	210.57	4.49	0	0.00	0	0.00	0.2	35.62	0	0.00	0	0.00	37.71	4.60	36.44	23.42	13.62	5.63	67.56	7.91
6019005505	65.90	392.93	13.64	0	0.00	0	0.00	0.15	26.67	0	0.00	2	52.90	35.98	4.39	31.77	37.05	36.58	5.67	68.41	7.45
6019004214	69.99	694.58	35.61	0	0.00	0	0.00	0.025	3.64	2	23.88	0	0.00	34.33	4.19	27.42	51.03	58.04	4	26.64	9.08
6019004301	71.87	925.39	53.34	1.4	19.91	0.3	2.11	0.2	35.62	2	23.88	0	0.00	47.56	5.81	63.76	49.59	55.94	3.95	25.43	9.24
6019005507	67.33	642.76	31.60	0	0.00	0	0.00	0.22	38.70	0	0.00	0	0.00	33.98	4.15	26.52	46.67	51.48	3.82	22.40	9
6019005517	68.02	313.66	9.06	0	0.00	0	0.00	0.21	37.68	2	23.88	0.2	9.67	36.59	4.47	33.20	30.7	26.17	5.68	68.54	7.27
6019005508	65.38	471.16	18.74	0	0.00	15	59.60	0.31	51.73	0	0.00	0.5	22.08	42.22	5.15	49.12	31.61	27.87	4.56	40.11	6.6

Census Tract	Cardiovascular Disease Pctl	Education	Education Pctl	Linguistic Isolation	Linguistic Isolation Pctl	Poverty	Poverty Pctl	Unemployment	Unemployment Pctl	Housing Burden	Housing Burden Pctl	Pop. Char.	Pop. Char. Score	Pop. Char. Pctl
6019001100	92.25	44.5	93.23	16	79.37	76	98.92	12.8	93.83	30.3	91.04	93.16	9.66	99.72
6019000700	94.57	41.4	90.94	15.7	78.71	65.7	95.35	15.7	97.35	35.4	96.41	94.64	9.82	99.89
6019000200	94.43	43.6	92.57	20	86.56	72.7	98.30	13.7	95.29	32.7	94.16	95.40	9.90	99.95
6019001000	94.57	44.2	92.99	21.7	88.70	79.5	99.41	15.4	97.14	33.3	94.83	95.84	9.94	99.99
6019000300	94.57	38.4	88.71	14.2	75.19	70.2	97.37	NA	NA	18.8	57.86	88.15	9.14	98.51
6019000902	94.57	48.4	95.67	22.8	90.04	86.7	99.85	16.2	97.85	26.1	82.79	95.36	9.89	99.92
6019000400	84.18	41.5	91.03	14.3	75.53	68.8	96.93	17.8	98.54	14.8	37.48	82.61	8.57	94.97
6019001301	89.41	51.3	97.15	26.7	93.68	79.3	99.38	11.8	91.79	31.3	92.37	94.55	9.81	99.86
6019000901	94.57	40.6	90.41	9.5	59.79	69.3	97.10	13.3	94.83	21.8	69.91	89.24	9.26	98.89
6019002400	74.70	47.5	95.03	12.6	70.31	77.7	99.13	7	67.48	34.9	96.03	87.75	9.10	98.30
6019002000	30.27	41.2	90.76	20.5	87.32	71.5	97.83	14.7	96.58	22.4	71.89	77.99	8.09	90.28
6019002502	90.20	55.1	98.37	24.3	91.70	80.6	99.55	13.8	95.50	35.8	96.73	91.68	9.51	99.50
6019002601	90.20	55.6	98.46	28.2	94.68	76	98.92	11.4	90.86	25.8	82.15	92.89	9.64	99.66
6019003400	72.25	30.5	80.76	16.2	79.78	62	92.99	11	89.67	32.6	93.99	87.28	9.05	98.07
6019000600	88.66	42.4	91.71	20.7	87.51	77.1	99.03	17.3	98.33	34.5	95.75	94.03	9.75	99.82
6019002800	73.62	49.5	96.29	32.2	96.62	77.4	99.08	14.8	96.72	38.1	97.85	92.68	9.61	99.62
6019004404	71.49	15.6	56.73	9.3	58.95	61.3	92.51	10	86.19	19.9	62.42	72.80	7.55	83.77
6019001304	85.90	47.9	95.29	23.8	91.22	63.6	94.07	7.1	68.40	29.3	89.38	89.16	9.25	98.85
6019000100	94.99	37.9	88.21	9.8	61.09	61.5	92.68	11	89.67	14.8	37.48	82.37	8.54	94.84
6019003805	60.17	39.8	89.81	15.9	79.17	58.2	90.30	13.6	95.12	29.4	89.57	82.17	8.52	94.67
6019000502	90.23	42.7	92.00	12.8	70.88	72.3	98.15	5	44.35	27.1	85.06	86.77	9.00	97.73
6019001303	77.37	61.1	99.43	21.3	88.14	80.2	99.50	8.3	77.10	19.3	60.10	86.88	9.01	97.79
6019005202	72.43	38.6	88.84	10.5	63.69	56.1	88.32	8.9	81.01	24.3	78.11	84.68	8.78	96.36
6019002602	88.11	40.3	90.22	13.6	73.10	64.3	94.60	8.2	76.69	22.2	71.15	86.93	9.02	97.82
6019003001	72.06	28	77.59	7.6	51.51	54.5	86.62	9.5	83.98	23.2	74.79	73.78	7.65	85.06
6019002300	66.33	30.6	80.87	7.8	52.51	72.4	98.23	16.1	97.68	31	92.03	85.33	8.85	96.80
6019000501	50.22	55	98.30	28.8	95.07	73.3	98.43	7.4	70.90	46.4	99.62	79.33	8.23	91.88
6019002702	82.61	59.1	99.15	24.1	91.46	87.2	99.89	10.1	86.75	28.5	87.88	91.70	9.51	99.51
6019005100	72.87	25.6	74.34	7.4	50.52	65.2	95.09	15.7	97.35	28.8	88.48	82.43	8.55	94.87
6019002100	75.90	24.9	73.07	NA	NA	62	92.99	15.9	97.48	23.3	75.11	82.93	8.60	95.20
6019002501	54.81	47.6	95.10	15.9	79.17	72	98.05	15.2	96.97	35.5	96.53	87.13	9.04	97.98
6019005408	49.50	NA	NA	16.3	80.01	85.2	99.76	17.9	98.59	38.9	98.19	80.54	8.35	93.07
6019003201	59.12	27.4	76.79	7.4	50.52	55	87.19	10	86.19	21.4	68.54	78.71	8.16	91.21
6019003702	67.93	21.7	67.60	10.3	63.04	50.8	82.79	8.5	78.33	25.2	80.75	81.45	8.45	93.97
6019003202	58.08	33.8	84.18	14.6	76.33	65.1	95.00	18.4	98.79	43.7	99.40	86.79	9.00	97.76
6019003809	65.89	24.6	72.51	16.1	79.59	44.4	75.30	9.4	83.63	18	54.07	78.82	8.18	91.40
6019004207	59.88	25.3	73.84	9.8	61.09	38.9	67.45	8.9	81.01	18.4	55.96	64.48	6.69	72.23
6019005203	72.87	26.4	75.45	5.6	40.90	66.6	95.84	12.9	94.09	30.2	90.87	84.34	8.75	96.18
6019001407	58.80	35.1	85.40	13.9	74.10	69.4	97.15	11.3	90.59	39.6	98.49	83.67	8.68	95.73
6019003701	57.25	31.3	81.56	5.4	39.83	57.1	89.28	10.3	87.39	29.7	90.00	79.18	8.21	91.67
6019002701	90.20	39.1	89.29	17.3	81.89	66.7	95.90	4.2	33.58	29.9	90.41	85.43	8.86	96.89
6019003301	62.10	28.9	78.75	13.3	72.26	54.9	87.09	10	86.19	23.2	74.79	80.26	8.33	92.76
6019004205	29.65	21.9	68.03	7.5	51.10	49.1	80.78	8.8	80.39	18.2	55.13	68.31	7.09	77.81

Census Tract	Cardiovascular Disease Pctl	Education	Education Pctl	Linguistic Isolation	Linguistic Isolation Pctl	Poverty	Poverty Pctl	Unemployment	Unemployment Pctl	Housing Burden	Housing Burden Pctl	Pop. Char.	Pop. Char. Score	Pop. Char. Pctl
6019004704	67.93	30.5	80.76	NA	NA	70.4	97.47	19.8	99.21	33.3	94.83	86.67	8.99	97.69
6019001411	72.06	27	76.28	9.9	61.54	43.4	73.89	8.6	78.97	15.8	42.83	73.83	7.66	85.10
6019002903	53.50	51.3	97.15	26.1	93.26	74	98.54	16.1	97.68	29.6	89.84	85.93	8.91	97.26
6019001410	56.54	32.5	82.99	10.6	64.14	37.7	65.70	6.8	65.63	13.2	29.16	66.79	6.93	75.58
6019003500	43.87	24.1	71.55	NA	NA	55.1	87.30	16	97.58	14.2	34.25	74.57	7.74	86.14
6019005403	59.12	17	59.77	8.5	55.60	79.2	99.36	15.1	96.89	35.4	96.41	81.58	8.46	94.10
6019004504	14.28	9.7	40.81	8.4	55.15	54.4	86.51	8.5	78.33	25.5	81.52	63.82	6.62	71.21
6019005305	50.32	20.9	66.31	7.7	52.01	48.2	79.91	9.8	85.49	25.1	80.47	75.35	7.82	87.10
6019005204	72.87	30.2	80.46	4	31.30	52.8	85.01	12.3	92.88	28.9	88.66	80.28	8.33	92.78
6019005000	49.59	23.4	70.58	4.7	36.00	48.5	80.28	8.9	81.01	14.9	38.10	70.05	7.27	80.21
6019005301	72.87	17.3	60.31	4.6	35.34	38.9	67.45	8.9	81.01	17.1	49.72	70.37	7.30	80.57
6019002200	73.65	19.9	64.65	3.3	26.40	51.9	84.12	12.9	94.09	23.1	74.52	78.47	8.14	90.92
6019004505	35.90	8.7	36.90	2.4	18.91	51.6	83.58	7.2	69.13	23.8	76.54	60.33	6.26	66.05
6019002904	58.29	30.2	80.46	10.1	62.24	59.8	91.52	11.4	90.86	19.6	61.25	75.87	7.87	87.85
6019005410	59.12	14.5	54.21	9.5	59.79	28.1	50.68	8.8	80.39	9.3	11.24	65.12	6.75	73.12
6019004802	50.59	26.6	75.74	9.1	58.22	61.2	92.45	11.7	91.55	35.5	96.53	80.97	8.40	93.48
6019004701	59.50	18.5	62.22	3.6	28.80	52.5	84.77	12.3	92.88	20.6	65.18	73.60	7.63	84.82
6019002906	51.46	37.4	87.67	16.3	80.01	63.5	93.98	16.3	97.90	23.8	76.54	77.59	8.05	89.71
6019004703	58.69	22.2	68.55	NA	NA	44.8	75.84	11.4	90.86	21.5	68.94	75.77	7.86	87.68
6019005304	17.34	8.2	35.22	4.3	33.31	60.6	92.07	12.6	93.49	26.6	83.94	64.54	6.70	72.28
6019005302	33.21	11.7	47.51	4.2	32.64	61.9	92.94	7.2	69.13	27.9	86.57	59.79	6.20	65.37
6019001414	61.73	12.1	48.58	7	48.72	28.7	51.75	9.1	82.33	19	58.77	62.52	6.48	69.55
6019004212	30.27	8.9	37.65	8.5	55.60	51.8	83.87	9.5	83.98	17.2	50.27	59.38	6.16	64.66
6019004409	39.21	10.8	44.65	4.7	36.00	28.8	51.95	3.8	28.20	16.2	45.03	54.64	5.67	57.11
6019001408	28.12	35	85.32	20.4	87.21	51.9	84.12	12.3	92.88	20.5	64.82	66.84	6.93	75.66
6019005804	31.97	17.3	60.31	3.1	24.77	36.6	64.03	4.4	36.44	13.6	31.17	51.12	5.30	52.12
6019005409	59.12	7.9	33.89	4.6	35.34	47.3	78.88	14.2	96.02	31.9	93.07	71.49	7.42	82.05
6019004216	59.55	13.5	51.89	6.1	43.88	23.8	42.24	5.1	45.78	9.4	11.62	57.53	5.97	61.76
6019003104	11.17	10.9	44.94	3.2	25.55	46.1	77.58	8.1	76.05	15.1	39.20	51.91	5.38	53.25
6019005405	59.12	9.3	39.21	1.7	13.30	24.5	43.53	8	75.38	11.2	19.39	53.82	5.58	55.81
6019005406	34.56	13.2	51.23	2	15.64	29.5	53.04	6.8	65.63	10.9	17.93	52.30	5.43	53.83
6019004801	13.60	27.5	76.93	3.2	25.55	60.1	91.70	15.1	96.89	24.5	78.73	65.80	6.83	74.21
6019004215	65.89	12.9	50.52	NA	NA	28.9	52.11	8	75.38	12	23.37	64.74	6.72	72.57
6019001413	55.10	14.5	54.21	7.2	49.57	20.6	35.57	4.8	41.84	10	13.90	56.71	5.88	60.58
6019004211	65.84	3.5	13.67	3	23.77	31.5	56.22	10.3	87.39	14.1	33.70	61.91	6.42	68.57
6019003810	58.86	15.3	55.99	3.3	26.40	38.1	66.31	8.7	79.72	15.5	41.38	65.40	6.78	73.55
6019005805	36.78	5.7	24.60	0.8	4.59	17	27.05	6	57.25	15.4	40.90	39.20	4.07	34.13
6019004901	29.37	17.9	61.21	7.3	50.01	45.1	76.24	2.2	7.77	19.1	59.28	53.95	5.60	55.99
6019004503	22.99	15.9	57.52	3.9	30.69	37.3	65.08	2.7	13.18	16.6	47.06	50.19	5.21	50.61
6019001409	72.06	11.3	46.23	0.7	3.74	22.6	39.82	10.3	87.39	5.3	1.52	46.70	4.84	45.31
6019005509	10.12	9.6	40.46	8.4	55.15	32.8	58.34	7.5	71.67	14.4	35.27	47.50	4.93	46.50
6019004506	29.05	2.8	9.73	0.3	0.51	17	27.05	6.4	61.53	12.1	23.80	45.68	4.74	43.90
6019005407	31.09	12.5	49.58	NA	NA	28.3	51.09	3.8	28.20	13.7	31.74	38.34	3.98	32.89

Census Tract	Cardiovascular Disease Pctl	Education	Education Pctl	Linguistic Isolation	Linguistic Isolation Pctl	Poverty	Poverty Pctl	Unemployment	Unemployment Pctl	Housing Burden	Housing Burden Pctl	Pop. Char.	Pop. Char. Score	Pop. Char. Pctl
6019005510	25.35	9.3	39.21	3	23.77	20.8	35.93	9.5	83.98	21.5	68.94	45.30	4.70	43.31
6019004601	44.68	11.3	46.23	0	0.00	26.6	47.75	10.2	87.06	10.3	15.07	46.33	4.81	44.76
6019003600	39.08	5.4	23.30	2	15.64	26	46.39	3.4	22.57	12.3	24.94	43.93	4.56	41.04
6019004210	28.49	10.2	42.66	4.2	32.64	32.3	57.44	2.9	15.84	19.6	61.25	44.89	4.66	42.57
6019004408	7.38	4.4	18.36	0	0.00	23.2	41.03	3.6	25.23	13.5	30.61	34.03	3.53	25.72
6019004213	20.92	10	41.85	3.7	29.53	19.5	33.20	12.7	93.71	11.9	22.69	47.57	4.93	46.60
6019004406	25.35	7.5	32.16	2.2	17.26	16.4	25.43	NA	NA	10.7	16.92	33.55	3.48	25.11
6019004303	28.83	6	25.89	4.9	36.97	19.8	33.77	5.9	56.19	12.6	26.17	41.61	4.32	37.44
6019005516	13.68	3.7	14.78	6	43.29	20.5	35.35	6.8	65.63	12.2	24.46	36.73	3.81	29.98
6019004208	45.54	10.9	44.94	1	6.27	9.1	8.24	3.6	25.23	8.4	8.04	35.02	3.63	27.50
6019005605	14.79	5.1	21.67	1.5	11.27	20.7	35.75	8.6	78.97	0.8	0.01	29.82	3.09	19.76
6019004405	25.35	3.1	11.35	3	23.77	9.6	9.27	3.6	25.23	4.6	0.91	30.55	3.17	20.73
6019005504	13.10	5.4	23.30	10.1	62.24	15.8	23.91	5.5	51.26	10.4	15.50	33.34	3.46	24.84
6019005505	9.92	7.7	32.94	3.1	24.77	14.3	20.38	3.4	22.57	12	23.37	31.55	3.27	22.13
6019004214	21.73	8.3	35.54	5.4	39.83	17.1	27.35	3.2	19.59	13.5	30.61	33.03	3.43	24.38
6019004301	23.13	2.3	7.40	1.8	14.28	8	6.08	2.1	7.14	12	23.37	23.25	2.41	11.27
6019005507	21.04	3.4	13.11	5.3	39.21	14.2	20.10	3.7	26.86	9.9	13.56	27.10	2.81	15.95
6019005517	9.11	1.8	5.10	3.4	27.26	10.1	10.44	1.9	5.57	5.5	1.74	22.31	2.31	10.15
6019005508	5.96	2.4	7.82	2.5	19.87	10.8	11.95	3	17.11	6.2	2.99	18.30	1.90	6.24

LETTER 11
Regenerate California Innovation (RCI)

Letter 11

July 30, 2024

City of Fresno Planning and Development Department
2600 Fresno Street, Room 3065 Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager
Email: scsp@fresno.gov

Subject: Comments on DRAFT South Central Specific Plan and EIR

Dear Sophia,

Thank you for the opportunity to submit a comment letter related to the Draft South Central Specific Plan and EIR.

We applaud the City of Fresno for diligently attempting to thread the needle between the urgent need for moving industrial development forward with high paying job creation in south Fresno, and the critical need for dramatically improved environmental quality and protection of proximate communities and existing and future residents from any harmful activities or impacts in south Fresno.

However, there are some deficiency issues with data used for demand projections in the Market Study supporting plan and EIR conclusions and some contextual frameworks related to Fresno County's clean energy transition and opportunities for long-term mitigation that we believe should be considered. See the three points on these topics below: 11-1

1. **Projected population and employment growth in DRAFT South Central Specific Plan and EIR are overstated based on 2023 State Population Revisions – Such that another look at related data and analyses is required** 11-2

The population demand assumptions for the plan/EIR and its proposed mix of land uses have not been updated with July 2023 State of California Department of Finance P-2: County Population Projections 2020-2060 (https://dof.ca.gov/forecasting/demographics/projections) which are a fraction of those

stated in the plan and its supporting Market Study, suggesting a deficiency in the draft EIR analyses as well. See notes about population projections below.

Notes on population projections: The projections and related statements in EPS Market Study - about population and jobs - appear significantly inflated given State DOF population projections for whole County released last July, 2023 that suggest the addition of 64,000 in total population growth 2024-2040 for whole county that adjusted for the approximately 56% share City of Fresno has historically represented of county population equals about a 36,000 population addition for City area - versus the 176,000 to 216,000 population addition by 2040 that study notes below and uses for its projections.

Page 4 of attached Market Study for DRAFT South Central Specific Plan and EIR:

The City is projected to add up to 216,000 residents and nearly 70,000 employees by 2040. Total population change, which encompasses a combination of births, deaths, and net migration in the City, is estimated to range from an addition of 176,000 to 216,000 new residents between 2022 and 2040.5 This level of growth translates into about 9,800 to nearly 12,000 residents added per year, on average. For comparison, in the period between 2002 and 2019, the City added approximately 106,000 new residents for an average annual growth of about 5,900 residents. That is, population growth between 2022 and 2040 is projected to be 1.5 to 2.0 times the City's long-term average annual population growth, suggesting that there will be significant increases in in-migration to achieve this level of growth. While recent trends suggest intrastate migration from coastal California to inland counties could lead to increased rates of in-migration, various economic factors including recessionary conditions, interest rates, supply chain challenges, and labor shortages may result in a lower level of in-migration.

Projected employment growth in the City is estimated to range between 50,100 and 69,700 new jobs through 2040, translating into an average of about 2,800 to 3,900 new jobs added annually. These employment projections appear to be reasonable estimates, bracketing historical, long-term employment gains, where the City added an average of about 3,400 new jobs annually between 2002 and 2019.

11-2 cont.

2. **Notwithstanding questions about efficacy of population projections used for demand analyses – Situating the DRAFT South Central Specific Plan and EIR fully within the context of massive prospective clean energy opportunities in Fresno County can expand demand for even more eco-industrial and circular manufacturing**

11-3

The larger context of rapidly emerging significant clean energy production potential in Fresno County represented by the Valley Clean Infrastructure Plan (https://valleycleaninfrastructureplan.com/) proposed for the Westlands Water District area, and the prospective addition of clean energy access and innovation, new sources of

clean industrial development demand, mitigation of some anticipated industrial development and transportation impacts, and the unique possibility for cross-sector agreements on allowable transitional period impacts through incremental impact reduction milestones while getting to 100% clean energy industry deployment and transport systems, are not considered or referenced in the DRAFT South Central Specific Plan and EIR.

Ultimately, we believe, the coexistence of important integrated industry, jobs and environmental goals can only feasibly be achieved at scale by focused implementation of new and exemplary renewable energy powered eco-industrial/circular manufacturing industrial parks with concomitant clean transportation systems. See the **San Joaquin Sierra Jobs Draft Investment Plan – Circular Manufacturing Chapter** (https://www.s2j2initiative.org/news-resources). Also see: **'GROWING CLEAN AND EFFICIENT MANUFACTURING' by** Reimagining Appalachia (https://reimagineappalachia.org/wp-content/uploads/2020/10/ReImagine-Appalachia_Manufacturing_10-28-2020-1.pdf), and **'Driving clean industrial innovation across the U.S.'** by the Clean Air Task Force (https://www.catf.us/2024/06/driving-clean-industrial-innovation-across-us/). 11-3 cont.

These desirable outcomes noted above would need to be facilitated not only by enlightened land use policies, but through the advent of superordinate local government based clean energy acquisition and generation oriented JPAs and related industry and community partnerships that form and work closely together for these purposes. See attached **Gigawatts for Good Jobs** slide deck (and paper) presented to Fresno COG Policy Board 7-25-24. Also see article **'Inside Look at Fresno County Westside Solar Plan to Power 9 Million Homes'** attached. Land use plans such as the South Central Specific Plan, contextualized and informed by new exemplary renewable energy powered circular manufacturing/eco-industrial park concepts, may have some additional and different policy prescriptions and create new intergovernmental and cross-sector partnerships.

3. **We believe it would be appropriate to reconsider and recalibrate the DRAFT South Central Specific Plan proposals and EIR analyses with more current state population projections, and to also bring the plan fully into the broader context of the clean energy transition and opportunities uniquely emerging in Fresno County with the potential for broad-based local government, industry and community partnerships that were previously inconceivable.** 11-4

Regards,

KR Bergthold

Keith Bergthold, CEO and Board Chair, Regenerate California Innovation, Inc.

NOTICE OF TIME EXTENTION OF THE PUBLIC COMMENT PERIOD FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE SOUTH CENTRAL SPECIFIC PLAN (SCH#2019079022)

On May 31, 2024, a Notice of Availability was given that the City of Fresno (City), as the Lead Agency, had completed a Draft Environmental Impact Report (EIR) for the South Central Specific Plan. The Draft EIR was distributed to public agencies and interested parties for public review pursuant to the California Environmental Quality Act (CEQA, Public Resources Code Section 21000 et seq.) and the State CEQA Guidelines (California Code of Regulations, Title 14, Section 15000 et seq.) starting a 45-day public comment period set to conclude on July 15, 2024.

This notice is to announce that the public comment period has been extended by 15 days to July 30, 2024 to allow public agencies and interested parties a total of 60 days to review and comment on the Draft EIR. In re-noticing the Draft EIR, the City continues to provide online links to the documents as well as information on additional viewing methods.

PROJECT LOCATION

The Plan Area encompasses 5,567 acres located just south and southeast of Downtown Fresno. The Plan Area is generally located south of California Avenue, north of American Avenue, and between Fig and Peach Avenues. The area has a range of property types including industrial, warehouse, commercial, residential, religious, educational, and public.

PROJECT DESCRIPTION

The Plan Area currently supports nearly 19.6 million square feet of nonresidential development and approximately 400 residential units. The plan assumes that an additional 12 million square feet of nonresidential uses and 91 dwelling units would be constructed by 2040. Growth in the Plan Area would be primarily industrial, with smaller amounts of office and retail uses. Other land uses would be permitted in accordance with General Plan land use designations, but are not the focus of the SCSP.

A primary impetus for the SCSP is economic development and job growth. As discussed in the Draft EIR, more than 14,000 new jobs would be created by 2040 with anticipated development, primarily in the industrial sector, with lesser but still substantial growth in office and retail jobs.

Assumed Development for the Proposed Plan Compared to Existing Conditions

Land Use Designation	Existing (square footage)	Proposed Plan (square footage) by 2040
Retail	0	866,676
Office	10,912	578,790
Industrial	19,624,154	10,576,278
Total Non-residential	19,635,066[1]	12,021,744
Residential Units	400 dwelling units	91 dwelling units

Notes: [1] Existing development only reflects the employment land use categories within the Specific Plan Area. Source: Ascent 2023.

The SCSP proposes land use designation changes for certain areas, requiring a General Plan amendment and rezone of the same properties. The changes are proposed primarily to 1) reconcile land use designations with existing conditions, 2) to buffer sensitive uses (e.g., residential areas, Orange Center School) with less intensive uses (e.g., business park instead of industrial), and 3) to provide more opportunities for neighborhood-serving general commercial uses near residential areas. The SCSP would result in substantial reductions in acreage of Heavy Industrial land uses and a modest decrease in Regional Business Park, with corresponding increases in acreage of Business Park, Single-Family Residential, Public, Light Industrial, and General Commercial uses.

DOCUMENT AVAILABILITY

Addresses where a copy of the Draft EIR is available for review:

City of Fresno
Planning and Development Department
2600 Fresno Street, Third Floor, Rm 3043
Fresno, CA 93721

Fresno County Public Library
2420 Mariposa Street
Fresno, CA 93721

Mosqueda Branch Library
4670 E Butler Ave
Fresno, CA 93702

West Fresno Branch Library
188 E California
Fresno, CA 93706

The Draft EIR is also available on the City's website at:
https://www.fresno.gov/planning/plans-projects-under-review/#south-central-specific-plan-scsp

PUBLIC COMMENT PERIOD

The City of Fresno will receive public comments on the Draft EIR from **May 31, 2024** to **July 30, 2024**. Written comments should be received **no later than 5pm (PST) on July 30, 2024**. Please send your written comments to Sophia Pagoulatos and include your name, address, and phone number and/or email address so that we may contact you for clarification, if necessary. Comments may be delivered in person, by first class mail or email to:

City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager
Telephone: (559) 621-8062
Email: scsp@fresno.gov

PROBABLE SIGNIFICANT ENVIRONMENTAL EFFECTS

The Draft EIR analyzes potential significant effects of the proposed plan related to:

- Aesthetics
- Agriculture and Forestry Resources
- Air Quality
- Biological Resources
- Cultural and Tribal Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions and Climate Change
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population, Employment, and Housing
- Public Services and Recreation
- Transportation and Circulation
- Utilities and Service Systems
- Cumulative Effects

Mitigation measures identified in the Draft EIR would not reduce potentially significant effects related to the following areas to less-than-significant levels: aesthetics, agriculture and forestry resources, air quality, cultural and tribal cultural resources, greenhouse gas emission and climate change, and noise. There are properties within the Plan Area that are known to have contaminated groundwater, aquifers, and soils that require cleanup consistent with 65962.5. Six of the sites are considered active and others are in the process of assessment, remediation or have been closed.

Public hearings will be held, subsequent to the public review period, at a time and place to be specified by legal advertisement. If you would like to be notified of the hearings or would like additional information please contact:

Sophia Pagoulatos, Planning Manager
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Email: scsp@fresno.gov
Telephone: Sophia Pagoulatos (559) 621-8062 or
Adrienne Asadoorian-Gilbert (559) 621-8339

AVISO DE EXTENSIÓN DE TIEMPO:
PARA EL PERIODO DE COMENTARIO PÚBLICO
PARA EL REPORTE DE IMPACTO AMBIENTAL PARA EL
PLAN ESPECÍFICO CENTRO SUR
(SCH#2019079022)

El 31 de mayo de 2024, un Aviso de Disponibilidad se dio aviso que la Ciudad de Fresno (Ciudad), como la Agencia Principal, ha terminado un Reporte de Impacto Ambiental (PEIR) Borrador para el Plan Especifico del Centro Sur, el cual estará siendo distribuido para revisión pública en conformidad con la Ley de Calidad Ambiental de California (CEQA) y el Código de Recursos Públicos de California, comenzando un periodo de comentario público de 45 días que se terminará el 15 de julio de 2024.

Este aviso es para anunciar que el periodo de comentario público ha sido extendido por 15 días hasta el 30 de julio de 2024, para permitir agencias públicas y partes interesadas un total de 60 días para revisar y entregar comentarios sobre el Borrador EIR. En volver a notificar sobre el Borrador EIR, la Ciudad continua de proporcionar acceso a los documentos e información sobre otros métodos de ver el Borrador PEIR.

LOCALIZACIÓN DEL PROYECTO

El Área del Plan abarca 5.567 acres situados justo al sur y al sureste del centro de Fresno. El Área del Plan se encuentra generalmente al sur de California Avenue, al norte de American Avenue y entre Fig y Peach Avenues. La zona cuenta con una amplia gama de tipos de propiedades, entre ellas industriales, almacenes, comerciales, residenciales, religiosas, educativas y públicas.

DESCRIPCIÓN DEL PROYECTO

El área del Plan alberga casi 19.6 millones de pies cuadrados de desarrollo no residencial y aproximadamente 400 unidades residenciales. El Plan asume que en 2040 se habrán construido 12 millones de pies cuadrados adicionales de usos no residenciales y 91 unidades de vivienda. El crecimiento en la zona del Plan sería principalmente industrial, con pequeñas cantidades de usos de oficina y comercio minorista. Se permitirían otros usos del suelo de acuerdo con las designaciones de uso del suelo del Plan General, pero no son el enfoque del Plan.

El desarrollo económico y el crecimiento del empleo son los principales impulsores del Plan. Como se indica en el borrador del EIR, en 2040 se habrán creado más de 14,000 nuevos puestos de trabajo con el desarrollo previsto, principalmente en el sector industrial, con un crecimiento menor, pero sustancial, de los puestos de trabajo en oficinas y comercios.

Desarrollo previsto para el Plan propuesto comparado con las condiciones existentes

Designación del uso del suelo	Existente (metros cuadrados)	Plan propuesto (metros cuadrados) para 2040
Comercio	0	866,676
Oficina	10,912	578,790
Industrial	19,624,154	10,576,278
Total No residencial	19,635,066[1]	12,021,744
Unidades residenciales	400 viviendas	91 viviendas

Notas: [1] El desarrollo existente sólo refleja las categorías de uso del suelo de empleo dentro del Área del Plan Específico.

Fuente: Ascenso 2023.

El Plan propone cambios en la designación del uso del suelo para determinadas zonas, lo que requiere una modificación del Plan General y la recalificación de las mismas propiedades. Los cambios se proponen principalmente para 1) reconciliar las designaciones de uso del suelo con las condiciones existentes, 2) amortiguar los usos sensibles (por ejemplo, zonas residenciales, Orange Center School) con usos menos intensivos (por ejemplo, parque empresarial en lugar de industrial), y 3) proporcionar más oportunidades para usos comerciales generales al servicio del vecindario cerca de las zonas residenciales. El Plan daría lugar a reducciones sustanciales en la superficie de los usos industriales pesados y a una modesta disminución en el parque empresarial regional, con los correspondientes aumentos en la superficie de los usos de parque empresarial, residencial unifamiliar, público, industrial ligero y comercial general.

DISPONIBILIDAD DEL DOCUMENTO

Direcciones donde estará disponible una copia del borrador del EIR Para su Revisión:

Ciudad de Fresno
Planning and Development Department
2600 Fresno Street, Third Floor, Rm 3043
Fresno, CA 93721

Biblioteca Pública del Condado de Fresno
2420 Mariposa Street
Fresno, CA 93721

Biblioteca Mosqueda
4670 E Butler Ave
Fresno, CA 93702

Biblioteca West Fresno
188 E California
Fresno, CA 93706

El Borrador del EIR también se puede obtener en la página web del Ayuntamiento:

https://www.fresno.gov/planning/plans-projects-under-review/#south-central-specific-plan-scsp

PERIODO DE COMENTARIO PUBLICO

La Ciudad de Fresno recibirá comentarios públicos sobre el Borrador del EIR desde el **31 de mayo de 2024** hasta el **30 de julio de 2024**. Los comentarios por escrito deberán ser recibidos **a**

más tardar a las 5pm (PST) del 30 de julio de 2024. Por favor envíe sus comentarios por escrito a Sophia Pagoulatos e incluya su nombre, dirección y número de teléfono y/o dirección de correo electrónico para que podamos comunicarnos con usted para aclaraciones, si es necesario. Los comentarios pueden entregarse en persona, por correo de primera clase o por correo electrónico a:

City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Atención: Sophia Pagoulatos, Planning Manager
Teléfono: (559) 621-8062
Correo electrónico: scsp@fresno.gov

PROBABLES EFECTOS AMBIENTALES SIGNIFICATIVOS

El Borrador del EIR analiza los posibles efectos significativos del plan propuesto en relación con:

- Estética
- Recursos Agrícolas y Forestales
- Calidad del Aire
- Recursos Biológicos
- Recursos Culturales y Culturales Tribales
- Energía
- Geología y Tierras
- Emisiones de Gases de Efecto Invernadero y Cambio Climático
- Peligros y Materiales Peligrosos
- Hidrología y Calidad del Agua
- Uso del Suelo y Planificación
- Ruido
- Población, Empleo, y Vivienda
- Servicios Públicos y Recreación
- Transporte y Circulación
- Utilidades y Sistemas de Servicio
- Efectos Acumulativos

Las medidas de mitigación identificadas en el Borrador del EIR no reducirían los efectos potencialmente significativos relacionados con las siguientes áreas a niveles menos que significativos: estética, recursos agrícolas y forestales, calidad del aire, recursos culturales y culturales tribales, emisión de gases de efecto invernadero y cambio climático, y ruido. Hay propiedades dentro del Área del Plan que se sabe que tienen aguas subterráneas, acuíferos y suelos contaminados que requieren limpieza de acuerdo con 65962.5. Seis de los sitios se consideran activos y otros están en proceso de evaluación, remediación o han sido cerrados.

Se convocarán audiencias públicas tras el periodo de revisión pública, a la hora y en el lugar que se especifiquen mediante anuncio legal. Si desea que se le notifiquen las audiencias o desea información adicional, póngase en contacto con:

Sophia Pagoulatos, Planning Manager
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Correo electrónico: scsp@fresno.gov
Teléfono: Sophia Pagoulatos (559) 621-8062 or
Adrienne Asadoorian-Gilbert (559) 621-8339

Inside Look at Fresno County Westside Solar Plan to Power 9 Million Homes - GV Wire

CALIFORNIA

Inside Look at Fresno County Westside Solar Plan to Power 9 Million Homes

By **Nancy Price, Multimedia Journalist**
Published 12 hours ago on
July 1, 2024
MORE FROM NANCY PRICE

Woolf Farming was an early adopter of leasing farmland for solar facilities in western Fresno County. (GV Wire/Jahz Tello)

HIGHLIGHTS

- A massive solar generation, storage, and transmission project on the west side of Fresno County called the Valley Clean Infrastructure Plan could generate as much as 20,000 megawatts.
- The project would provide much-needed solar electricity for California, new revenue streams for farmers and growers as water supplies diminish, and new job opportunities for farmworkers.
- Advocate say California will need projects like VCIP to meet its future zero-carbon goals.

HURON — A wide band of sun-baked land running along the Interstate 5 corridor in western Fresno County is the proposed site for a large-scale solar farming, electricity storage, and transmission project that could produce as much as 20,000 megawatts of solar-generated electricity — enough for nine million homes.

"We need to learn how to say yes to these projects." — *Shannon Eddy, executive director, Large-scale Solar Association*

Proponents say the Valley Clean Infrastructure Plan would provide the infrastructure, including five new substations and high-voltage lines that would be needed to move that much power onto California's electrical grid, in addition to the master-planning of up to 130,000 acres owned by Westlands Water District or held privately by farmers.

That's nearly double the size of the city of Fresno's footprint.

It would dwarf the solar generation facilities now operating in the region. One of the largest is Westlands Solar Park in Kings County, right next to the Fresno County line and just southwest of Lemoore. It covers 20,000 acres and produces about 1,170 megawatts with a capacity of 2,700 megawatts. By contrast, Fresno County's largest solar farms straddle Highway 33 northwest of Cantua Creek and combine for nearly 3,000 acres and more than 400 megawatts, according to the U.S. Solar Photovoltaic Database.

Want to know where solar farms are located in the Valley and around the state? Check out the ***U.S. Solar Photovoltaic Database***

Ground Zero for California Solar

The westside of the Central Valley has been identified as a key location for solar energy generation plants, for several important reasons. It's near the center of the state and existing transmission lines. Farmers and growers are facing a water crisis brought on by restrictions on groundwater pumping combined with decreases in surface water allocations and are in need of new revenue streams.

And the same sunshine that has made the Central Valley one of the world's most productive farm belts can be harvested as electricity.

Solar farming gives new use to land that has been fallowed either because it is drainage impaired or because of a lack of water pumped from the ground or shipped from Northern California through the state's aqueducts.

In addition to providing a new source of revenue for farmers, the massive amount of solar energy and storage that the VCIP project proposes would move California closer to meeting its mandated goal of carbon-free energy generation by 2045.

While VCIP's potential output of 20,000 megawatts might be enough for nine million homes today, in the future Californians will need even more electricity to power their vehicles and their home HVACs and appliances like water heaters and stoves as the state goes all-electric.

Clearly, future Californians will need much more solar-generated electricity, and projects like VCIP will be "critical," says Shannon Eddy, executive director of the Large-scale Solar Association, an advocacy organization for utility-scale solar developments that's based in California. Eddy notes that she's heard of only one other 20,000-megawatt project starting up, and it's in China.

California's zero-carbon future rides on getting projects like VCIP up and running, Eddy said.

"And not just this one, but really all the utility-scale solar projects are needed," she said. " … We need to learn how to say yes to these projects."

Related Story: *California Sides With Big Utilities, Trim Incentives for Community Solar ...*

California's Growing Solar Needs

VCIP is being spearheaded by Golden State Clean Energy, a privately held, California-based and California-led infrastructure development company, in partnership with the Westlands Water District. Golden State's principals were involved in developing the Westlands Solar Park in Kings County.

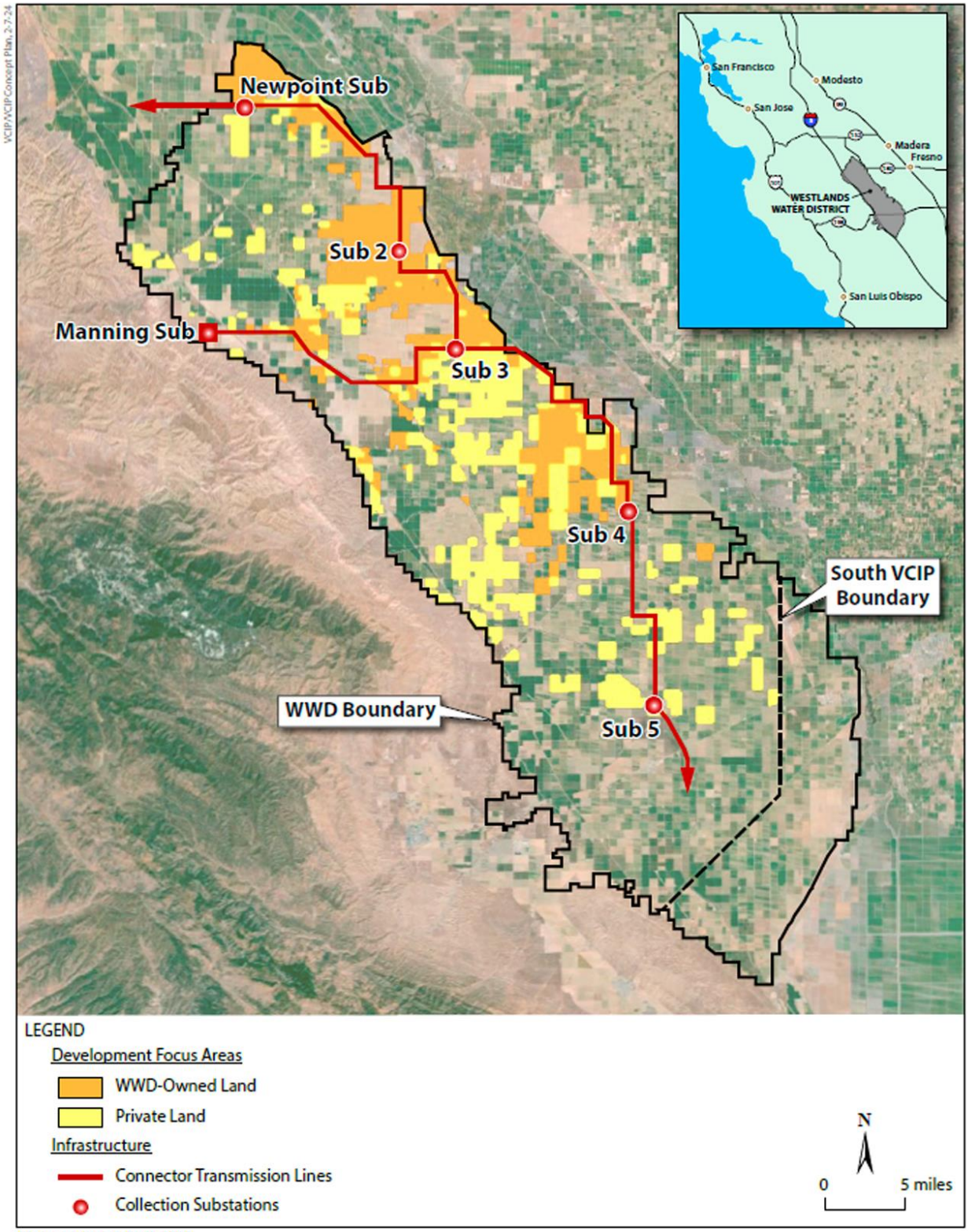
A 2021 study by the California Energy Commission, California Public Utilities Commission, and the California Independent System Operator estimated that the state would need 170,000 to 200,000 megawatts of new solar generation and battery storage to meet its energy needs by 2045, said Patrick Mealoy, a partner and chief operating officer for Golden State Clean Energy.

Projects like VCIP are needed to produce that much solar-generated electricity, Mealoy said.

“We represent an opportunity of being somewhere between 10 to upper-teens percent of what California would need between today and 2045,” he said.

An October 2022 report by the Public Policy Institute of California said that the San Joaquin Valley has “some of the best solar development prospects in the state,” in part because the region is faced with meeting the requirements of the Sustainable Groundwater Management Act that sets limits on groundwater pumping.

Some landowners, regardless of water availability, already have realized that solar developments will pay them anywhere from $1,000 to $15,000 per acre annually, depending on whether it’s for an annual lease or long-term options for purchase or an easement. That’s compared to the $200 to $450 per acre per year they earn now for annual crops, the PPIC report said. Just to hold land in options for potential solar development can net them a few hundred dollars per acre yearly, the report said.



Base map: Google Earth 2024

VCIP Concept Plan

More Transmission Needed

But the increasing number of utility-scale solar developments will need a correspondingly large increase in transmission facilities. Developers and agencies will need to identify the sites and complete the permitting process “very soon” if California is to stay on track to meeting its clean energy targets, the PPIC reported.

There also will need to be increased coordination and planning integration between developers, communities, and local and state agencies with oversight responsibilities. Development permitting will need to be simplified, and state energy planning processes should become “less reactive and more proactive, in particular when it comes to understanding local land use constraints and opportunities,” the PPIC report said.

Because transmission is time-intensive to plan and permit and expensive to build, projects like VCIP need to be massive to generate enough solar-generated power to make the necessary infrastructure improvements economically feasible, Mealoy says.

“There’s been a lot of projects that were proposed, and most of them have failed, in the San Joaquin Valley because of the constraints on the transmission system. So one of the real drivers around VCIP is, we are big enough, that we can withstand the cost and long lead time necessary to build that transmission infrastructure,” he said.

When asked about the estimated cost of the project Mealoy is somewhat vague, only saying that it will be in the “tens of billions” of dollars based on current infrastructure costs.

Golden State is self-funding its related work on the project, he said.

Improving Transmission Flows

VCIP’s lines will alleviate congestion that now exists on two major transmission lines connecting Northern and Southern California, Mealoy said.

Central California, where the resources of Pacific Gas and Electric and Southern California Edison meet, is home to the most congested and constrained paths in the entire western U.S., he said.

“This project’s footprint literally straddles Path 15, which is the pinch point between flows between Northern and Southern California. So we are literally talking about doing build-out of resources and then new wires to help alleviate constraint,” Mealoy said. “There’s probably not a better spot to do a large scale, from a transmission engineering perspective. If you’re going to put a large amount of resources, you want to put it in a spot where you can flow it (electricity) in as many directions as possible to meet consumers’ needs.”

Although the infrastructure will be permanent, the land that VCIP’s contractors will need for solar generation sites will be leased over 30 years or so. So in the future if water supplies increase and if solar power generation technology improves and requires less acreage to produce equal or greater amounts of power, the land might be returned to agricultural production.

Fallowed land near Three Rocks in western Fresno County adjacent to Interstate 5 is included in the VCIP boundaries and could one day be the site for solar power facilities. (GV Wire/Jahz Tello)

New Revenue Option for Landowners

Solar projects like VCIP will give westside farmers a new and much-needed revenue stream, and also allow them to channel their limited water resources from the fallowed land leased for solar farming to land they can still use for growing crops, said Ryan Jacobsen, CEO of the Fresno County Farm Bureau.

“Every single farmer … they want to farm that ground. It’s just that the realities of the lack of reliable water supply is really hampering them from doing that.”—*Ryan Jacobsen, CEO, Fresno County Farm Bureau*

Jacobsen said he’s spoken to farmers whose land might be candidates for solar farming. “Every single farmer … they want to farm that ground. It’s just that the realities of the lack of reliable water supply is really hampering them from doing that,” he said. “And they know that’s most likely not going to get a whole lot better over the course of the next couple of decades.”

Even though Northern California’s dams are holding big water supplied by a wet winter, westside farmers have been told to prepare to receive only 40% of their full allocation, Jacobsen said. (The Bureau of Reclamation announced last Wednesday that the allocation for south of the Delta has been increased to 50%.) And the tightening restrictions on using groundwater resulting from SGMA are cutting into water supplies as well.

Susan Byers, whose family grows almonds on the westside of the Valley, didn’t know what to make of the VCIP project or its backers when she first heard of it. She asked questions, did some research, gathered information, and what she heard helped convince her that VCIP was a good option for Valley farmers and growers who, facing decreased water supplies, will need a new income source.

“I think what was appealing to me about this was the scope of the project, and their very diligent sort of master planning approach,” she said. “I am no expert by any means in solar or how everything works, but it did suggest the level of understanding and commitment and I think investment on their part. There’s a long road to making this successful, and it does seem like they’re certainly willing to do it.”

Westlands Solar Park is the region's biggest solar energy production facility but will be dwarfed by solar farms in the Valley Clean Infrastructure Plan. (Westlands Solar Park)

Early Adopters of Solar Farm Leasing

Stuart Woolf, president of Woolf Farming Co. that's a major farming operation on the Valley's westside, says some Woolf land might wind up leased through VCIP. That would be in addition to the 1,200 acres just south of Woolf Farming's headquarters on Gale Avenue south of Huron that started to be converted a decade ago to a solar farm with panels, storage batteries, and a connection to the nearby Gates substation.

Long before VCIP was a blip on the Westlands radar, Woolf Farming saw that future water supplies would become more limited and that the farming operation would need options on how to generate revenue from the land.

The plant went into full operation within the past year and can produce 40 megawatts.

Long before VCIP was a blip on the Westlands radar, Woolf Farming saw that future water supplies would become more limited and that the farming operation would need options on how to generate revenue from the land.

But it wasn't an easy or quick process, and the battle was fought on several fronts, Woolf said. He needed to convince the Fresno County Board of Supervisors to issue a Williamson Act waiver to allow solar farming on ag land, and also to convince Westlands Water District to allow Woolf to maintain its water rights, both surface and groundwater, for the parcels that would farm the sun instead of fruits and vegetables.

It took five years to convince the county supevisors that Woolf planned to continue agricultural commodity farming but should be allowed the waiver to lease some land for solar, he said: "We made the pitch that we look at it as another crop."

The Williamson Act provides property tax relief to owners of farmland and open-space land in exchange for agreeing that the land will not be developed or converted to another use. Landowners who want out of their Williamson Act contracts may be subject to a cancellation valuation of 12.5%.

Keeping Water Rights

Convincing Westlands that Woolf Farming should retain its water rights took an extra year. Woolf said he had to overcome the argument from some board members that the ranch enjoys proximity to an existing substation and power lines that other farmers don't have.

Board members told him, "It's not fair that you get to get income from a solar project and then keep your water."

"And the thing is, if you took the water on like a 1,200-acre parcel and you spread it throughout the district, the 600,000-acre district, most growers wouldn't even know they got any water," he said. "I mean, it's divided so much over so many acres that it's next to nothing."

Using the retained water rights, Woolf can now direct water to other parcels and boost supplies in those fields.

But even that isn't a complete replacement for the reduced allocations through the federal water contracts and limits on groundwater pumping required by SGMA, said Rick Blankenship, Woolf's vice president of farming.

"Keeping the surface and our pump allocation does not allow us to farm 100% of the acre. We're still having to fallow land," he said.

Woolf said that farmers whose land is distant from the existing power grid infrastructure will be able to reap the benefits of solar farming and the infrastructure connections that VCIP will provide.

Solar Projects Generate Jobs

VCIP also will generate new jobs, especially for electrical and construction workers. It's expected to create on average 3,000 construction jobs for at least 10 years and approximately 500 permanent jobs.

A 2022 PPIC report cautioned that solar workforce training programs will need to be tailored to help overcome the challenges of language barriers, a lack of transportation, lost wages, and family obligations.

Golden State has entered into project-labor agreements for the transmission and batteries projects that it builds and has already had conversations with local representatives of the International Brotherhood of Electrical Workers and westside communities about creating job training opportunities, Mealoy said.

The 2022 PPIC report acknowledged that a portion of lost agricultural jobs might be replaced by solar workforce jobs, and there could be steady work over the decades as new projects are phased in. But the report cautioned that training programs will need to be tailored to help overcome the challenges of language barriers, a lack of transportation, lost wages, and family obligations.

There's already a role model for how solar projects can create local jobs. The PPIC report said that the Westlands Solar Park's first utility-scale solar project consistently employed about 350 on-site workers, most of whom were from the Valley.

"Many project installers were also first-time workers in renewables, a testament to effective coordination between project developers and workforce training efforts," the report said.

It will be some time yet before VCIP will start hiring. The project is only about 18 months into what Mealoy estimates will be a 10- to 12-year time frame for build-out. Documents are being prepared for the draft environmental impact report that will be required under the California Environmental Quality Act, or CEQA. Some critters could be impacted by the project, but for the most part the fallowed and drainage-impaired farmland is already considered disturbed habitat and less likely to face challenges.

Westlands is conducting the environmental review for VCIP, and scoping meetings were held in February online and in person at Westlands' district office and the Cantua Creek Elementary School, deputy general manager Elizabeth Jonasson Rosas said.

She said she expects the draft Programmatic Environmental Impact Report by the end of this year.

Solar batteries such as these on a solar farm near the Woolf Farming headquarters south of Huron will be an integral part of the VCIP project. (GV Wire/Jahz Tello)

Assembly Bill Targets Westlands Solar

On June 11, Jonasson Rosas appeared alongside Assemblymember Esmeralda Soria and Marc Joseph, representing the Coalition of California Utility Employees, to provide testimony to the Senate Local Government Committee about **Assembly Bill 2661**, which Soria sponsored. AB 2661 would authorize Westlands to construct solar facilities, including battery storage, and build, own, and operate transmission lines to convey solar-generated electricity to the grid.

Earlier versions of the bill would have provided the same solar-power generation authorization to all water districts statewide. It also would have required the California Public Utilities Commission to conduct a "sensitivity analysis" on the potential for 10,000 to 30,000 megawatts of additional solar electrical generation

and then provide that analysis to the California Independent Systems Operator for its transmission planning process.

Jonasson Rosas, Soria, and Joseph testified about the bill's potential to help California meet its clean energy goals as well as produce new jobs in a region where dwindling water supplies are causing massive job losses.

"As someone that represents the Central Valley, I know that this can be a game-changer for our community," Soria said. "We can help meet the climate goals of the state, but at the same time uplift the communities that have been left behind for generations."

Joseph emphasized that the transmission facilities would still need the PUC's determination that they would be cost-effective and "a good deal for ratepayers."

Mealoy said that if AB 2661 is signed into law, it will benefit VCIP by shedding light on the project as an example of what might be built in California, but he said its passage isn't critical to VCIP moving forward.

AB 2661 is scheduled for a hearing on Tuesday, July 2, before the Senate Committee on Energy, Utilities, and Communications.

Need to Find a Common Goal

If California is going to meet its energy production goals, Eddy of the Large-scale Solar Association said the state will need the same sense of urgency, teamwork, drive, and shared purpose that Americans mustered during World War II.

"Are we willing to do what it takes? I was really struck by the D-Day anniversary. CBS had the interview, and you probably saw this, the guys that were actually on the ground on D-Day, they're still alive and they're spry and they're sharp and they're doing things," she said.

"And it's really humbling, because we have to find a way to work together at that level. And that was a time of — I hate to use the word sacrifice — that was a time of a shared effort where the men went to war and the women went to work and everything was everything. Everyone was joined in a common goal. And we need that now. And we're not accustomed to that, as a culture. I don't know what it's gonna take to get us there."

Solar power facilities operate side by side with row crops in western Fresno County. (GV Wire/Jahz Tello)

Gigawatts

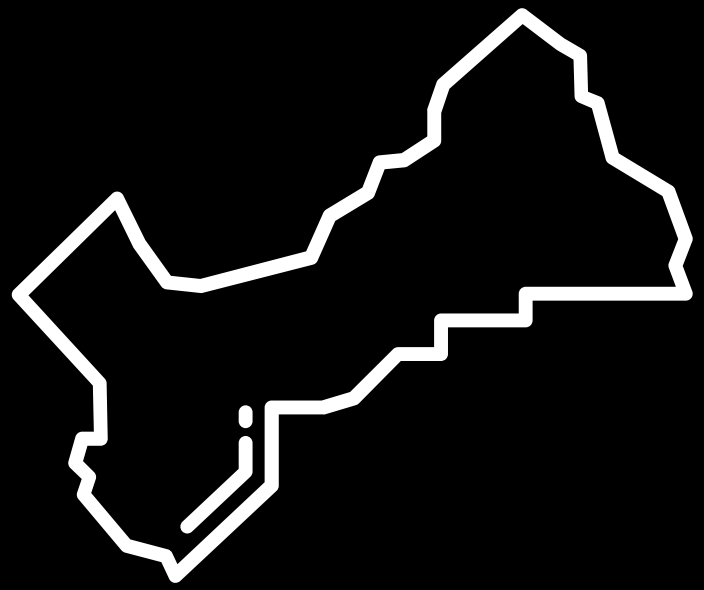
For Good Jobs

Fresno Council of Governments
Policy Board Meeting
July 25, 2024

Slide Deck Updates May 27, 2024 'Gigawatts for Good Jobs' Paper and References

Gigawatts

For Good Jobs



Capturing Fresno County's Clean Energy Economic Advantage

A strategy for a more equitable, healthier, and prosperous future

Key Points

- **Harness Clean Energy:** Explore how massive clean energy projects planned for Fresno County can power local industries and create sustainable jobs.
- **Address Reliable Access and Rising Costs:** Understand the impacts of unpredictable electricity access, escalating rates, the need for local control.
- **Job Creation Strategy:** Discover a plan for attracting diverse industries and maximizing job opportunities.
- **Energy Focused Organization:** Conduct comprehensive assessment and SWOT analysis of feasible locally controlled vehicles to purchase and provide power for new industry electricity services program.
- **Implementation Roadmap:** Review the strategic steps needed to realize this vision, from feasibility studies to community engagement.

Fresno County Needs an Energy Focused Organization

Uniting its Cities and Unincorporated Areas for Economic Success

- The clean energy transition is ushering in opportunities as well as risks of unpredictable supplies and costs of all types of energy.
- Fresno County needs an energy focused organization with the authority and savvy to buy, manage supply power locally for the benefit of all county businesses and institutions.
- Local ownership and management of power will also be critical for aligning the water, land, transportation, utilities and skilled workforce infrastructure investments necessary for attracting and growing industries *fueled by clean energy* with sustainably good jobs and export markets.
- A competitive and inclusive economy in the future will by necessity *require, leverage and align* locally controlled Reliable-Accessible-Renewable-Energy Resources (RARE Resources)

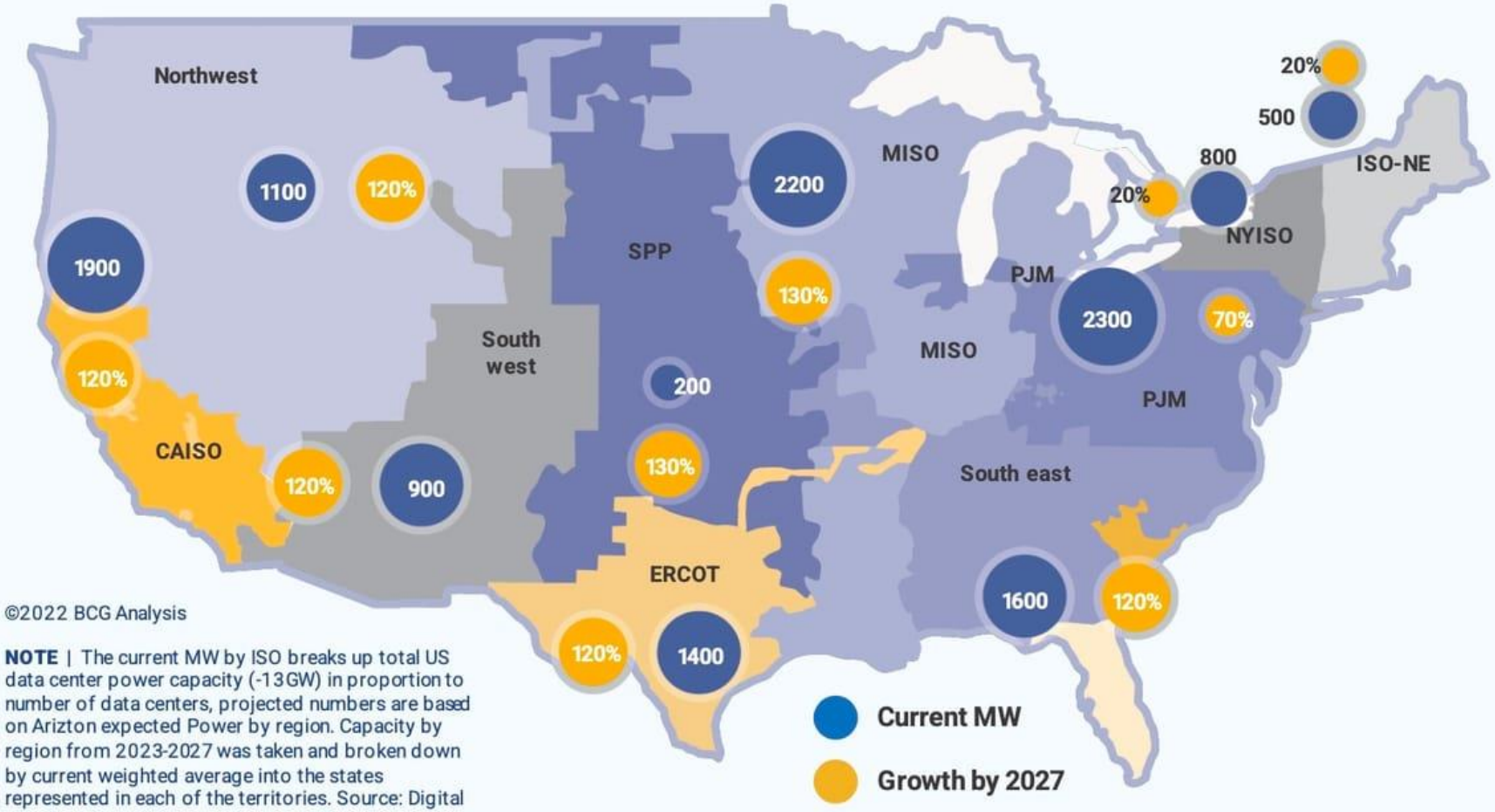
Suddenly Demand for Electricity Has Doubled and May Triple

- **Grid Demand Next 5 years:** Up from 2.6% to 4.7%
  Far higher than 0.5% annual growth last decade

- **Data Centers Alone:** Now 2.5% of total U.S. electricity demand, forecasted to explode to 7.5% by 2030

- **California Statewide Electricity Demand:** Expected to grow by 60% through 2045

>60% of Data Centers Expected in MISO, CAISO, PJM, and Southeast by 2027



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NOTE | The current MW by ISO breaks up total US data center power capacity (-13GW) in proportion to number of data centers, projected numbers are based on Arizton expected Power by region. Capacity by region from 2023-2027 was taken and broken down by current weighted average into the states represented in each of the territories. Source: Digital Infra Real Estate, Omdia, Anzton, BCG Analysis

SOURCES | Arizton, *US Data Center Construction Market – Industry Outlook and Forecast 2023-2028* (February 2023).
Avelar, Victor et. al., *The AI Disruption: Challenges and Guidance for Data Center Design* (September 2023).
Boston Consulting Group, *The Impact of GenAI on Electricity* (September 2022).
JLL, *North America Data Center Report* (H1 2023).
Mordor Intelligence, *U.S. Data Center Construction Market Size* (2023).

Announced Manufacturing Facilities since August 2022

Questions about Energy Rates and Reliability

- **Unpredictability:** Electricity Reliability and Rates
- **Persistent Inflationary Trends:** Energy costs projected to exceed inflation over the next decade. Rising demand for electricity due to new technologies and increased power needs
- **Impact:** Growing distress and fear among residential, business, and institutional customers due to reliability of local power during emergencies in other parts of state

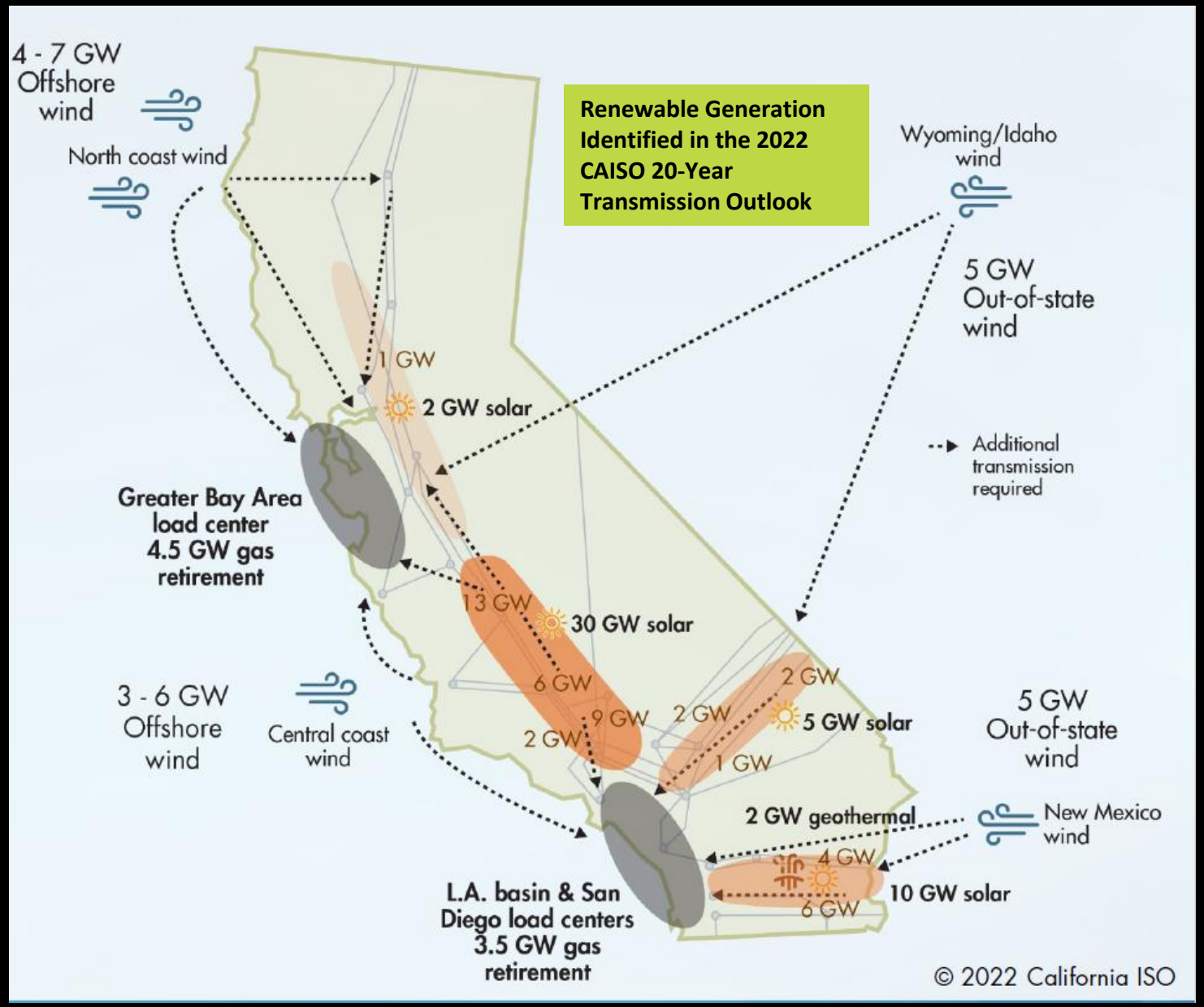
Opportunity & Urgency

- **A massive utility-scale clean energy development is planned for Fresno County**
  - Huge demand to meet state goal of 56 gigawatts by 2035
  - Global-scale cluster of solar, battery storage, and green hydrogen of 30+ Gigawatts is proposed in Fresno County alone (will be one of the largest clusters in the world)
  - The majority of the energy is planned for export across the state
- **Westlands Water District + Golden State Clean Energy:** Significant farmland acreage to be retired by Westlands and repurposed for clean energy generation. Golden State Clean Energy is the clean energy development master planner.
- **Organizing & Negotiating is Critical:** Fresno County needs to unite ASAP to negotiate with developers, secure local power, and create permanent jobs.

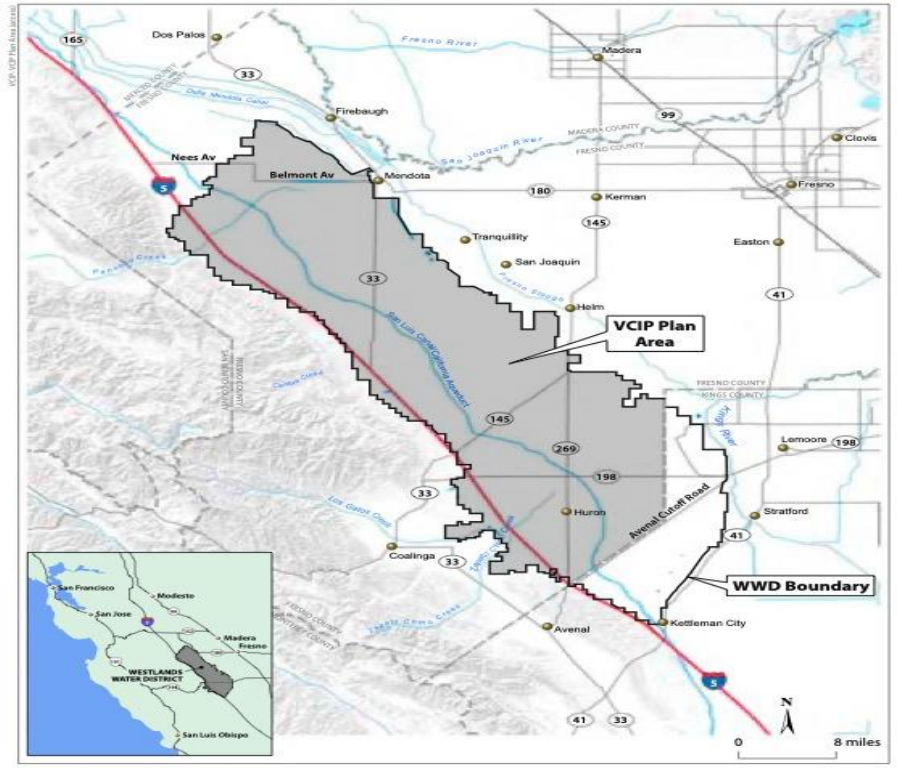
GOLDEN STATE CLEAN ENERGY

Westlands Water District

Solar Development in the Central Valley is Essential to Meet California's Clean Energy Goals



130,000+ Acres Under Evaluation for Development in Westlands Water District



Source: Westlands Water District, 2022

Figure 1
Valley Clean Infrastructure Plan Plan Area

Valley Clean Infrastructure Plan (VCIP) is an Innovative Approach to Creating Value for Customers, Property Owners, & Local Communities (Golden State Clean Energy)

SOLAR FOR THE CLEAN ENERGY FUTURE | Approximately 20,000 MW (PV), 20,000+ MW (storage) and hundred of miles of transmission lines to help meet California's future needs in an efficient and cost-effective manner

GARNERING BROAD SUPPORT | Strong support from a wide variety of parties, including environmental groups, labor, state and local governments, and agriculture groups

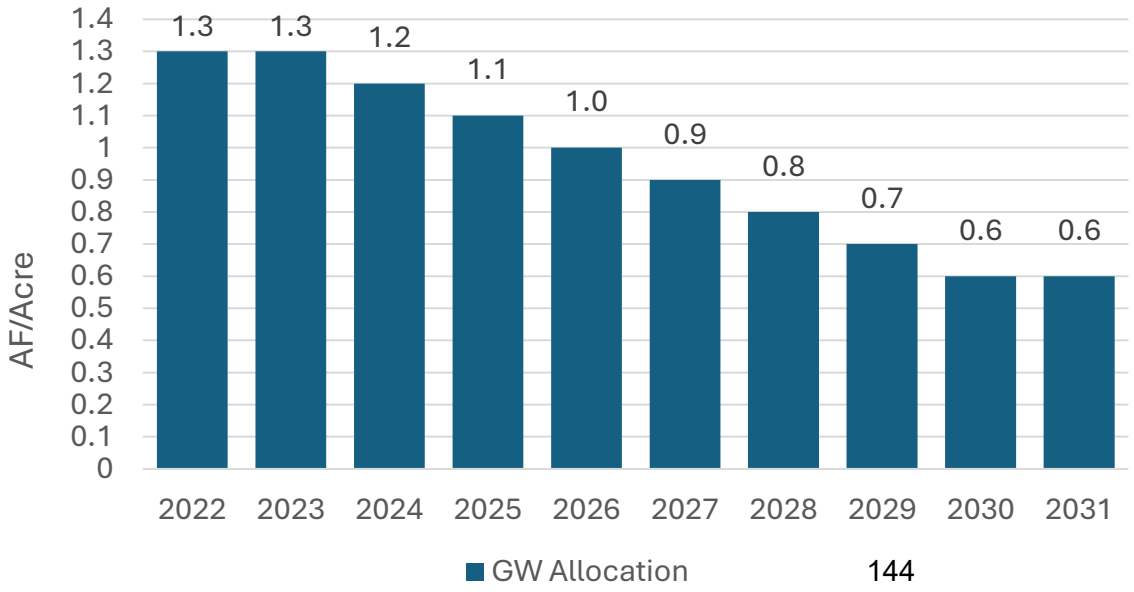
WATER BENEFITS | Saving water for productive farms while using less productive lands for solar provides a mutual benefit to the agricultural community

JOBS & ECONOMIC DEVELOPMENT | Potential for thousands of high paying jobs over the next 15+ years, plus economic development from opportunities for manufacturing, fabrication, assembly, and research and development.

Groundwater Allocation and Transition Period

Westlands Water District

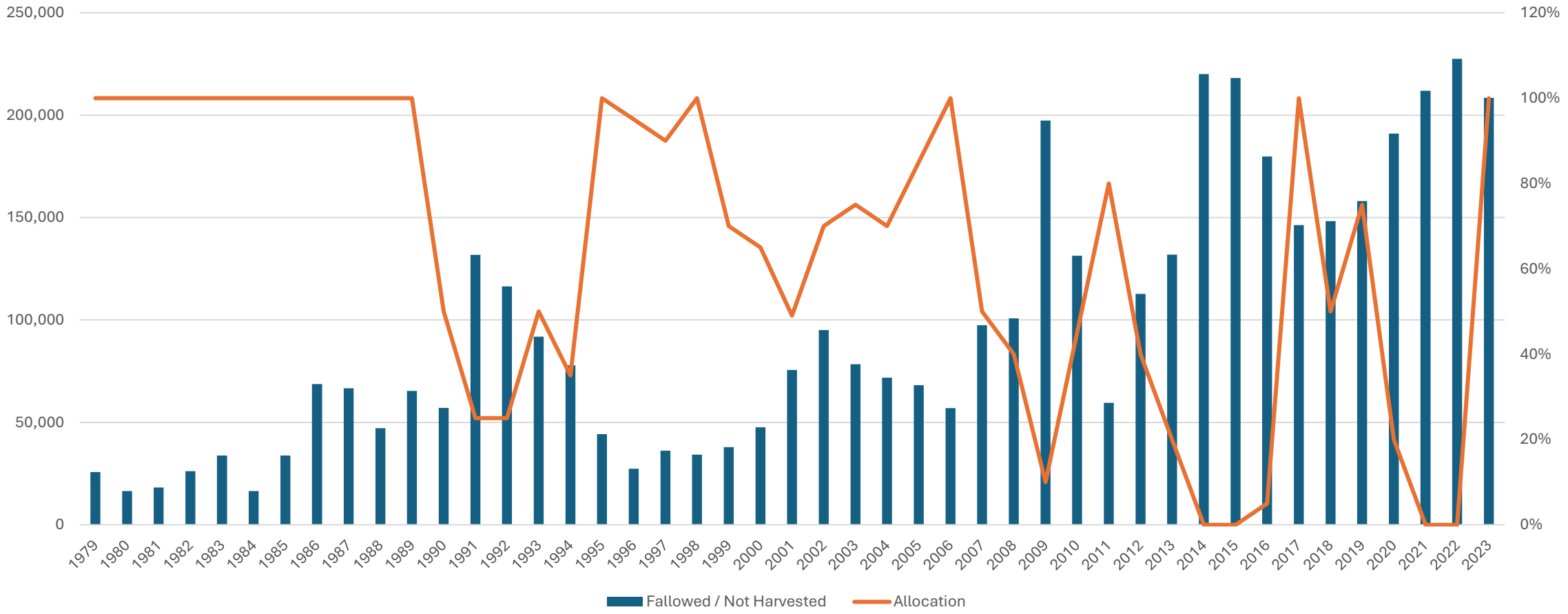
- Sustainable yield of 305,000 AF/year
- ~525,000 acres eligible receive allocation
- Starting 2022, 8-year "Transition Period"
- **1.3 AF/acre taper to 0.6 AF/acre allocation**



Water Year	Allocation Cap
2022	1.3 AF per acre
2023	1.3 AF per acre
2024	1.2 AF per acre
2025	1.1 AF per acre
2026	1.0 AF per acre
2027	0.9 AF per acre
2028	0.8 AF per acre
2029	0.7 AF per acre
2030	0.6 AF per acre

Westlands Water District

Fallowed and Not Harvested Land



Job Creation Potential

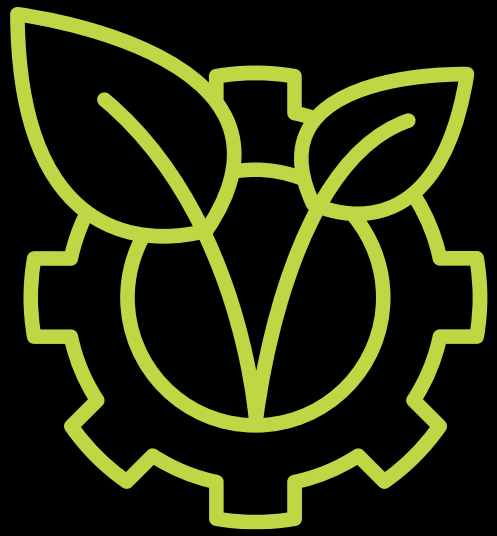
- **RAND Corporation* study:**
  - Limited permanent jobs from clean energy production
  - 4.3 Million population in the San Joaquin Valley,
    an estimated 4,000 jobs from the portfolio,
    only 1,100 direct jobs are permanent

- **We need collaborative efforts to leverage clean energy for local job creation**

- **It is critical to buy and manage electrical power locally**

*The **RAND Corporation** is an American nonprofit global policy think tank, research institute, and public sector consulting firm

Industry Opportunities



San Joaquin Valley Manufacturing Alliance (SJVMA) suggests a diversity of new manufacturing, fabrication, assembly, technology, processing and distribution industries can be grown and attracted to locate here.

- Potential to attract diverse industries: manufacturing, fabrication, assembly, technology, etc.
- Strategic alignment of energy, land use, water resources, utility and transportation infrastructure, and talent
- Create a mix of big durable industry and a venture capital start-up ecosystem envisioned by entities like HawkTower

Some Alternatives to Assess for Increased Local Control of Industrial and Other Clean Power Needs

- Irrigation Districts Supplying Electricity
- Municipal Electric Utilities
- Utility Green Tariffs
- Competitive Suppliers/Direct Access
- Purchase Power Agreements
- Local Microgrids
- Community Choice Aggregation (CCA)

Implementation Strategy

Steps to Success:

- Comprehensive feasibility study and alternatives SWOT analysis with inclusive stakeholder input (see estimated budgets)
- Meetings with key leaders from all jurisdictions
- Fund studies and planning from nonprofit, philanthropic, state, or federal sources

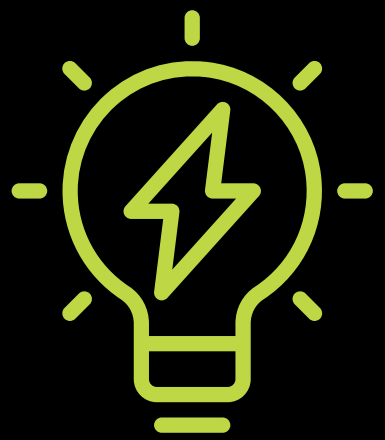
Estimated Budgets

Prospective Assessment for Fresno County / 15 Cities
Feasibility Study and SWOT Analyses - Estimated budgets:

1. Feasibility study: $65k +
2. Economic analysis: $25k +
3. Energy efficiency, demand reduction opportunities: $15k +
4. Clean energy sourced industrial park(s) economic analysis: $50k +
5. Remote consultant presentations to City Councils/BoS –1- 2 Meetings @ $500 per: $16k +
6. Local multi-jurisdiction engagement, consultant coordination and quality assurance: $64k
7. Grant fiscal expense: $15k

Rough total cost estimate: $250k

Inclusive Planning



To foster economic growth and reduce poverty, Fresno County must develop clean energy-powered industry parks that offer high-paying jobs and address environmental and community needs.

- **Economic Development:** Essential for reducing poverty and income inequities through diverse, high-paying permanent jobs.
- **Infrastructure:** Access to rail, freeway, and air transport is crucial.
- **Community Engagement:** Collaborate with impacted communities for equitable development.
- **Environmental Considerations:** Address environmental justice, pollution, and conservation issues.
- **Clean Energy Transition:** Ensure new facilities start with 100% clean energy, balancing interim emission standards.

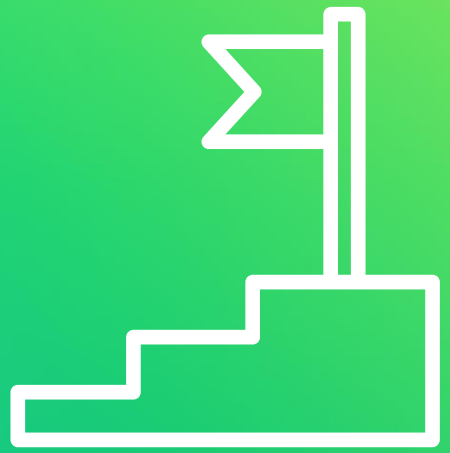
Social Determinants of Health

The Federal Plan for Equitable Long-Term Recovery and Resilience (Federal Plan for ELTRR), leverages the Vital Conditions for Health and Well-Being as a guiding framework related to The Social Determinants of Health

Integrating the Social Determinants of Health in clean energy efforts can unite diverse stakeholders for collective progress.

- **Shared Framework:** Utilize the Social Determinants of Health to align goals and outcomes.
- **Inclusive Collaboration:** Encourage diverse sectors to work together for county-wide benefits.
- **Federal Guidance:** Reference the Federal Plan for Equitable Long-Term Recovery and Resilience for integrative and inclusive strategies.

Next Steps



- With Fresno COG Leadership - Form a Fresno County Reliable Accessible Renewable Energy (RARE) Planning Committee that includes Local Governments, Labor, Businesses, Institutions, Non-Profits and Community Organizations
- Focus on leveraging renewable energy opportunities for aligning the transportation, water, land, utilities and skilled workforce infrastructure investments necessary for attracting and growing industries with sustainable good jobs and export markets
- Encourage RARE Planning Committee Partners to jointly raise grant funds for an Energy Focused Organizational Feasibility Study and Alternatives SWOT and the interrelated transportation, water, land, utilities and skilled workforce infrastructure studies and plans required for creating durable competitive economic advantage for Fresno County stakeholders
- The Fresno, Madera, Tulare and Kings Counties Central Labor Council (FMTKCLC) and Regenerate California Innovation (RCI) are ready to help organize, support and participate in all next steps

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THANK YOU!

Gigawatts for Good Jobs

Capturing Fresno County's Clean Energy Economic Advantage for a More Equitable, Healthier and Prosperous Future

Introductory Summary

The draft case statement presented in this paper outlines a general logic and process for accessing and harnessing sufficient power from the massive and unique utility-scale clean energy development planned for western Fresno County to generate significant numbers of new good jobs and other benefits for the residents, businesses and institutions of Fresno County. It encourages dialogue, consideration of mutually beneficial partnerships across different sectors and stakeholder groups in Fresno County, and is aimed at complementing and supporting the clean energy scenario evaluations and job creation deliberations being conducted in the San Joaquin Valley, but with a focus on urgent and pragmatic implementation considerations specific to Fresno County. [i]

The multi-gigawatt clean power to be produced in our county is primarily intended to be exported to other regions of California to meet statewide goals. Our ability to expeditiously organize together will determine if we can secure enough long-term reliable clean electricity before it is committed to other regions, to be able to drive significant increases in local clean powered industry investment, high paying permanent jobs, community equity and environmental health. Proposed clean energy project environmental clearances and permitting have already started, we must be organized to negotiate with developers.

We will need a local joint powers authority structure capable buying and managing electricity through long-term power purchase contracts that address our local needs, goals and desired benefits. We can do so through a countywide Superordinate Community Choice Aggregation program (SUPER CCA) and by developing the clean energy powered industry parks we must have for a diverse and vibrant 21st century economy of advanced and value-added manufacturing, fabrication, assembly, technology, logistics and more.

Regenerate California Innovation (RCI) - 285 West Shaw Avenue #201, Fresno, CA 93704
Contact: keith@regenerateca.org
Fresno, Madera, Tulare, and Kings Counties Central Labor Council – 2721 Ventura Avenue, #108 Fresno, CA 93721 Contact: dsavory@myunionworks.com

1. **Rapidly rising and unpredictable electricity rates are currently out of our local control**

> 'California adopts one of nation's highest fixed-utility fees' (May 9, 2024) [ii]
>
> "PG&E rates have doubled – more than doubled – in the last 10 years," Campbell said. "PG&E is unfortunately the undisputed leader in the last few years of rate increases." (January 8, 2024) [iii]
>
> "After January's rate hike, PG&E customers began paying on average 39.6 cents per kilowatt hour. The PG&E rate was 21 cents per kilowatt hour back in 2019, according to tracking data." (April 25, 2024) [iv]
>
> 'Household Energy Costs Are Projected to Increasingly Exceed Inflation Over the Next Decade' (February 2021) [v]

- For many reasons, a new multidecadal inflationary trend appears to have begun in the U.S. Not the least of the reasons for incessant inflationary pressures going forward will be persistently rising electricity rates.
- New sources of massive demand for electricity across the U.S. will drive potentially $trillions of cumulative investments in utility scale electric power generation, battery storage and transmission infrastructure, with the vast majority of these costs most likely to be passed along to rate payers. Artificial Intelligence and National Security are also quickly rising as significant urgent demand factors for both increased clean energy and fossil fueled power in the U.S.[vi]
- Extreme distress, confusion and growing anger over electricity rate actions is spreading with epidemic speed among a diversity of business, institutional and residential customers.

2. **The largest global cluster of utility scale clean electricity generation is planned for western Fresno County – but is being designed for export of the power generated locally to the rest of California to meet State goals**
   - The California Public Utility Commission approved a plan in February 2024 to add 56 gigawatts of clean energy resources by 2035, cementing the huge demand for the development of generation facilities and transmission for new clean energy sources across the state. [vii]
   - The California Independent System Operator (CAISO) maintains reliability on one of the largest and most modern power grids in the world, and operates a transparent, accessible wholesale energy market. CAISO provides a very informative Statewide Map of the 20-year Transmission Outlook for Renewable Generation.[viii]

- The Westlands Water District has proposed significant farmland acreage to be retired and repurposed for clean energy generation (primarily utility scale solar) because of long-term irrigation water availability constraints. They have a clean energy development master planner, Golden State Clean Energy. These two entities are at the epicenter of clean energy planning and development in western Fresno County and the state. See recent presentations linked below.[ix]
- Comparative notes on the relative scale and uniqueness of clean energy development proposed in western Fresno County:
  - The largest power plant in the world is in CHINA – Three Gorges Dam at 22.5 Gigawatts
  - The largest cluster of clean energy solar planned in the world that we can find is in INDIA at 22.5 Gigawatts
  - For perspective: Diablo Canyon Power Plant produces 1.8 Gigawatts
  - Truly global scale clusters of solar, battery storage, and green hydrogen of 30 Gigawatts or more is proposed in Fresno County alone, and other types of clean energy production and transmission facilities are being planned for hundreds of thousands of the potentially one million acres of farmland likely to be retired across the eight counties of the San Joaquin Valley because of reduced water availability and an array of state and federal incentives to develop clean energy facilities.
  - Fresno County is slated for a massive portion of clean energy development in the state because of the nearly 200,000 acres of farmland to be retired and repurposed in western Fresno County.

3. **RAND Corp research suggests very few permanent jobs will come directly from clean energy production facility development and operations in the San Joaquin Valley**
   - The RAND Corporation research organization conducted a study of job creation potential in the eight county San Joaquin Valley [x] as a key part of a Clean Air Task Force initiative and report: '*An Exploration of Options and Opportunities for the San Joaquin Valley's Clean Energy Future*.' [xi]
   - See summary on RAND document page 40 linked above. "For instance, the Proportional portfolio is estimated to generate about 4,000 total jobs, of which 1,100 are direct permanent each year. While the number of both total and permanent jobs varies significantly by portfolio, the overall ratio is similar because the portfolios are dominated by solar."
   - This RAND data analysis indicates very few permanent jobs will likely come directly from clean energy production facility development and operations located within the geography of the San Joaquin Valley for the benefit of our 4.3 million population. If we want to leverage massive clean electricity generation for significantly increasing high paying permanent job creation, we will need authentic and inclusive collaborative

efforts to establish the organizational structure and capacities required to actually buy and manage electrical power for these purposes.

4. **San Joaquin Valley Manufacturing Alliance (SJVMA) suggests a diversity of new manufacturing, fabrication, assembly, technology, processing and distribution industries can be grown and attracted to locate here**
   - We posed a scenario question to the CEO of the SJVMA: "If we had access to all the land, water, and clean energy we need to drive significant attraction and organically grown new manufacturing, fabrication, assembly, tech, R&D and more here in Fresno County, what, in your opinion, would be an ideal mix of different industries that would be most advantageous to build upon and to newly attract to build a resilient/diverse economy here?"
   - The response linked below [xii] provides "an expanded list of manufacturing practices and types of companies that could be well-supported in Fresno in the future." This list gives us a starting point from the SJVMA perspective for envisioning what may be possible to achieve for our local economy if we can effectively harness clean energy at scale, productively prepare and train our existing residents, and do a much better job of collaboratively aligning our land use, water resource, and transportation infrastructure priorities going forward to focus on equitable development, environmental health, and sustainable and inclusive economic opportunities.
   - In addition, HawkTower, a venture capital fund focused on Fresno, the San Joquin Valley and Central California, has an amazing and experienced team with a compelling entrepreneurial vision for implementing a critically needed start-up company eco-system in our region that will complement new large-scale economic development driven by clean energy. [xiii]

5. **AB117 Community Choice Aggregation (CCA) is the only current state authorized and tested structure we can find for buying and controlling our own electricity**
   - Through Community Choice Aggregation (CCA), communities can join together to pool (or aggregate) their electricity load in order to purchase clean energy and develop local projects and programs on behalf of their residents and businesses. Aggregators work in partnership with the region's existing Investor-Owned Utility (IOU), which continues to deliver power and maintain the grid. [xiv]
   - CCAs provide:
     - Consumer choice, local control, and accountability
     - Policy tool to help communities reach their climate and economic goals
     - Transition to a cleaner, more efficient energy supply
     - Revenues reinvested in the community, not distributed to shareholders
     - Tool for communities to establish local energy resources and programs such as solar+storage for resilience, low-income solar, EV vehicle and

infrastructure incentives, feed-in-tariff, net energy metering (NEM), energy efficiency, demand response, and more
    - Development of new renewable energy projects
- There are 25 CCAs operating in California now serving over 14 million customers.
- In a presentation by The Climate Center in March 2023 related to analysis of a potential CCA just for the City of Fresno jurisdiction, $150 million was the rough estimate of the amount that leaves the Fresno economy every year, and that would be redirected to local control with a Community Choice agency.[xv]
- Regenerate California Innovation (RCI), through the work of Nicolas Jendian, CSUF Student Intern, has created a comparative analysis spreadsheet of eight of California's best and most notable CCAs, that we are vetting with each CCA assessed for accuracy and additional critical data. Our preliminary findings are extremely sound financial and programmatic results and positive community and business impacts across the CCAs evaluated. [xvi]

6. **A SUPER CCA can add the long-term electricity purchase capacity needed for superordinate industry development and a local economy enhanced scale of production for generating new high paying permanent jobs for our residents**
    - We can only grow, attract and support the magnitude and mix of clean energy powered industries and permanent jobs we desire, if we actually provide access to the reliable scale of clean power, land, water and transportation infrastructure, and the skilled labor force required by these industries.
    - Having local access to sufficient reliable clean energy at industry development and operational incentivizing prices should in turn incentivize all our local sectors and stakeholders to collaboratively leverage and align our mutual priorities and actions for providing the land, water, and transportation infrastructure and training programs for the local skilled labor required by these industries.
    - A Superordinate Community Choice Aggregation program (SUPER CCA) for Fresno County can provide all the opportunities, programs and benefits referenced above for CCAs, plus enter into sufficiently large, long-term, and cost-saving 20-25 year purchase power contracts directly with clean energy developers in Fresno County to meet the scale of clean electricity needed for the industries we desire.
    - A SUPER CCA founded and supported by all 15 Cities and the County of Fresno would provide the options and opportunities for comprehensive CCA-type benefits to residents, businesses and institutions in all cities and unincorporated communities in Fresno County, and be the clean energy engine for truly inclusive, integrated, equitable and sustainable 21st century economic development for our whole county.
    - The authentic collaboration reflected in accomplishing a SUPER CCA in Fresno County and its outcomes can be exemplary for all of California.

7. **General strategy logic for Implementing a SUPER CCA in Fresno County that includes 15 Cities and the County of Fresno thinking and acting Together**
    a. Previous proposals for establishing CCAs have failed to gain traction at the City of Fresno and County of Fresno for various different reasons. All these proposals preceded awareness of the unique and significant opportunities for expanding desirable industry and significant good job creation that can be leveraged by the global utility scale clean electricity generation now planned for western Fresno County.
    b. We have talked with CCA study consultants, and various elected officials and key business and labor stakeholders about past efforts to launch CCAs and what questions need to be answered and constituencies engaged for a SUPER CCA proposal in Fresno County to get a fair hearing and real chance of approval by local jurisdictions. Our summary of a possible strategy pathway follows.
    c. A feasibility study and business plan for a SUPER CCA must be conducted and prepared by expert consultants as a collaborative effort among jurisdictions and stakeholders to ensure the scope of work for the study and business plan have inclusive input before being initiated.
    d. We found two interesting examples for referencing CCA feasibility and business plan scopes. 1. Feasibility Study: Community Choice Aggregation for the City of Stockton is a great example of a thorough standard CCA assessment that resulted in approval (Stockton actually joined the East Bay Community Energy Community Choice Aggregation joint powers authority). 2. BUSINESS PLAN FOR THE FORMATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM FOR THE CITY OF SAN DIEGO (Approved and launched).[xvii]
    e. Meetings must be conducted with key staff and leaders from each of the desired 16 partnering jurisdictions in Fresno County to review and incorporate input and questions a SUPER CCA scope of work must address based on their perspectives and needs before feasibility study and business planning begins.
    f. To avoid financial conflicts of interest and minimize possible competing stakeholder interests, the estimated $250,000 cost of the feasibility study and business plan work should be secured from nonprofit, philanthropic and/or state or federal sources. The study/business plan consulting work and stakeholder/jurisdictional engagement would best be managed by a neutral group of nonprofit community-based organizations working closely through and with the Fresno Council of Governments and key local-regional economic and industry development agencies. Managing this SUPER CCA organizing process also obviously would involve seeking assistance from individual CCAs and associations supporting CCAs to draw their critical experience into our local efforts. See the rough estimate below that was informed by consultants contacted:

Prospective CCA Assessment for Fresno County/15 Cities - Feasibility Study and Business Plan - Estimated budgets:

1. Feasibility study: $65k +
2. Economic analysis: $25k +
3. Energy efficiency, demand reduction opportunities: $15k +
4. Clean energy sourced industrial park(s) economic analysis: $50k +
5. Remote consultant presentations to City Councils/BoS –1- 2 Meetings @ $500 per: $16k +
6. Local multi-jurisdiction engagement, consultant coordination and quality assurance: $64k
7. Grant fiscal expense: $15k

Rough total cost estimate: $250k

8. **In addition to buying and locally controlling reliable long-term clean energy at the scale needed – we must inclusively plan and build new clean energy powered industry parks in different locations in Fresno County**
   - It is important to acknowledge that Fresno County must develop diverse industries with higher paying permanent jobs to ever have a realistic chance of reducing perniciously high poverty and income inequities. Clean energy powered industry parks with access to rail, freeway and air transport infrastructure must be a key part of this change equation.
   - Inertia is a polite descriptor for the lack of our progress for more than several decades to advance planning in partnership with impacted communities for mutually desirable and acceptable development of new large scale industry sites needed in Fresno County that can contribute to greater and more equitable economic opportunity. There are many substantive reasons for this seemingly intractable status.
   - Environmental justice and pollution issues are real and must be effectively addressed.
   - Agricultural and habitat land, and water and other resource conservation issues are real and must be effectively addressed.
   - All legacy, disadvantaged and low-income communities must be respected, engaged and protected.
   - However, a 100% clean energy future for mobile and stationary power use with the eventuality of no emissions offers the potential to start clean energy industry development now with rigorous construction and operational standards enforced for achieving acceptable interim emission results.
   - There will be a transition period with a mix of clean and fossil fuel powered transportation, but there is no reason that new industry facility development cannot to be 100% clean from the start if it has access to sufficient 100% clean power.

- This is the moment for all sides to come together to negotiate pragmatic compromises and management of reasonable unavoidable transition period impacts of critically needed clean energy powered industry parks. If we do not negotiate in good faith now to move our economy forward, we will have fumbled a once in a lifetime opportunity for leveraging the clean energy transition to address serious interrelated structural challenges that have limited the achievement of inclusive social, environmental and economic health and prosperity across Fresno County for at least the past 80 years. Time is of the essence.
- A 'Three Horizons Framework' may be useful in the multi-sided negotiations required for successful transition period development and managed impacts [xviii] The Three Horizons Framework has proven widely useful as a conceptual model to aid people thinking about current assumptions, emerging changes, and possible and desired futures.

9. **Elevating the value of inclusively improving 'The Social Determinants of Health' for all residents through clean energy implementation efforts can meaningfully unite diverse sectors and stakeholders to authentically work together**
   - Our individual, group and/or organizational goals, values and interests can divide or unite us in meeting critical present and future needs for all stakeholders in our entire county.
   - The Social Determinants of Health can be a uniting framework for shared goals and outcomes in our collective clean energy transition work. We reference the Federal Plan for Equitable Long-Term Recovery and Resilience (Federal Plan for ELTRR), which leverages the Vital Conditions for Health and Well-Being as a guiding framework related to The Social Determinants of Health. We believe its integrative aspects anchored by 'belonging and civic muscle' have broad and inclusive applications.

Regenerate California Innovation (RCI) - 285 West Shaw Avenue #201, Fresno, CA 93704
Contact: keith@regenerateca.org
Fresno, Madera, Tulare, and Kings Counties Central Labor Council – 2721 Ventura Avenue, #108 Fresno, CA 93721 Contact: dsavory@myunionworks.com

[i] **Central Valley Community Foundation Valley CERF/S2J2:** https://www.valleycerf.org/ and **An Exploration of Options and Opportunities for the San Joaquin Valley's Clean Energy Future, Clean Air Task Force. April 2024.** https://www.rand.org/pubs/research_reports/RRA3115-1.html

[ii] **California adopts one of nation's highest fixed-utility fees. The Orange County Register. May 9, 2024:** https://www.ocregister.com/2024/05/09/california-adopts-one-of-nations-highest-fixed-utility-fees/

[iii] ***PG&E becomes California's most expensive power provider. Channel 4 LA Investigative, by Jaxon Van Derbeken, January 8, 2024:*** https://www.nbclosangeles.com/investigations/national-investigations/pge-rate-hike-california/3302833/

[iv] **Soaring PG&E power rates in 2024 approach Hawaii. Channel 4 LA Investigative, by Jaxon Van Derbeken, April 25, 2024**: https://www.nbcbayarea.com/investigations/soaring-pge-power-rates-california-hawaii/3521441/

[v] **Slide 12 of 'UTILITY COSTS AND AFFORDABILITY OF THE GRID OF THE FUTURE', CA Public Utilities Commission, February 2021:** https://www.cpuc.ca.gov/-/media/cpuc-website/divisions/energy-division/documents/en-banc/rates-en-bancwhite-paperv20.pdf

[vi] **New energy sources for AI, data centers are vital to U.S. national security. Wall Street Journal-MarketWatch Opinion. May 22, 2024.** https://www.marketwatch.com/story/ai-and-data-centers-are-devouring-energy-resources-threatening-u-s-security-d2316452

[vii] **California PUC approves plan to add 56 GW of clean energy resources by 2035. Utility Dive, February 20, 2024.** https://www.utilitydive.com/news/california-puc-carbon-preferred-system-plan-irp-caiso/707876/

[viii] **CAISO 20 Year Transmission Outlook Update, April 18, 2024.** Presentation-20YearTransmissionOutlook-Apr18-2024.pdf (caiso.com)

[ix] **Golden State Clean Energy and Westland Water District Slides**: Westlands VCIP 4.22.24.pptx – and - Golden State Clean Energy VCIP 4-22-24.pptx

[x] **Informing Clean Energy Planning in California's San Joaquin Valley, RAND Corporation, RR-A3115-1, April, 2024**. https://www.rand.org/pubs/research_reports/RRA3115-1.html

[xi] **An Exploration of Options and Opportunities for the San Joaquin Valley's Clean Energy Future, Clean Air Task Force. April 2024**.https://cdn.catf.us/wp-content/uploads/2024/04/22145139/San-Joaquin-Valley-Clean-Energy-Transition.pdf

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[xii] **SJVMA List of manufacturing practices and types of companies that could be well-supported in Fresno in the future. March 18, 2024**. Possible Feasible Diverse Industry Sectors to Build Organically or Attract to Fresno Region - March 18, 2024, SJVMA.docx

[xiii] **HawkTower:** file:///C:/Users/Admin/Downloads/HawkTower%20for%20Underleveraged%20California%20-%20S2J2.pdf

[xiv] **California Community Choice Association (CalCCA):** https://cal-cca.org/cca-impact/

[xv] **The Climate Center, March 2023.** https://docs.google.com/presentation/d/15GCbzzJJdEFHwvpWeD_rBMNA8IbToT9Q/edit?usp=sharing&ouid=109835448918441935507&rtpof=true&sd=true

[xvi] **CCA Comparative Spreadsheet by Regenerate California Innovation (RCI). April 2024.** https://docs.google.com/spreadsheets/d/1nrqVIKcqkxU5RYewXpCBD7zVK9ltIrqq30vjmAX8wSo/edit#gid=00f

[xvii] **Stockton, CA CCA Feasibility Study:** https://stockton.legistar.com/View.ashx?M=F&ID=9234458&GUID=07BEE44D-1730-4B2F-BDF1-EDEB4575572B **– and - BUSINESS PLAN FOR THE FORMATION OF A COMMUNITY CHOICE AGGREGATION PROGRAM FOR THE CITY OF SAN DIEGO:** https://www.sandiego.gov/sites/default/files/draft_final_cca_business_plan_city_of_san_diego_october_2018.pdf - and - https://www.sandiego.gov/sustainability/clean-and-renewable-energy/community-choice-aggregation-program#:~:text=The%20City%20of%20San%20Diego,more%20competitive%20rates%20for%20customers

[xviii] **The Three Horizons of Innovation and Cultural Change:** https://medium.com/activate-the-future/the-three-horizons-of-innovation-and-culture-change-d9681b0e0b0f **- and Sharpe and Hodgson, UK Foresight Programme**: https://training.itcilo.org/delta/Foresight/3-Horizons.pdf

LETTER 12
TREE FRESNO

Letter 12

We create special places. We plant, care, inspire.
We are a voice, a teacher, a steward.

July 17, 2024

Sophia Pagoulatos, Planning Manager
Long Range Planning, Planning & Development
City of Fresno
2600 Fresno St
Fresno CA 93721

Subject: South Central Specific Plan EIR Comments

Ms. Pagoulatos:

Tree Fresno has reviewed the Draft South Central Specific Plan and Draft EIR with respect to the role our organization may play in the implementation of the Plan and mitigation of impacts identified in the EIR.

Although the Draft Plan and Draft EIR envision a policy and mitigation responsibility for Tree Fresno, neither document includes a discussion of Tree Fresno, its role in increasing the urban canopy, and the many benefits of trees. We recommend the following discussion be added to both documents:

> Founded in 1985, Tree Fresno is a 501 (c)(3) non-profit organization that has planted over 53,000 trees throughout the central San Joaquin Valley. Trees have been planted by a variety of community partnerships including grants from Cal Fire, the California High-Speed Rail Authority, the California Air Resources Board, the San Joaquin Valley Air Pollution Control District, and many individual donors and volunteers.
>
> Trees provide a multitude of benefits, including shade which can reduce the urban heat island effect. Mature trees increase community aesthetics as well as property values. Trees absorb carbon and sequester it in their leaves, branches, trunks and roots. Trees also facilitate the storage of carbon in soils. Trees improve air quality by absorbing pollutants such as ozone, smoke, dust and other particulate matter. Finally, trees intercept and divert rainfall with their leaves and their roots absorb water, holding the soil and slowing erosion.
>
> Maximizing these benefits requires proper tree selection, placement, planting and maintenance. This is especially pertinent since the majority of our organization's planting work at this time is targeted in South Central Fresno. For example, Tree Fresno has planted five vegetative barriers in Fresno County as part of a California Air Resources Board Supplemental Environmental Project (SEP), called Fresno TREES. The project is designed to reduce pollution from busy roadways.
>
> In Spring 2023, the Valley Air District awarded Tree Fresno $2 million in grants to implement an urban greening project and vegetative barrier project throughout South Central Fresno in what

12-1

is known as the AB 617 boundary area. All of the South Central Specific Plan area is included within the larger AB 617 boundary (see p. 17 of the Draft Plan). The greening project is part of California Climate Investments, a statewide initiative that puts Cap-and-Trade dollars to work reducing greenhouse gas, strengthening the economy, and improving public health – particularly in disadvantaged communities. The project will fund 1,200 5-gallon trees for private residents living in the AB 617 Boundary of South Central Fresno. In addition to residential trees, 500 community 15-gallon trees will be planted in public areas, along with even more trees serving as critical components of vegetative barriers. **12-1 cont.**

The Draft Plan contains the following policy references with regard to Tree Fresno.

General Plan Policy (p. 15): D-2-c Highway Beautification. Work with Caltrans, the Fresno Council of Governments, *Tree Fresno,* neighboring jurisdictions, and other organizations to obtain funding for highway beautification programs.

Draft Specific Plan Policy (p. 44): GB-5: Coordinate with *Tree Fresno* on a Community Landscapes Plan. (This policy is repeated in the Draft EIR on p. 3-18 as draft Plan policies, "intended to reduce environmental harm, increase quality of life, and encourage sustainable practices.") **12-2**

Tree Fresno will continue to have an important role in partnering with the City in planting trees. We request, however, that policies in the Draft Plan and Draft EIR clearly state that Tree Fresno will act as a resource and participate with the City and other stakeholders only as resources allow. As a non-profit entity, Tree Fresno is not in a position to take the lead on policy implementation.

More important is the need for greater discussion of the Urban Forestry Management Plan (adopted by the Council on May 23, 2024). This is understandable given the release of the Draft Plan and Draft EIR on May 31, but both documents should be revised to include important policy issues contained in the UFMP as they affect the plan area and address historical context and controversy (see for example the recommendation from the Attorney General's Office in the 2021 NOP response to improve and maintain vegetation and tree canopy for residents in and around the project area).

The UFMP contains an "aspirational" goal of achieving 20% canopy coverage in the City over the next 40 years. The current canopy coverage is 14.6% overall, but less than 5% in the Specific Plan area. Areas with higher pollution burden and vulnerability have lower tree canopy cover and proportionally more low-income and marginalized community members. A June 2022 City Council resolution committed to plant at least 1,000 trees annually. But to achieve the 20% canopy coverage goal, planting to up to 4,600 trees annually would be needed. **12-3**

Expanding canopy cover requires a continuing commitment by the City and Tree Fresno can play an important role in support of these objectives. In particular, Section 5-3 of the UFMP (p. 81) contains actions which support this partnership.

Action 1A: Apply for state grants and increase nonprofit and other partnerships to increase funding for tree planting and care establishment. **12-4**

Action 1B Continue to pursue tree planting opportunities through community volunteer events or collaborating with local organizations to reduce the cost of tree planting.

Action 3B: Achieve a 20% City-wide canopy cover over the next 40 years Prioritize planting throughout Fresno census tracts based on the Priority Planting Score and map to increase canopy cover equitably throughout the City.

Tree Fresno also strongly supports the designation of a City Arborist and City Urban Forester to oversee all urban forest activities in the City. (Action 1I) 12-4 cont.

Other concerns with the Draft EIR are: 12-5

- While the Draft EIR contains a mitigation measure requiring vegetative buffers between truck loading facilities and nearby residents (measure 4.3-3.c on p. 4.3-32), these is no corresponding measure requiring vegetative buffers adjacent to Highways 41 and 99 to reduce air quality impacts to adjacent sensitive uses.
- There is no discussion of Measure P, the City's sales tax initiative for parks and open space, as a funding source for urban greening.

Thank you for the opportunity to comment. If you have any questions or need clarification on our comments, please contact the Tree Fresno office.

Sincerely,

Mona Nyandoro Cummings

Mona N. Cummings, CEO of Tree Fresno

LETTER 13
AFFINITY TRUCK CENTER

AFFINITY TRUCK CENTER

Affinity

Letter 13

July 30, 2024

City of Fresno
Planning & Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

Attn: Sophia Pagoulatos, Planning Manager

Re: South Central Specific Plan (SCSP)

This letter is being submitted on behalf of Affinity Truck Center. We are a Volvo, Mack and Autocar dealership with expert knowledge of both combustion engines and electric vehicles in this industry. Our intent in writing this is to express our concerns relating to the SCSP as currently drafted.

Affinity Truck Center has been located in the heart of California's Central Valley since 1980. We carry a wide variety of Class 6-8 heavy duty trucks to handle a vast array of trucking needs. We offer a complete line of Mack, Volvo and Autocar heavy duty trucks. We have always placed the needs and interests of our customers first with our first-class sales, parts and service departments. Being in the South Central Fresno area for the last 44 years has allowed us to be of exceptional service to individuals and businesses that farm and transport goods along our stretch of the Valley as well as keep goods moving throughout the entire State and Nation. In addition, many of our long-time employees reside in this and our neighboring communities. Affinity Truck Center places a high importance on giving back to our community by donating our time and resources to charitable organizations such as the Boys & Girls Clubs, Tree Fresno and Beautify Fresno, which directly and positively impact our neighborhood, as well as offering volunteer opportunities to our employees. 13-1

With regard to the SCSP document as drafted, as well as the Environment Impact Report (EIR), we take issue with some of the following points. I cannot tell from the draft of the SCSP whether the regulations only apply to new construction or anyone in the area pulling a permit to remodel.

<u>Required Transition to Zero Emissions Trucks</u>:

- All future tenants of new and redeveloped commercial and industrial land uses must ensure all Class 7 and 8 trucks are "model year 2014 or later . . . ." After December 31, 2026, all trucks must be transitioned to "zero-emission vehicles," subject to the Planning Director's discretion. (SCSP EIR, Mitigation Measure 4.2-1h.) The developer or the business is also responsible for ensuring "that adequate electrical infrastructure is provided to allow for the transition to electric heavy-duty trucks." (*Id.*) 13-2
    - This is far more aggressive than CARB's Advanced Clean Fleets ("ACF") regulation, which allows high-priority fleets to purchase at least some trucks other ZEVs until 2035.

- Moreover, unlike the ACF regulation, which only applies to some fleets, the City's Mitigation Measure applies to ***all*** discretionary permits for commercial and industrial land uses within the SCSP. 13-3

- The City requires an equally aggressive phase-in schedule (more aggressive than CARB's ACF regulation) for Class 2-6 Trucks, requiring full electrification of the fleet by December 31, 2031. (SCSP EIR, Mitigation Measure 4.3-1i.) 13-4

I sit as the Volvo Board of Line rep and the California Truck Dealer board seat representing all brands. We have sold Class 8 electric vehicles for 3 years. The CARB regulations of today are unattainable, let alone the overly aggressive timelines in this draft. See the Ryder Charge Logistics cost comparisons.

We have been attempting to install charging stations for Electric Vehicles in our two dealerships for 3 years. Our Fresno project is stuck in permitting again with the City of Fresno and we have had the 480 amp power in our yard for 20 years. As of today, without the use of grants, most chargers take 18 months to 2 years from conception to installation. Any grants delay the process further. 13-5

The cost of a Class 8 electric vehicle ranges from $400,000 to $700,000. The total cost of ownership of an electric vehicle is not yet affordable to all operators. The range is limited. If a business uses any commercial trucks with a body on the chassis that does work of any kind, there is not an electric version available as yet. Boom truck, dump truck, walking floor anything with a power take off unit does not have an electric option available from an OEM.

Follow the CARB regulations at a minimum and push back if they push back.

Mandate the use of renewable diesel effective today in current diesel internal combustion engines. It has a -99 carbon footprint and requires no new equipment or modification. The has a tremendous impact until owners fall in line with CARB regulations. 13-6

<u>Promotion of Passenger EVs for Customers/Employees</u>:

- "At least 10% of all passenger vehicle parking spaces shall be electric vehicle (EV) ready," and at "least 5% of all passenger vehicle parking shall be equipped with working Level 2 Quick charge EV charging stations installed and operational, prior to building occupancy," regardless of employee or customer demand for such spaces. (SCSP at 75.) 13-7

There are no car buying mandates and it remains consumer choice to purchase EV vs. gas/diesel or hybrid. Read the industry trades on all the pull back on interest and production in EVs. Installation is delayed. Maintenance is late to repair malfunction. The arms of chargers are cut off for the copper value. In these neighborhoods for the coming years, you do not want people alone at businesses charging, so do not make these 24 hour public access. Do all of these

chargers have sophisticated software systems that allow for customers to pay to charge, as it is not appropriate to have businesses pay for this charging? 13-7 cont.

Zero Emissions Equipment:

- "On-site motorized operational equipment shall be ZE (zero emission)." (SCSP at 75.)

Forklifts, yard goats, stationary engines, Calls 2b vehicles all operate exceptionally well as electric and require smaller charging infrastructure to operate. This seems reasonable if it is a fully new business. If it is an existing business pulling a permit, they should only have to follow CARB regulations. 13-8

Construction Fleets/Equipment/Materials:

- All "construction contractors shall demonstrate that they shall use the cleanest available fleet of heavy-duty equipment" after submitting "Construction Clean Fleet" paperwork to the San Joaquin Valley Air Pollution Control District. And "[a]ll on-site yard trucks and forklift shall be powered by electricity." (SCSP EIR, Mitigation Measure 4.3-1B.)
- The SCSP requires an applicant to "deploy the highest rated CARB Tier Technology that is available at the time of construction," subject to discretionary waivers by the Planning Director. (SCSP at 76.)
- The required use of "electric-powered hand tools, forklifts, and pressure washers." (SCSP at 76.)
- Prohibition of diesel-powered generators for construction. (SCSP at 76.)
- Required to use at least 20% locally sources or recycled materials for construction materials, and wood products used should be certified through a sustained forestry program. (SCSP EIR, Mitigation Measure 4.8-1b.)

13-9

If the building is not yet constructed, how will all the equipment charge at the construction site? Heavy machinery with moving arms do not have an electric version. Have you done a cost analysis on the construction cost if contractors have to be in compliance in advance of CARB regulations. The bids will be incredibly inflated to cover the cost of this equipment that is purchased before there is cost parity.

I must sell 1 electric vehicle to earn the right to sell one diesel vehicle. Where are these construction companies going to purchase these Tier 1 CARB compliant diesel trucks if the OEMs and dealers have not sold enough Class 8 electric vehicles? There is a devastating shortage of diesel vehicles (90% reduction of inventory) for sale in the State of California from any brand of dealer. We have not sold one 2025 Teir 1 CARB compliant vehicle in the first 7 months of this calendar year.

Other Infrastructure Improvements:

- Unless a property owner records a covenant stating the property prohibiting refrigerated warehouse space, "a conduit shall be installed during construction of the building shell from the electrical room to 100% of the loading dock doors that have the potential to serve refrigerated space." In addition, all dock doors serving TRU units must include "electric plug-in units." (SCSP at 75.)

- The construction of a secondary electrical room (or sizing one electrical room 25% larger than required) to accommodate additional electrical panels. (SCSP at 76.)

- For all industrial land uses that do not use natural gas as part of a manufacturing process, "no natural gas infrastructure shall be permitted." (SCSP EIR, Mitigation Measure 4.3-1k.)

The world and the nation (EPA) are all pursuing research and development into the most cost effect and environmentally friendly solutions for transportation. CARB has hitched their regulations to only Battery Electric and it is failing at this initial stage. What if CARB pushes back to Federal Regulations (EPA) which are technologically agnostic? What will be done with all those underutilized chargers at the warehouses? 13-10

Solar Infrastructure:

- Buildings over 400,000 square feet must "ensure rooftop solar panels are installed and operated in such a manner that they will supply 100% of the power needed to operate [the non-refrigerated] portions of the facility including the parking areas." (SCSP at 75.)

    - All other buildings shall have solar-ready roofs, "which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed." (SCSP at 75.)

    - All other buildings must "demonstrate their capacity to include energy production and storage features on-site, including" on-site solar panels. The amount of renewable energy needed is based on the needs of the development, serving at a minimum 50% of the energy demand. (SCSP EIR, Mitigation Measure 4.6-1d.)

Our dealerships have solar on their roof as well as on a custom solar structure under which our technicians repair vehicles. In spite of 25 year warranty roof material and joint working arrangements with the solar installers and roofers, every winter we have emergency roof leaks. Many roof repairs and replacements require the solar to be removed and reset at great expense. I would encourage over parking or on ground solar wherever possible. 13-11

Further Studies:

- Business owners and/or their consultants must perform noise studies for any new development, regardless of how close they are to sensitive receptors. (SCSP EIR, Mitigation Measure 4.12-2a.)

I encourage you to stand at an EV charging site with 1-10 kWh chargers. Do you know that the engine fan on the Class 8 trucks must run while the trucks charge? We think of electric trucks as quiet, but while charging they create incredible noise pollution.

Please understand that Battery Electric vehicles run hot. They loss function and range when the environment it operates in is too cold or too hot. Much of the software and function of these Electric Vehicles is set to derate and shut down when temperatures exceed 110 degrees.

The chargers themselves shut down in the heat. 13-12

Think how hot it has been in Fresno over the past month alone. The vehicles and chargers failed when air temps, let alone tarmac temps hit 113.

I am not anti EV. There are incredible use cases where you would not want anything else. This is primarily in light and medium duty at this time 2b-Class 6.

Do not put Frenso in a box where they are handicapped to grow or attract new business because the EV technology is unaffordable, unavailable, or under engineered.

I am free for any clarification or follow-up questions you may have on electric vehicle technology.

Sincerely,

Kim Mesfin
President

559-262-1502

LETTER 14
Betts Company

Letter 14

City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager

Subject: Opposition to the South-Central Specific Plan as Drafted

Dear Ms. Pagoulatos:

Betts Company began the journey from the Bay Area to Fresno between 1990 and 2008. We worked closely on property selection with the City of Fresno Economic Development Department. Today Fresno serves as our corporate headquarters. We have three business units located at 2843 and 2867 South Maple Ave; Betts Spring Manufacturing, Betts Truck Parts and Betts HD. Our company received a benefit package from the City of Fresno where both the City and Betts Company benefit financially, a true win/win. When we came our properties were both in an enterprise and empowerment zone. We benefited greatly from both programs until they were taken away. The city has been a great partner over the years as we proudly call Fresno our home. We employ approximately 350 people in our three business units. A not well-known fact in the manufacturing world is for every manufacturing job there are 3 to 5 more jobs created within the community. The additional jobs are a combination of businesses in the supply chain as well as professional services, the likes of accountancy, legal services, marketing, advertising and more. 14-1

My comments today are on behalf of Betts Company and our 350 Team members and their families. Collectively we have great concern on the South-Central Specific Plan and the related Environmental Impact Report as drafted. Our concerns about this report are many.

Betts Company is celebrating its 156th year doing business in California. Making us the oldest family-owned manufacturer in California. To say we have experience doing business in California would be an understatement. We have participated since 2014 in several meetings where the general plan has been on the table for discussion. Frankly, we have witnessed behavior that we feel has been detrimental in bringing the community together. We have witnessed industry being vilified and falsely accused of negatively impacting the community and environment. Many people are not aware that in the Central Valley we have the most stringent air quality requirements anywhere in the world. Manufacturers in the Central Valley are required to employ what is called BACT "Best Available Control Technology". The San Joaquin Valley Air Quality District overseas this process to ensure the technologies that are employed are the very best in the world. Betts Company has invested millions of dollars in new technologies as we are doing our part to make Fresno air quality the best it can be. Since 2014 the air quality has dramatically improved, and it continues to improve. It is unfortunate the City of Fresno does not share data with the community and certain zero growth groups how much industry and the entire area has improved. 14-2

We are shocked and dismayed with many of the mandates the City of Fresno is recommending in the SCSP as presented. Many of the recommendations are overreaching, unfair, likely illegal, and costly. Many from business question where the mandates came from as we do not see other cities in the Central Valley moving in this direction. 14-3

Simply put, the City of Fresno does not have the data needed to recommend such mandates. For example, at a recent SCSP community meeting at the Orange Community School, City of Fresno employees when asked what they thought the new diesel NOX levels today are from all class eight truck manufacturers answered somewhere 14-4

between 10 and 40% reduced. They were shocked when the industry shared, they are now 98.5% reduced, almost zero. So why enforce mandates forcing business to employ BEV technology when it costs four times that of a 98.5% reduced diesel. 14-4 cont.

The same lack of knowledge seems to apply to solar. While solar projects have been significant the City of Fresno is again going overboard mandating solar today when the payback ROI has increased from 4 to 5 years to 11 years or more.

Trying to understand the justification by the City of Fresno to downzone or back zone businesses when the SCSP area for over 100 years has been designated Heavy Industrial is shocking and confrontational and unfriendly. Has the City of Fresno forgotten these are businesses that invested here and created the jobs and growth most have benefited from. Also, many are some of our most generous philanthropists and committed civic stewards. 14-5

One of greatest concerns remains with the way the City of Fresno has managed the community meetings. The facilitation of the meetings left a lot of businesses and community members frustrated and at odds with one another. The misinformation and lack of factual data was troubling and divisive. The City could have done a better job sharing the true facts and reminding everyone we are one community.

At Betts Company we have many more concerns with the SCSP as drafted. If this plan were to be approved, it would have devastating effects on our businesses and our ability as a community to be competitive and grow. Some of these concerns are as follows: 14-6

- Downzoning: The proposed downzoning from Heavy Industrial to Light Industrial and Business Park severely limits the operational capabilities of businesses serving essential sectors like agriculture and construction
- Buffers: The introduction of 1,000-foot buffer zones from “sensitive uses” imposes unfair restrictions on industrial activities, converting many to conditional uses and requiring extensive Health Risk Assessments. 14-7
- Mitigation Requirements: The SCSP mandates costly and potentially infeasible requirements, such as solar installations and zero emission equipment which significantly increase operational costs without sufficient justification. 14-8

Betts Company is an IS9001 and ISO 14001 certified company. In 2022 we were awarded the coveted Evergreen Certificate through the Tugboat Institute. To earn the Evergreen Certificate your company focusses on proactively implementing new projects to improve the culture and environment. Since 1986 and today we have implemented over 100 projects that have helped improve the environment. We have completed these projects without government intervention and onerous mandates. Industry is aware of so many new technologies and machines that can help leapfrog our businesses to the next level. Every day we are working to improve. Our employees are proud to be part of these efforts.

Betts Company urges the City of Fresno to reconsider the SCSP’s proposed mandates. We recommend a collaborative approach that acknowledges the significant improvements industry has already made. It is crucial to strike a balance between environmental goals and economic sustainability. By working together, we can ensure Fresno remains a thriving industrial hub, attracting and retaining businesses, fostering economic growth, and continuing to improve our community’s quality of life. 14-9

We are very fortunate to have agriculture and manufacturing diversity in the Central Valley. We should be doing all we can to help our industries thrive and grow and to want to continue investing in our region.

Thank you for considering our comments.

Sincerely,

Mike Betts
CEO

2843 South Maple Avenue | Fresno, California 93725 | Phone 559.498.3304 | Fax 559.445.9129 | 800.227.2192 | Betts1868.com

LETTER 15
Building and Construction Trades Council, AFL-CIO

Letter 15

Dear Honorable Mayor and City Council Members;

On behalf of the Fresno Building Trades Council (representing over 15,000 local working families), we are excited to share the new and forward-looking South Central Specific Plan. The smart focus on the development of employment-generating land use complements other City planning documents to help create a vibrant and balanced strategy for growth over the next two decades. 15-1

While we are in support of the Plan, we are concerned the Plan (as currently written) fails to ensure that Fresno residents gain significant workforce-related community benefits. The new Specific Plan will result in several thousand new construction jobs needed to build the projects enabled by it. It would be irresponsible for us not to consider what additional workforce-related community benefits could result from the approval of the Plan.

- Several thousand Fresno residents support their families by working in the construction trades. Will they help build the new Fresno? Will the hundreds of millions in construction wages be reinvested into local businesses where these families shop? Will the City lose millions in sales tax revenue if these wages are spent elsewhere? 15-2
- Will these construction wages be sufficient to support working families who live in our community? Conversely, will a "low road" development business plan result in wages well below the median family income?
- Will the potential promise of hundreds of apprentice opportunities be realized so that our region's training programs can accept more Fresno youth and at-risk workers?

To help ensure our community gains the necessary benefits with the passage of the Plan, we are proposing the following modifications to the Plan. We hope to speak with planning staff to confirm that these recommendations are best placed as suggested below:

Chapter 3: Vision, Guiding Principles and Policies 15-3

E-1: Coordinate a regional economic development strategy that monitors trends, emerging markets, new technologies and **the region's workforce preparedness programs.**

Chapter 8: Implementation, Job Training and Employment

E-5: Promote job-training programs such as career technical education, adult education, internships, mentoring, and **State of California approved Joint Apprenticeship Training Committee programs.** 15-4

E-7: Connect residents to existing training programs and jobs in their neighborhoods. **Support local and/or targeted hiring for construction jobs (including pathways to apprenticeships for local residents) for implementation of the Plan** 15-5

(559) 457-0894 | 5410 E. Home Avenue Fresno, CA 93727

E-10: **Encourage consideration of Project Labor Agreements (PLAs) for private projects that involve City subsidies.** 15-6

E-11: **Encourage the use of local workforce and business development sourcing in the plan area to: generate quality construction and service jobs; provide career pathways and job-training opportunities for the local workforce; and pay area standard wages for construction so that expenditures used in the construction of these developments are reinvested into the local economy.** 15-7

E-12: **Maximize the City's public financing tools and opportunities for enhancement to fund various economic development initiatives. This could include ensuring sufficient construction workforce community benefits are secured from any sale or lease of publicly-owned land for development purposes.** 15-8

We look forward to discussing these proposed changes in the Plan with you. Communities throughout California have placed similar language in the planning documents to promote and sustain a vibrant local economy and grow America's working class. 15-9

In Solidarity,

Chuck Riojas
Financial Secretary-Treasurer

LETTER 17
Certified Meat Products

Letter 17

CERTIFIED MEAT PRODUCTS®

ALL THINGS PROTEIN.®

City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager

Dear Ms. Pagoulatos:

My name is Jimmy Maxey and I am submitting these comments on behalf of Certified Meat Products on the South-Central Specific Plan (SCSP) and the related Environmental Impact Report (EIR). I am writing to you because we have significant concerns about this report as it is currently written.

Certified Meat Products (CMP) is a USDA Meat Processor located in South-Central Fresno. My family has been doing business in Fresno since 1954 when my father opened our first company, King-O-Meat. Today, my two sons operate CMP and we have had the privilege to employ many people who call Fresno their home. Many of our people live right here in South Fresno. Our company takes pride in contributing to our community by providing competitive compensation and by financially supporting the needs around our community through donations and support of the many agencies, nonprofits, and churches that are in the trenches every day. 17-1

There are several concerns that we have with this report as it is currently written. Some of these concerns are as follows:

- Downzoning
- Buffers
- Mitigation Requirements for new development
- Solar Infrastructure
- Zero Emission Trucks and Equipment
- Several Infrastructure Improvements

17-2

Downzoning from Heavy industrial to Light Industrial would be very problematic for our business. It not only devalues an asset, which has a direct impact on our financial health, but it limits our ability to expand and grow, forcing us to look at other alternatives. Since we are located in the food capital of the world, the city should be encouraging manufacturers and other businesses that support the agricultural industries and not artificially limiting the land within which they can locate. We are also concerned with several requirements that the plan states dealing with infrastructural improvements. These requirements call out items that are cost prohibitive and would limit our ability to be competitive outside the state of California. If this plan is adapted as it is written, it would take away our competitive edge of being located in our agricultural heartland. 17-3

It is our desire to continue growing our business in the City of Fresno and calling this our home. We need your help to allow us to operate in a community that supports us and helps us succeed. Thank you for considering our comments and I urge you to not adopt the South-Central Specific Plan as it is currently drafted. 17-4

Sincerely,

Jimmy Maxey
Founder and Chairman

Physical
4586 E. Commerce Ave.
Fresno, CA 93725

Mailing
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Fresno, CA 93778-2502

Contact
Phone: (559) 256-1433
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Web
CERTIFIEDMEATPRODUCTS.COM

LETTER 19
D & I Farms

DIRK POESCHEL
Land Development Services, Inc.
923 Van Ness Avenue, Suite 200 • Fresno, California 9
559/445-0374 • Fax: 559/445-0551 • email: dirk@dplds

Letter 19

July 30, 2024

Ms. Sophia Pagoulatos, Planning Manager
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721

SUBJECT: South Central Specific Plan - 3641 S. Cherry Ave. Fresno

Dear Ms. Pagoulatos:

I am writing on behalf of my client Mr. Daniel Barandalla dba D & I Farms. Mr. Barandalla owns the subject 11.50 +/- acre property (property) on the west side of S. Cherry Ave. in the unincorporated portion of Fresno County. The property is within the City of Fresno Sphere of Influence and is within the South Central Specific Plan (Plan).

Mr. Barandalla purchased the property designated and zoned for *industrial* uses in the adopted City of Fresno General Plan. The purchase price Mr. Barandalla paid for the property reflected the extra value of the industrial zoning and opportunity for development consistent with that zone. 19-1

The following are my comments on the Plan, Draft Environmental Impact Report (DEIR, SCH. No. 2019079022) and proposed Community Truck Reroute Study: Truck Routing and Implementation Strategies Report. Plan is used interchangeably in this correspondence to describe the three aforementioned documents.

1. Figure 4-5 entitled Specific Plan Proposed Planned Land Use designates the property for *Business Park* but designates a small portion of the property for *Low Density Residential* uses. A small residential building existed on the site that Mr. Barandalla converted with permits to an office. Therefore, no residential uses exist on the site.

   Please remove the *Low Density Residential* designation and replace the designation with *Business Park* making the entre site designated for *Business Park* and make the corresponding changes to the project EIR. Numerous and continual conflicts will occur if a residential use is allowed in the middle of a business park. 19-2

2. Mr. Barandalla reluctantly does not oppose the property being designated as a *Business Park*. However, the *Business Park* designation is not his preference. 19-3

3. John Kinsey, Esq. of the law firm Wanger Jones Helsey in Fresno has submitted a comprehensive analysis of the issues associated with the proposed Plan, associated Community Truck Reroute Study: Truck Routing and Implementation Strategies Report and related DEIR. But for my client's reluctant concurrence with the proposed recommended *Business Park* designation, he agrees with Mr. Kinsey's conclusions and recommendations regarding the proposed onerous and impractical development standards such as setbacks and sees no reason to recite them and incorporates Mr. Kinsey's comments herein by reference. 19-4

4. The effort to reduce impacts of industrial land use in the subject area should be placed in context. Much of the area within the Plan was designated for industrial uses for decades due to the proximity to rail, state highways, a work force and raw products.

   Most of the objections to industrial uses cite projects that were approved prior to the adoption of stringent environmental regulations that protect communities and the environment. Some of the uses being cited as objectionable existed prior to the adoption of a zoning ordinance by the City or County of Fresno. As you are aware, zoning ordinances provide substantial regulatory authority to protect public health, safety and welfare. 19-5

   The Plan's proposed adoption of special zoning standards is unnecessary in light of the comprehensive review that all projects must undergo as mandated by the California Environmental Quality Act (CEQA). Further, modern industrial uses are subject to various land use permits that provide another level of regulatory scrutiny to assure, among other things, compatibility with surrounding properties.

   Modern industrial parks are operated by employees who rightfully expect to work in a safe, clean and healthy environment. In fact, specific state and federal agencies are charged with assuring that a safe, clean and healthy environment is maintained at the workplace.

   The transportation of goods and materials from a modern industrial park shares few similarities with industrial development of even 30 years ago. Federal, state and local regulations protect the drivers of the transport vehicles and the communities in which the transport vehicles travel. Regular and unannounced inspections by law enforcement also play a key role in assuring the safe transportation of goods. Said monitoring and enforcement includes driver training, special driver and vehicle licensing, materials packaging and handling standards, mandatory fire and prevention measures and materials identification for environmental and fire protection purposes. 19-6

   Leakage of harmful gaseous and liquid materials is also highly regulated by agencies prepared to address spillage and ruptures and other similar hazardous events in a responsible manner. Liabilities for environmental degradation are severe.

Modern industrial buildings must adhere to strict building and fire code regulations to assure public and worker safety. Hazardous material must be segregated, rated for toxicity and stored and handled according to various federal and state health and safety protocols.

Obnoxious odors, fugitive dust and other air born emissions are also strictly monitored in a modern industrial park as is storm water with collection and filtration prior to being allowed to enter a drainage basin. These characteristics of a modern industrial park are applicable in any location in California. 19-6 cont.

Creating unnecessary barriers to economic competition with other parts of the city or region directs the valuable industrial business base out of or away from the city thwarting a decades long effort to expand the area's economy so it is not solely reliant on agriculture. Many urban economists have long argued that residential uses underpay their share of municipal services costs. In fact, the revenue from industrial commercial uses allows municipalities to fund adequate police, fire, parks and other services citizens demand.

An unintended and secondary consequence of this Plan and its unnecessary regulation of industrial uses is the reduced demand of industrial users to operate in the City of Frenso. This reduced industrial demand will generate lower tax revenues from industrial users creating a larger gap between the city's needs and its ability to fund the services citizens demand. The city's jobs housing balance is also adversely affected as industrial jobs simply go elsewhere.

No attempt was made in the Plan or its EIR to quantify these adverse impacts to the city's economic base from an environmental or cost benefit perspective. The proposed Plan is contrary to the principle goal of the City of Fresno General Plan ECONOMIC DEVELOPMENT AND FISCAL SUSTAINABLITY section which begins with this statement: 19-7

> *Fresno's economy plays a crucial role in the physical development of the Planning Area and the City's ability to support implementation of General Plan policies and programs. The City is committed to economic development and fiscal sustainability. In fact, the outcome of many other General Plan initiatives is tied to the city's economic success. More specifically, to further this commitment, this element focuses on improving the business climate, retaining local businesses, developing a high skilled labor force, attracting new industries, supporting the tax base, and sustaining the City's ability to provide public services for current and future residents*

Please consider allowing a more reasoned solution to protecting Fresno neighborhoods and its economic base. Thank you for the opportunity to comment on the Plan, associated Community Truck Reroute Study: Truck Routing and Implementation

Strategies Report, and related environmental impact report. If you have any questions, please feel free to contact me. 19-7 cont.

Sincerely,

Dirk Poeschel

Dirk Poeschel, AICP

cc: Mr. Daniel Barandalla
Mr. Amir Dehlan
Ms. Jennifer Clark
John Kinsey, Esq.

https://dplds.sharepoint.com/shared documents/current clients/d & i farms- s cherry ave -23-43/correspondence/deir comments.docx

LETTER 20
Donaghy Sales, Beverage Distributor

DONAGHY SALES

2363 S. Cedar
Fresno, CA 93
T 559.486.0
F 559.486.2728
donaghysales.com

Letter 20

City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager
Telephone: (559) 621-8062
Email: scsp@fresno.gov

Dear Planning Manager Pagouloatos:

Thank you for the opportunity to submit comments on the City of Fresno's proposed South Central Specific Plan and the related Draft Environmental Impact Report. I am writing to submit comments on behalf of Donaghy Sales as its President.

Who We Are

Donaghy is the leading beverage distributor of Central California, selling over 1,000 brands of beer, wine, spirits, and non-alcoholic beverages. We are the exclusive distributor of a diverse portfolio representing 95 suppliers, including global leaders as well as small batch local producers. Founded in 1969, we are a third generation, family-owned and -operated company, proudly providing exceptional service and quality products to valued customers across our 26-county territory, which extends from Butte County in the north down to Tulare County in the south. Central California is our home. While our main warehouse and company headquarters is located in the Plan Area at 2623 South Cedar Avenue, we also maintain warehouses in Stockton, Watsonville, and Sacramento. Since our founding, we have made community involvement and employee welfare top priorities, providing no cost health insurance to over 850 full-time employees and thousands of dependents, consistently supporting local charities across our service area, and sponsoring hundreds of multicultural events in the communities where we operate. 20-1

We have been operating out of South Central Fresno since 1969. In addition to being the home of our founder, Ed Donaghy, Fresno's central location and close proximity to key Central California transportation corridors make it an attractive option for a company like ours. Additionally, hundreds of our employees are Fresno residents, including many residing in the Plan Area. As such, we have made significant investments to improve conditions for our Fresno employees and to enhance the local community. Our Fresno facility is a clean, state-of-the-art operation with a long track record without community complaints. This is due in part to Donaghy's similarly long track record of giving back to the Calwa community, including its contributions to the renovation of the recreational facilities at Calwa Community Park. Indeed, we are deeply committed to supporting local charities and nonprofit organizations, making annual contributions to over 50 organizations, including African American Historical and Cultural Museum, Arte Americas, Association of Mexican Educators, Breaking the Chains, Catholic Charities, Fresno Food Bank, Friends of Calwa, Habitat for Humanity, Hispanic Business Foundation, Marjaree Mason Center, Poverello House, Leukemia and Lymphoma Society, CSUF Chicano Association, Central California Hispanic Chamber of Commerce, Consulate of Mexico – Fresno, Knights of

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Columbus, Central California Women's Conference, and Fresno Metro Black Chamber of Commerce—just to name a few. 20-1 cont.

Concerns Regarding the South Central Specific Plan and the Draft EIR

Donaghy has significant concerns regarding the City's proposal to add "buffers" that restrict or eliminate certain types of development on properties within 1,000 feet of "sensitive uses," defined as "residences, schools, religious institutions, playgrounds, child-care centers, hospitals, retirement homes, and convalescent homes." 20-2

Areas Affected by Buffer Zone Requirements. Initially, it is unclear how the proposed buffer concept affects properties like Donaghy's headquarters, which is located in the Plan Area within 1,000 feet of a sensitive use located *outside* the Plan Area. Figure 5-2 of the South Central Specific Plan Public Review Draft appears to suggest Donaghy's property will *not* be subject to a buffer zone. Yet, at the same time, the definition of "sensitive uses" on page 68 does not appear to be limited to uses within the Plan Area, suggesting Donaghy's property *will be* subject to a buffer zone. Adopting the proposed buffer zone concept without providing clear notice to Donaghy how its property will be impacted is not only unfair, it denies Donaghy a meaningful opportunity to comment on the proposed plan, as we are left to guess whether our property will be subjected to the heightened requirements for properties within a buffer area. Making matters worse, Donaghy cannot be the only property owner in this situation. Others may have reasonably relied on Figure 5-2 to conclude that their properties will not be subject to the heightened requirements for buffer areas. The lack of clarity could also lead to inconsistent and arbitrary enforcement of the buffer area requirements among City staff. 20-3

To address these issues, the City should decline to adopt the South Central Specific Plan, as proposed. Instead, the City should clarify the definition of "sensitive uses" and confirm that the buffer area requirements *do not* apply to properties like Donaghy's. To the extent the City does intend to apply the buffer area requirements to properties like Donaghy's, then to avoid depriving Donaghy of a meaningful opportunity to comment on the proposed plan, as well as other landowners who may have reasonably relied on Figure 5-2 to conclude they will not be affected by the buffer zone requirements, the City must clarify how it intends to apply the buffer concept with respect to uses located outside the Plan Area and allow for an additional public comment on the proposed plan, as clarified.

Heightened Requirements in Buffer Zones. Assuming Donaghy *would* be subject to the heightened requirements for buffer zones, contrary to what is indicated in Figure 5-2, Donaghy is concerned that the buffer zone requirements are in many cases excessive or unnecessary and would make new or expanded uses at Donaghy's Fresno facility infeasible. Our understanding is that if the proposed plan is adopted and Donaghy later desires to expand its existing facilities, to engage in a new warehousing, distribution, or storage use, or to construct new facilities for such uses, then it will be required: 20-4

- To obtain a conditional use permit from the City; 20-5

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- To meet the California Air Resources Board's criteria for zero or near zero emissions facilities as defined in the July 2016 California Sustainable Freight Action Plan; and

- To comply with a number of other costly and time-consuming requirements, including using the cleanest construction equipment available on the market, ensuring all on-site motorized operational equipment is zero emissions, using only electric fleets during construction, converting truck fleets to all electric vehicles sooner than required by the California Air Resources Board, payment of substantial fees for all emissions above the San Joquin Valley Air Pollution Control District thresholds of significance, prohibitions on use of natural gas, prohibitions against having loading/unloading areas within 1,000 feet of sensitive receptors, and solar power mandates, among other things. 20-5 cont.

These requirements would impose a significant financial and procedural burden and would significantly undermine the feasibility and desirability of proceeding with any such projects at Donaghy's Fresno facility. The requirement to obtain a conditional use permit would inject significant expense and uncertainty into potential projects while also drastically increasing the time needed to complete them and the risks associated with project opponents. 20-6

Additionally, while there can be little doubt that compelling compliance with the 2016 Sustainable Freight Action Plan would be costly and time-consuming, it appears the 2016 Sustainable Freight Action Plan does not actually specify many concrete standards. As a result, it is unclear what the requirement to comply with this document actually means and whether it will impose more or less demanding standards than what is required under the California Air Resources Board's existing zero emissions regulations. Complying with more onerous electrification requirements would obviously increase an already-significant financial burden. Moreover, it seems imprudent to mitigate perceived environmental impacts based on as-yet undefined standards and requirements that may ultimately impose a substantial financial burden in exchange for a relatively minor environmental benefit. 20-7

The various other construction and operational requirements would be similarly costly and would also likely render many new or expanded uses infeasible at our Fresno location—independent from the issues described above. In addition to being extremely costly, these requirements are novel. No similar requirements exist in the other jurisdictions where our facilities are located. It is therefore difficult to imagine any circumstances in which a reasonable business case could be made to proceed with new or expanded uses at our Fresno facility rather than at our locations in Stockton, Watsonville, and Sacramento, or in other Central Valley jurisdictions, such as Madera County or the City of Visalia, that lack buffer zones or onerous development standards such as those proposed here. 20-8

That the new requirements may not apply to Donaghy's existing operations ultimately does little to improve the situation. Our business is not static. To continue to be competitive, it is imperative that we remain dynamic and adaptable—able to meet new challenges and opportunities as and when they arise, such as expanding or altering our existing operations to meet increased demand or changing market conditions. However, the limitations and uncertainty created by the 20-9

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buffer zone requirements would make this very difficult. Among other things, our company would struggle to compete with other large distributors, particularly with respect to securing new suppliers and products. This would be very harmful to our business, and could even necessitate downsizing our Fresno operation and instead expanding our existing facilities in Stockton, Watsonville, and Sacramento, or finding new facilities in other business-friendly climates to the north and south of Fresno. Either scenario would of course also have the unintended consequence of transferring many high quality jobs out of Fresno.

In light of the above, the City should decline to adopt the South Central Specific Plan as proposed. The City should instead eliminate or substantially limit the geographic scope of the buffer zone concept, remove the requirement for a conditional use permit for new or expanded warehousing, distribution, or storage uses on properties in a buffer zone, remove the requirement to comply with the 2016 Sustainable Freight Action Plan, and remove or substantially reduce the host of construction and operational requirements for facilities located in a buffer zone. 20-9 cont.

Conclusion

For all of the reasons mentioned above, Donaghy urges the City not to adopt the South Central Specific Plan as currently proposed. The proposed plan is unclear in key respects and threatens to make many new or expanded uses infeasible in the Plan Area moving forward without giving appropriate consideration to how the proposed plan will impact businesses or the extent to which it will incentivize businesses to pursue employment-generating projects in other markets rather than the City of Fresno. 20-10

Thank you for the opportunity to comment on the proposed plan.

Sincerely,

Ryan Donaghy
President
Donaghy Sales

LETTER 25
JD FOOD

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Letter 25

City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager

Dear Ms. Pagoulatos:

My name is Mark Ford and I am submitting these comments on behalf of JD Food on the South-Central Specific Plan and the related Environmental Impact Report. I am writing to you because we have significant concerns about this report as it is currently drafted.

JD Food is celebrating our 50 Year anniversary this year and we are proud to call Fresno our home. We distribute food and food related products to restaurants, schools, retail stores, hospitals, and camps in Northern California. We are an independent family-owned company that is extremely invested in our community. We take great pride in being part of the solutions to many of the challenges that our community faces by supporting the nonprofits and agencies throughout our city and beyond. Also, many of our employees live in the City of Fresno and specifically South-Central Fresno.

There are several concerns that we have with this report as it is currently drafted. If this were to be approved, it would have devastating effects on our business and our ability to be competitive and grow. Some of these concerns are as follows:

- Downzoning
- Buffers
- Mitigation Requirements for new development
- Solar Infrastructure
- Zero Emission Trucks and Equipment
- Several Infrastructure Improvements

Since we are a distribution company, we are already subject to strict CARB requirements for the state of California. We have invested thousands of dollars in updating our equipment, so it meets the state's requirements. This has certainly resulted in improvements in greenhouse gas emissions. Over the past 10 years we have improved our emission systems by 98.5%. Although this is great news, it has come at a great cost to our business. The EV requirements as stated in the SCSP ask for technologies that either do not exist or that the infrastructure cannot support. The plan puts an undue burden on our company by investing in technologies that do not have the capacity to support our needs at a very high cost. 25-1

We are also concerned with this plan causing more stress on the ability to get permits. The permit process in our city is extremely difficult to navigate. This plan could make it almost impossible to move through this process and have a successful development. This will result in future jobs moving to outlying communities, refusal to upgrade older establishments, and a rise in working outside the boundaries of the process. 25-2

It is our desire to continue growing our business in the City of Fresno and calling this our home. We need your help to allow us to operate in a community that supports us and helps us succeed. Thank you for considering our comments and I urge you to not adopt the South-Central Specific Plan as it is currently drafted. 25-3

Sincerely,

Mark Ford
CEO

Physical
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Fresno, CA 93725

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P.O. Box 12051
Fresno, CA 93776-2051

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jdfood.com

LETTER 27
Penny Newman Grain Company

Penny Newman Grain Co.

Letter 27

To:
City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager
Telephone: (559) 621-8062
Email: scsp@fresno.gov

Date:
7/29/24

From:
Penny Newman Grain Co.
2691 S. Cedar Ave, Fresno, CA
David Meeker
Phone: 559-448-8800
dmeeker@penny-newman.com

Subject:
South Central Specific Plan (SCSP), Environmental Impact Report (EIR)-Concerns

Dear Sophia,

Penny Newman Grain Co. has been operating our facility within the SCSP area since 2001. I would like to express concerns with the SCSP and the unintended negative impacts of the EIR as currently drafted.

Our company has been continuously in operation within the Fresno area since 1878. The Fresno facility receives feed products for livestock by rail and truck. These products are stored and shipped by truck out to our customers. When searching for a location to operate our company was pleased to find an under utilized facility with rail service and near a major highway. An added benefit of having our business in Fresno is the number of employees we have residing within the City, and allowing for a short commute to work.

The SCSP poses substantial impacts for our company not only for our land use, but to our daily operations as well. 27-1

- The rezoning map reduces our currently zoned Heavy Industrial property to Light Industrial on the north and west sides. Not only does this reduce the value of the property by limiting the use, it also creates a reduction of possible operational activity and restricted permitting of facility improvements.
- The proposal of this reduction in zoning is additionally concerning as it targets “Animal Food Manufacturing” as not allowed in Light Industrial.
- Down zoning of business properties discourages businesses from wanting to invest in Fresno due to the risk of the rules being changed and negatively effecting the investment and commitment made within the City. The driving away of businesses, in turn results in a loss of employment for the residents of the City.
- Our facility has been in the Heavy Industrial category for many years with residential property across the street since the 1950’s. 27-2

Environmental Mitigation Goals. 27-3

- The SCSP introduces the concept of “buffers,” which restricts or eliminates certain types of developments within the SCSP that are within 1,000 feet of “sensitive uses.” According to the City’s

maps, these buffers cover nearly half of the entire SCSP area. The City should not consider but decline to incorporate buffers into the SCSP.

- We are also unaware of any city or county near Fresno that has adopted 1,000-foot buffers. Because there is significant demand for industrial development in the City, and few places in the City to build, the adoption of buffers would simply mean that new industrial developments and the jobs they create will go to other nearby municipalities. As a longtime Fresno business, we cannot support any policy that would undermine the success of Fresno as an industrial hub or that would incentivize our workforce to move elsewhere. **27-3 cont.**

Improvements/Mitigation Infeasibility

- The SCSP also seeks to require landowners seeking permits from the City to adopt expensive, unproven, and wasteful mitigation. If applicable, these requirements would apply for new construction. They would likely also apply to future permits and approvals received from the City, potentially requiring the upgrade of the entire facility to the standards below. **27-4**
- The following are some examples of the more onerous permitting conditions that will add significant cost to new development/improvements requiring discretionary approvals.

1. <u>Solar Infrastructure:</u>

- Buildings over 400,000 square feet must "ensure rooftop solar panels are installed and operated in such a manner that they will supply 100% of the power needed to operate [the non-refrigerated] portions of the facility including the parking areas." (SCSP at 75.)
- All other buildings shall have solar-ready roofs, "which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed." (SCSP at 75.) **27-5**
- All other buildings must "demonstrate their capacity to include energy production and storage features on-site, including" on-site solar panels. The amount of renewable energy needed is based on the needs of the development, serving at a minimum 50% of the energy demand. (SCSP EIR, Mitigation Measure 4.6-1d.)

<u>a</u>

- All future tenants of new and redeveloped commercial and industrial land uses must ensure all Class 7 and 8 trucks are "model year 2014 or later." After December 31, 2026, all trucks must be transitioned to "zero-emission vehicles," subject to the Planning Director's discretion. (SCSP EIR, Mitigation Measure 4.2-1h.) The developer or the business is also responsible for ensuring "that adequate electrical infrastructure is provided to allow for the transition to electric heavy-duty trucks." (Id.)
- This is far more aggressive than CARB's Advanced Clean Fleets ("ACF") regulation, which allows high-priority fleets to purchase at least some trucks other ZEVs until 2035.
- Moreover, unlike the ACF regulation, which only applies to some fleets, the City's Mitigation Measure applies to all discretionary permits for commercial and industrial land uses within the SCSP. **27-6**
- The City requires an equally aggressive phase-in schedule (more aggressive than CARB's ACF regulation) for Class 2-6 Trucks, requiring full electrification of the fleet by December 31, 2031. (SCSP EIR, Mitigation Measure 4.3-1i.)
- The reality of this proposal is you are asking businesses to purchase new technology that currently cannot operate more than 150 loaded miles. These trucks cost more than twice the amount of a CARB compliant diesel truck and have an operational range of less than half of a diesel truck. If implemented, a business would need to own twice the number of trucks to complete the same amount of work. The truck traffic would double within the city.

3. <u>Promotion of Passenger EVs for Customers/Employees:</u>

- "At least 10% of all passenger vehicle parking spaces shall be electric vehicle (EV) ready," and at "least 5% of all passenger vehicle parking shall be equipped with working Level 2 Quick charge EV charging **27-7**

stations installed and operational, prior to building occupancy," regardless of employee or customer demand for such spaces. (SCSP at 75.) **27-7 cont.**

4. Zero Emissions Equipment:

- "On-site motorized operational equipment shall be ZE (zero emission)." (SCSP at 75.)
- Due to the limitations of cycle times and charging durations this is not feasible for our industry. When and where the operational capacity electric equipment improves and becomes competitively priced it will be entertained as an option. The "free market" should be the determining factor, not by force or rule. **27-8**

5. Construction Fleets/Equipment/Materials:

- All "construction contractors shall demonstrate that they shall use the cleanest available fleet of heavy-duty equipment" after submitting "Construction Clean Fleet" paperwork to the San Joaquin Valley Air Pollution Control District. And "on-site yard trucks and forklift shall be powered by electricity." (SCSP EIR, Mitigation Measure 4.3-1B.)
- The SCSP requires an applicant to "deploy the highest rated CARB Tier Technology that is available at the time of construction," subject to discretionary waivers by the Planning Director. (SCSP at 76.)
- The required use of "electric-powered hand tools, forklifts, and pressure washers." (SCSP at 76.)
- Prohibition of diesel-powered generators for construction. (SCSP at 76.)
- Required to use at least 20% locally sources or recycled materials for construction materials, and wood products used should be certified through a sustained forestry program. (SCSP EIR, Mitigation Measure 4.8-1b.)
- The above items are being forced into the market and may not be suitable for all applications. Although these should be offered as options, the "free market" should be the determining factor, not by force or rule. **27-9**

6. Other Infrastructure Improvements:

- Unless a property owner records a covenant stating the property prohibiting refrigerated warehouse space, "a conduit shall be installed during construction of the building shell from the electrical room to 100% of the loading dock doors that have the potential to serve refrigerated space." In addition, all dock doors serving TRU units must include "electric plug-in units." (SCSP at 75.)
- The construction of a secondary electrical room (or sizing one electrical room 25% larger than required) to accommodate additional electrical panels. (SCSP at 76.)
- For all industrial land uses that do not use natural gas as part of a manufacturing process, "no natural gas infrastructure shall be permitted." (SCSP EIR, Mitigation Measure 4.3-1k.)
- This requirement increases development cost or limits the properties potential, if a building changes use it can be retrofitted with additional utilities once needed. **27-10**

Please consider the unintended consequences of what is being proposed within the proposed changes. There is a considerable financial burden being forced upon businesses that will cause negative effects to the City, businesses, and the residents. We are the second oldest business in Fresno, and proud to have been a part of the City of Fresno for 146 years, our hope is the City will consider our position as a long-standing partner. **27-11**

Sincerely,

David Meeker
Penny Newman Grain Co.

LETTER 28
Robert V. Jensen, Inc.

ROBERT V. JENSEN, INC.
PETROLEUM DISTRIBUTOR SINCE 1952
P.O BOX 12907 • FRESNO, CA 93779-2907
PHONE: (559) 485-8210 • FAX: (559) 485-8503
TOLL FREE: (800) 366-8210

Letter 28

City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager
Telephone: (559) 621-8062
Email: scsp@fresno.gov

Dear Planning Manager Pagoulatos:

Thank you for the opportunity to submit comments on the City of Fresno's proposed South Central Specific Plan and the related Draft Environmental Impact Report. My name is William Jensen and I am writing to submit comments on behalf of Robert V. Jensen, Inc. (RV Jensen) as its Chief Executive Officer.

Who We Are

RV Jensen is a family-owned and -operated business serving wholesale and retail clients with high quality bulk lubricants, bulk fuel delivery, fleet fueling, and emission solutions for nearly 75 years. Robert V. Jensen began operations in 1952 as a Chevron Commissioned Agent serving Fresno wholesale commercial business and farm owners. However, when Chevron converted its highest yielding agents to independent petroleum jobbers in 1979, the business expanded to offer multiple brands of oil products and emission solutions for customers across California. Today, RV Jensen is an industry leader that provides innovative and environmentally friendly products from national brands like Chevron, Shell, Pennzoil, Quaker State, 76, and Valero to customers in counties across California, including Fresno, Madera, Kings, Tulare, Kern, Stanislaus, Monterey, Merced, Mariposa, and Santa Barbara.

28-1

In recent years, we have leveraged our success with traditional petroleum fuel to become among the first in Fresno to offer a wide range of high quality, low- and zero-emission products and services. For instance, we offer renewable diesel fuel and biodiesel, which are derived solely from agricultural waste and eliminate dependency on petroleum diesel fuel while improving operational efficiency and reducing impacts to air quality. Further, in association with Advanced Emission Control Solutions (AECS), we offer California Air Resources Board compliant emissions solutions, including regulatory consultation, diesel particulate filter cleaning, maintenance, and diagnostics, and emergency generator service, among other things. But this is just the beginning. We also have plans to provide electric charging stations, renewable natural gas, hydrogen, and more. RV Jensen will continue to research additional fuel alternatives to help California to a net-zero carbon emission standard and to provide its customers with cost effective and efficient solutions to all of their fueling needs.

Our main office and headquarters are located at 4029 South Maple Avenue. We also own property at 4021 and 4033 South Maple, which we use for RJV's Truck Stop, a warehouse, shop, and office. Most recently, we purchased 4335 South Maple to support our expansion of low- and zero-emission fuel product offerings and services. These parcels, which are all within the South

Central Specific Plan (SCSP) area, were an ideal location for our business due to their Heavy Industrial zoning, close proximity to key Central California transportation corridors, and close proximity to the Kinder Morgan Fresno Pipeline Terminal—part of a 3,300 mile-long refined products pipeline system transporting gasoline, diesel, and turbine fuel to California, Arizona, Nevada, Oregon, and Washington.

28-1 cont.

RV Jensen has 87 employees consisting primarily of Fresno residents, including residents of the SCSP area. In 2023 the company generated approximately $9 million in sales tax, consisting of $2 million in local taxes and $7 million in state taxes. Our company has a history of charitable donations throughout the San Joaquin Valley and continues to support public safety within SCSP by supporting organizations such as Crime Stoppers.

Concerns Regarding the South Central Specific Plan and the Draft EIR

28-2

RV Jensen has significant concerns regarding the SCSP, including the lack of notice provided to affected landowners, its seemingly arbitrary downzoning of certain parcels, and its creation of "buffers" that restrict or eliminate certain types of development on properties within 1,000 feet of "sensitive uses"—i.e., "residences, schools, religious institutions, playgrounds, child-care centers, hospitals, retirement homes, and convalescent homes."

28-3

Arbitrary Downzoning of Certain Parcels. As noted above, RV Jensen purchased 4335 South Maple to support our expansion of low- and zero-emission fuel product offerings and services, including a hydrogen fueling station and, eventually, an alternative fuel production facility. The parcel is currently zoned Heavy Industrial and is adjacent to the Kinder Morgan Fresno Pipeline Terminal. Its longstanding Heavy Industrial zoning and proximity to several other longstanding Heavy Industrial uses, including several other parcels owned and used by RV Jensen, make it an ideal location to support our low- and zero-emission fuel expansion efforts.

Using the parcel in this manner would also advance six of SCSP's eight objectives without interfering or in any way compromising the remaining two. Using the parcel to support RV Jensen's low- and zero-emission expansion efforts would "promote inclusive and sustainable economic growth and attract development that focuses on emerging markets and new technologies," help "create diverse employment opportunities," "preserve the viability of existing industrial and manufacturing operations in the Plan Area," "protect existing and future development from adverse impacts associated with incompatible uses, "improve Plan Area infrastructure," and "improve visual quality when entering the Plan Area." At the same time, it would in no way compromise the City's objectives related to the consideration of "project-specific environmental effects . . . on existing and potential future sensitive receptors" or providing "residents with clear and transparent access to information regarding community development and assist in addressing disputes and concerns."

28-4

Under these circumstances, one might expect the City and the SCSP to support RV Jensen's plans to develop the parcel to support the company's low- and zero-emission fuel expansion efforts. However, that has not been the case. When we submitted a site plan to the City's Development Review Committee in February of 2019, we were advised that "IN NO EVENT WILL COMMERCIAL OR INDUSTRIAL DEVELOPMENT BE PERMITTED" because the

parcel is "BEYOND THE THREE-MILE RUNNING DISTANCE OF AN EXISTING AND OPERATING FIRE STATION." According to City staff, Section 12-4-4.508 of the Fresno Municipal Code prohibited any commercial or industrial development not within 3 miles of a fire station. Since the parcel was 3.2 miles from the nearest fire station—.2 miles farther than permitted under Section 12-4-4.508—all commercial and industrial development was prohibited. This development was a massive setback for our company's planned expansion into the alternative fuel space and a huge disappointment personally.

Then in 2020 we learned that the SCSP proposed to change the parcel's zoning from Heavy Industrial to Residential. Certain that there must have been some mistake, I contacted City staff to inquire. Summer Cecil, a Project Manager in the City's Planning and Development Department, informed me that in proposing residential uses for purposes of the SCSP, "staff reviewed the entire plan area and proposed zoning parcels that had existing uses to match those uses" and that "after reviewing the subject parcel, we did see a home on the land which is why we proposed this change to residential." Presumably, staff's "review" of the parcel consisted of locating it on Google Maps without conducting any in-person visual inspection or otherwise attempting to confirm the parcel was actually being used for residential purposes, as **the "home" prompting the proposed downzoning is an abandoned and boarded house that has not been used for residential purposes in at least 20 years**. Pictures of the "home" are enclosed with this letter. As you will see, it is abundantly clear that **the parcel has not been used for residential purposes in many years and is not even remotely fit for human habitation**. Although at the time staff appeared to acknowledge that the proposed rezoning of this parcel was an "error," no changes have ever been made. The SCSP still proposes to rezone the parcel from Heavy Industrial to Residential. 28-4 cont.

Obviously, the rezoning of this parcel to Residential would have significant implications for my business. Not only would it prevent our planned expansion of low- and zero-emission offerings, it would also subject our other properties to the heightened development requirements for uses within the 1,000 foot buffer zone. Why? Because a dilapidated and abandoned residential structure has not yet been demolished due the Fresno Municipal Code's effectively prohibiting the parcel's development for any purpose. **This makes no sense whatsoever and is completely contrary to the City's stated objectives for the SCSP**. If the City is serious about promoting development associated with emerging technologies, preserving existing and future industrial uses, avoiding adverse impacts associated with incompatible uses, improving infrastructure and visual quality within the SCSP area, then the City absolutely should not make 4335 South Maple a residential use. Instead, it should retain the parcel's existing Heavy Industrial zoning and exempt it from the requirement that a fire station be located within 3 miles if the parcel is to be used for commercial or industrial uses.

Heightened Requirements in Buffer Zones. RV Jensen is also concerned that the buffer zone requirements are in many cases excessive and/or unnecessary and would make new or expanded uses at its existing facilities completely infeasible, including planned uses to promote low- and zero-emission products, services, and infrastructure. 28-5

Our understanding is that if the proposed plan is adopted and RV Jensen later desires to expand its existing facilities or uses, then it will be required to obtain a conditional use permit from the City, to meet the California Air Resources Board's criteria for zero or near zero emissions

facilities as defined in the July 2016 California Sustainable Freight Action Plan, and to comply with a number of other costly and time-consuming construction and operational requirements. While RV Jensen is a proud supporter of low- and zero-emission technologies and the transition to such technologies, the SCSP's requirements would impose a significant financial and procedural burden and would significantly undermine the feasibility and desirability of proceeding with any such projects at RV Jensen's existing Fresno facilities. The requirement to obtain a conditional use permit, in particular, would inject significant expense and uncertainty into potential projects while also drastically increasing the time needed to complete them and the risks associated with project opponents.

Additionally, the 2016 Sustainable Freight Action Plan does not actually specify many concrete standards. As a result, it is unclear what the requirement to comply with this document actually means and whether it will impose more or less demanding standards than what is required under the California Air Resources Board's existing zero emissions regulations. Complying with more onerous electrification requirements would obviously increase an already-significant financial burden. Moreover, it seems imprudent to mitigate perceived environmental impacts based on as-yet undefined standards and requirements that may ultimately impose a substantial financial burden in exchange for a relatively minor environmental benefit.

28-5 cont.

The various other construction and operational requirements would be similarly costly and would also likely render many new or expanded uses infeasible at our Fresno location—independent from the issues described above. In addition to being extremely costly, these requirements are novel. No similar requirements exist in the other jurisdictions where our facilities are located. It is therefore difficult to imagine any circumstances in which a reasonable business case could be made to proceed with new or expanded uses at our Fresno facility. Instead, we would be forced to consider relocating some or all new or expanded operations to other Central Valley jurisdictions, such as Madera County or the City of Visalia, that lack buffer zones or onerous development standards such as those proposed here.

To address these issues, the City should decline to adopt the South Central Specific Plan as proposed. The City should instead eliminate or substantially limit the geographic scope of the buffer zone concept, remove the requirement for a conditional use permit for new or expanded uses on properties in a buffer zone, remove the requirement to comply with the 2016 Sustainable Freight Action Plan, and remove or substantially reduce the host of construction and operational requirements for facilities located in a buffer zone.

Lack of Notice. It is disappointing and unfair that the City declined to provide affected landowners notice that the SCSP might alter the zoning of their properties. Despite owning four parcels that are proposed to be downzoned, neither I, nor my business, received notice from the City regarding the publication of the draft SCSP, the circulation of the DEIR, or the public comment period on the DEIR. It should not be necessary to hire a land use specialist, such as an attorney, to learn about a potential action that could directly affect my business's property and, by extension, my livelihood. It seems unlikely that my company is the only affected landowner who did not receive notice. Others may have reasonably relied on the City's failure to provide notice

28-6

to affected landowners as indicating that their property would not be unilaterally downzoned against their wishes, as I likely would have had I not learned of the SCSP through non-official channels.

Before approving the SCSP or the DEIR, the City should first provide notice to affected landowners to ensure that they are afforded a meaningful opportunity to comment on the project and its potential environmental impacts. Landowners within the SCSP area obviously have an interest in this project and its potential to impact their properties, their businesses, and the community and therefore their participation in the decisionmaking process should be encouraged—not only to protect their legitimate property interests but also to improve the quality and integrity of the City's decisionmaking. 28-6 cont.

Conclusion

For all of the reasons mentioned above, RV Jensen urges the City not to adopt the South Central Specific Plan as currently proposed. The proposed plan will be catastrophic for my business and, in particular, our plans to expand our offerings of low- and zero-emission fuel products and services. The proposed rezone of 4335 South Maple makes no sense whatsoever and is completely contrary to the City's stated objectives for the SCSP. Further, the buffer zone concept threatens to make many new or expanded uses infeasible without giving appropriate consideration to how this will impact businesses or the extent to which it will incentivize businesses to pursue employment-generating projects in other competitive markets. 28-7

Thank you for the opportunity to comment on the proposed plan.

Sincerely,

William V. Jensen
Chief Executive Officer
Robert V. Jensen, Inc.

Enclosures

LETTER 29
San Joaquin Valley Manufacturing Alliance

Letter 29

July 24, 2024

City of Fresno Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager
Telephone: (559) 621-8062
Email: scsp@fresno.gov

Dear Ms. Pagoulatos,

On behalf of the San Joaquin Valley Manufacturing Alliance (SJVMA), I am writing to submit our comments on the South-Central Specific Plan (SCSP) and the related Environmental Impact Report (EIR). As a representative voice of the manufacturing industry in the San Joaquin Valley, we have serious concerns about the potential adverse impacts of the SCSP as currently drafted.

Who We Are and What We Do

The SJVMA is a robust coalition with over 1,450 members, including manufacturers and those that support the industry such as suppliers, educational institutions, government agencies, and nonprofits, making it the strongest organization of its kind in California. Our members have chosen Fresno for its strategic advantages, including access to a skilled workforce, affordable industrial space, and logistical benefits. These factors have enabled our members to provide quality job opportunities, contribute significant tax revenue, and support various community initiatives. 29-1

Our manufacturing businesses are integral to the local economy, serving essential industries such as agriculture, construction, and logistics. In Fresno, manufacturing companies employ over 25,000 people, accounting for approximately 10% of the city's total workforce. This diverse workforce includes a significant percentage of minority groups, reflecting the community's demographics. Moreover, the manufacturing sector contributes nearly $4 billion annually to Fresno's economy, highlighting its critical role in sustaining local economic health.

Comments on the SCSP

1. **Downzoning Concerns**
   The SCSP proposes downzoning several properties from Heavy Industrial to Light Industrial and from Light Industrial to Business Park or Regional Business Park. This shift is problematic for manufacturers serving critical industries. For example, "Animal Food Manufacturing" and "Chemical Manufacturing," essential for the agricultural sector, are not permitted in the Light Industrial zoning district. This restriction severely limits operational locations for these critical uses. 29-2

   Additionally, the lack of notification to affected property owners about these zoning changes undermines trust and deters future investment. It is essential for the City to maintain a stable and predictable regulatory environment to encourage economic growth.

2. **Buffer Zones**
   The SCSP introduces 1,000-foot buffer zones from "sensitive uses," covering nearly half of the SCSP area. These buffers prohibit certain industrial activities, convert others to conditional uses, and require extensive Health Risk Assessments. This imposes significant operational and financial burdens on businesses without clear benefits, potentially driving new industrial developments and jobs to neighboring municipalities. 29-3

3. **Mitigation Requirements**
The SCSP imposes costly and potentially infeasible mitigation measures on landowners seeking permits. These include mandatory rooftop solar installations, zero-emission truck and equipment requirements, and various infrastructure upgrades. These measures add substantial costs and operational challenges, stifling economic development and innovation. For instance, requiring all buildings over 400,000 square feet to install rooftop solar panels to supply 100% of their power needs is economically burdensome and technologically challenging. 29-4

4. **Generally Applicable Requirements**
The SCSP mandates numerous generally applicable requirements, such as zero-emission operational equipment and the use of locally sourced or recycled construction materials. While these goals are commendable, the practical implementation poses significant challenges. For example, transitioning all Class 7 and 8 trucks to zero-emission by 2026 is more aggressive than CARB's Advanced Clean Fleets regulation, imposing an undue burden on businesses. 29-5

The proposed SCSP, as currently drafted, imposes numerous onerous and economically infeasible requirements on the manufacturing industry. These measures threaten the viability of existing businesses, deter new investments, and ultimately harm Fresno's economic growth.

We urge the City of Fresno to reconsider the SCSP's proposed zoning changes, buffer zones, and mitigation requirements. It is crucial to strike a balance between environmental goals and economic sustainability, ensuring that Fresno remains a thriving industrial hub. 29-6

Thank you for considering our comments.

Sincerely,

Genelle Taylor Kumpe
Chief Executive Officer

genelle@sjvma.org
559.250.0453

Mario Persicone
Chair, SJVMA
President/CEO, Pro Laser Graphics
Director of Operations, PNM Company

LETTER 30
VALLEY IRON, INC

VALLEY IRON INC.
SINCE 1958

Valley Iron I
3114 S. Cherry A
Fresno, CA 93706

Letter 30

City of Fresno
Planning and Development Department
2600 Fresno Street, Room 3065
Fresno, CA 93721
Attention: Sophia Pagoulatos, Planning Manager
Telephone: (559) 621-8062
Email: scsp@fresno.gov

Sophia Pagoulatos, Planning Manager,

My name is Noel Briscoe and I am submitting comments on behalf of my family business, Valley Iron Inc. and our related entities - VI Properties and Briscoe Land Development Group LP on the South Central Specific Plan (SCSP) and the related Environmental Impact Report (EIR). I am writing because I am very concerned about the SCSP as currently drafted.

Valley Iron Inc. is a metal distribution company that has been in business in the City of Fresno since 1958. We operated at 2717 S. Cherry Ave from 1958-2005 and have been operating at 3114 S. Cherry Ave. from 2005 to the present day. We sell metal products – steel, stainless steel & aluminum to many industries, including OEM manufacturers, construction companies (commercial & residential), food processing plants and the general public. Many of our customers operate in the City of Fresno. Valley Iron Inc. employees approximately 130 people at the Fresno location and approximately 70% of our employees reside in the City of Fresno. Valley Iron has contributed millions in tax dollars to the City of Fresno over the last 65 years and grown from a small company of less than 10 employees to 130 employees in 2024. Valley Iron Inc. has consistently supported/donated to the following community organizations over the 65 years operating in Fresno: Fresno State University, State Center Community College District, Fresno Pacific University, Many of the High Schools Robotics Programs, Boys & Girls Club, Big Brother/Big Sisters, Hinds Hospice, Children's Hospital, Terry's House @ Community Regional Medical Center, Fresno Mission/City Center, Catholic Charities, Fresno art Museum, Habitat for Humanity, People's Church, San Joaquin Valley Town Hall, Valley PBS, Youth for Christ, Lighthouse Recovery Center, Poverello House, Building Better Communities and the Fresno Business Council. 30-1

My concerns/comments regarding the current draft of the SCSP are as follows: 30-2

Downzoning

Valley Iron Inc.
3114 S. Cherry Ave
Fresno, CA 93706

Although the SCSP and the SCSP EIR provide a total inventory of existing and proposed land uses and zoning designations under the SCSP, there is nothing in either document that specifically quantifies how many properties would be affected by these land use and zoning changes (or what the total acreage of land use/zoning changes might be). 30-2 cont.

This is of particular concern because the SCSP contemplates downzoning numerous properties from Heavy Industrial to Light Industrial and other properties from Light Industrial to Business Park or Regional Business Park. This downzoning can have wide-ranging adverse impacts to landowners who are seeking national manufacturing clients to serve the agricultural and constructions industries.

For example, Downzoning from Heavy Industrial to Light Industrial can be extremely problematic for manufactures serving the ag industry. This is because "Animal Food Manufacturing" and "Chemical Manufacturing" are not allowed in the Light industrial zoning district (or any other district in the SCSP, for that matter). These uses are critical to the ag industry, and it makes little sense to artificially limit the locations where manufacturers can engage in these operations, especially given the dearth of Heavy Industrial zoned land in the City. 30-3

Downzoning from Light Industrial to Regional Business Park or Business Park is equally troubling. For example, despite the importance of building materials and services uses to the City's construction industry, that use is not permitted in either the Regional Business Park or the Business Park zoning districts. Downzoning from Light Industrial will also result in far more difficult permitting conditions, as most manufacturing (i.e., "General Industrial"), as well as Food and Beverage Processing and Agricultural Processing uses, are allowed in the Light Industrial zoning district, but not in Reginal Business Park or Business Park zoning districts.

The City should be *encouraging* manufacturers and other businesses that serve the agricultural and construction industries, not artificially limiting the land within which they can locate.

Even though the SCSP contemplates changing the zoning of Valley Iron's property, we never received <u>any</u> notice from the City that its property rights were going to be changed. This undoubtedly means numerous other businesses and property owners were likewise not provided notice. It is unfair to property owners to change a landowners' zoning without giving them actual notice. This is especially true given that these changes could disrupt their future plans or result in existing land uses, businesses, or facilities that are inconsistent with the zoning. 30-4

Valley Iron Inc.
3114 S. Cherry Ave
Fresno, CA 93706

These proposals also interfere with the investment-backed expectations of persons who have invested in the City over the last 50 years. Equally important, such drastic changes thwart future economic investment because they signal to prospective businesses that the City is an unstable place to invest. Indeed, many manufacturers would think twice about constructing a multi-million dollar facility in a City that actively downzones properties without notifying the underlying landowners. 30-5

Valley Iron Inc. operates at 3114 S. Cherry Ave on approximately 23 acres with 250,000 square feet of warehouse and office space. Currently we are zoned Heavy Industrial and we need this designation to stay the same.
We also own approximately 14.5 acres of land directly across Cherry Ave. from Valley iron Inc. This land is in the County, but is included in the SCSP and is slated to be changed to Commercial General, which will not be conducive to our future development. The following parcel numbers make up the property:
329-180-09
329-080-10
329-180-11
329-180-12
329-180-16
329-180-30
329-180-32
329-180-30 30-6

Valley Iron Inc. has made significant investments at 3114 S. Cherry since 2005 to develop the property to support our business operation under the Heavy Industrial zoning. The current draft of the SCSP shows our facility being downzoned - we would not have purchased & developed the property had it not been zoned Heavy Industrial. If our current property is downzoned it will negatively impact our ability to further develop our facility to support our future business plans.

Valley Iron Inc. purchased the 14.5 acres on the west side of Cherry Ave. in 2018 with the intent to develop and use it to grow our metal distribution business under the Heavy Industrial Zoning shown in the General Plan. Under the current draft of the SCSP this property would be down zoned to Commercial General, which would not support or allow our future growth plans.

Buffers

The SCSP introduces the concept of "buffers," which restricts or eliminates certain types of developments within the SCSP that are within 1,000 feet of "sensitive uses." According to 30-7

Valley Iron Inc.
3114 S. Cherry Ave
Fresno, CA 93706

the City's maps, these buffers cover nearly half of the entire SCSP area. The City should decline to incorporate buffers into the SCSP.

We are very concerned about the buffer concept. The buffers would prohibit certain warehousing and distribution uses (chemical and mineral storage; freight/truck terminals), and convert other uses ("Limited Industrial" and most warehouse and distribution uses) to conditional uses. In addition Health Risk Assessments must be prepared for any and all industrial processes, construction, and operations, regardless of the intensity of the land use or the likelihood of adverse health impacts. (SCSP EIR, Mitigation Measures 4.3-3a, 4.3-3b, 4.3-3c.)

All land uses within the buffer must also "meet CARB criteria for zero or near zero emissions facilities," imposing a significant burden on local businesses, without actually describing or alerting the public what that actually means. 30-7 cont.

We are also concerned about the size of the proposed buffers. If buffers are incorporated, they should be the exception, not the rule. According to the maps, however, the proposed buffers would take up nearly half the space of the SCSP. Moreover, the buffers appear to have been artificially inflated because the SCSP contemplates changing the zoning of numerous properties from Light Industrial to Residential (simply due to the presence of an isolated house). For example, an entire buffer area has been created in the center of the industrial triangle due to 1-2 isolated residences on Annadale Avenue. It is unclear how the City could spot zone a small number of isolated parcels to residential and then use that rezoning to impose restrictions on a much larger group of landowners.

We are also unaware of any city or county near Fresno that has adopted 1,000-foot buffers. Because there is significant demand for industrial development in the City, and few places in the City to actually build, the adoption of buffers would simply mean that new industrial developments—and the jobs they create—go to other nearby municipalities. As a longtime Fresno business, we cannot support any policy that would undermine the success of Fresno as an industrial hub or that would incentivize our workforce to move elsewhere. 30-8

The buffers proposed in the current draft of the SCSP would have a negative impact on Valley Iron's operation and future growth. There are 6 residential houses directly across the street (west) from Valley Iron, 2 of which we already own and could demolish once the tenants have been properly vacated. The other 4 houses could be purchased by us and be demolished, so the residences that might impact us could go away and neutralize the buffering requirement. Other businesses in the SCSP may not have the ability to remove the residences around them, but they should not be affected by a buffer. The City of Fresno allowed all the businesses in the SCSP to start up and grow with the residences in place - changing the rules now is not acceptable. 30-9

There is also a religious Sikh temple on the corner of North & Cherry Ave. that could potentially impact Valley Iron Inc because of the potential buffering. The City of Fresno has approved the Sikh temple to expand their facility several times over the last couple decades knowing that the temple is surrounded by Heavy Industrial businesses. To now penalize the neighboring businesses for the temple's location is just wrong. The temple chose their location, Valley Iron and other businesses chose their location – the City approved ALL (businesses & the Temple) of the facilities, operations and growth projects, therefore the current draft of the SCSP regarding a buffer around the Temple to the north of Valley Iron is unjust and should not be allowed. Changing the rules after development has been completed is unacceptable. 30-10

Improvements/Mitigation that May Be Practically Infeasible.

Solar Infrastructure: 30-11

- Buildings over 400,000 square feet must "ensure rooftop solar panels are installed and operated in such a manner that they will supply 100% of the power needed to operate [the non-refrigerated] portions of the facility including the parking areas." (SCSP at 75.)
    - All other buildings shall have solar-ready roofs, "which includes designing and constructing buildings in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic (PV) system at some point after the building has been constructed." (SCSP at 75.)
    - All other buildings must "demonstrate their capacity to include energy production and storage features on-site, including" on-site solar panels. The amount of renewable energy needed is based on the needs of the development, serving at a minimum 50% of the energy demand. (SCSP EIR, Mitigation Measure 4.6-1d.)

This part of the current draft of the SCSP is complete overreach – Adding solar equipment to a facility/project is strictly the developer's choice, not something that should be mandated by the City of Fresno. Valley Iron has solar equipment on top of it's warehouses because we analyzed it and it made financial sense for us to install. The City of Fresno has

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no business mandating solar equipment for commercial development as solar does not always make financial sense to a business. 30-11 cont.

Required Transition to Zero Emissions Trucks:

- All future tenants of new and redeveloped commercial and industrial land uses must ensure all Class 7 and 8 trucks are "model year 2014 or later . . . ." After December 31, 2026, all trucks must be transitioned to "zero-emission vehicles," subject to the Planning Director's discretion. (SCSP EIR, Mitigation Measure 4.2-1h.) The developer or the business is also responsible for ensuring "that adequate electrical infrastructure is provided to allow for the transition to electric heavy-duty trucks." (*Id.*)

- This is far more aggressive than CARB's Advanced Clean Fleets ("ACF") regulation, which allows high-priority fleets to purchase at least some trucks other ZEVs until 2035. 30-12

- Moreover, unlike the ACF regulation, which only applies to some fleets, the City's Mitigation Measure applies to ***all*** discretionary permits for commercial and industrial land uses within the SCSP.

- The City requires an equally aggressive phase-in schedule (more aggressive than CARB's ACF regulation) for Class 2-6 Trucks, requiring full electrification of the fleet by December 31, 2031. (SCSP EIR, Mitigation Measure 4.3-1i.)

  This part of the current draft of the SCSP is complete overreach. This type of regulation is already handled by CARB – The City of Fresno has no business getting involved in this type of regulation and attempting to adopt stricter regulation than what the State of California is mandating.

Promotion of Passenger EVs for Customers/Employees:

- "At least 10% of all passenger vehicle parking spaces shall be electric vehicle (EV) ready," and at "least 5% of all passenger vehicle parking shall be equipped with working Level 2 Quick charge EV charging stations installed and operational, prior to building occupancy," regardless of employee or customer demand for such spaces. (SCSP at 75.) 30-13

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This part of the current draft of the SCSP is overreach. The % of EV parking is way too aggressive and will drive cost up significantly on the developer. Technology is changing quickly and it is not The City of Fresno's place to mandate EV charging stations for private businesses – what if Hydrogen turns out to be the fuel of the future and we have millions of dollars of EV charging stations going unused? 30-13 cont.

Zero Emissions Equipment:

- "On-site motorized operational equipment shall be ZE (zero emission)." (SCSP at 75.)

Again – SCSP draft overreach. This is CARB's decision, NOT the City of Fresno. 30-14

Construction Fleets/Equipment/Materials:

- All "construction contractors shall demonstrate that they shall use the cleanest available fleet of heavy-duty equipment" after submitting "Construction Clean Fleet" paperwork to the San Joaquin Valley Air Pollution Control District. And "[a]ll on-site yard trucks and forklift shall be powered by electricity." (SCSP EIR, Mitigation Measure 4.3-1B.)

- The SCSP requires an applicant to "deploy the highest rated CARB Tier Technology that is available at the time of construction," subject to discretionary waivers by the Planning Director. (SCSP at 76.)

- The required use of "electric-powered hand tools, forklifts, and pressure washers." (SCSP at 76.)

- Prohibition of diesel-powered generators for construction. (SCSP at 76.)

- Required to use at least 20% locally sources or recycled materials for construction materials, and wood products used should be certified through a sustained forestry program. (SCSP EIR, Mitigation Measure 4.8-1b.)

ALL the above is overreach as currently drafted in the SCSP. CARB/State of CA & SJVAPCD already regulates all the trucks, powered equipment and tools, etc.
The City of Fresno has no business attempting to enforce stricter regulation than the State level. 30-15

The last bullet point regarding sourcing of materials and sustainability would create added cost and more unnecessary paperwork to prove sourcing and sustainability. The 30-16

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State of CA already has programs in place to govern construction materials depending on public vs private nature of the project. 30-16 cont.

Other Infrastructure Improvements:

- Unless a property owner records a covenant stating the property prohibiting refrigerated warehouse space, "a conduit shall be installed during construction of the building shell from the electrical room to 100% of the loading dock doors that have the potential to serve refrigerated space." In addition, all dock doors serving TRU units must include "electric plug-in units." (SCSP at 75.)

- The construction of a secondary electrical room (or sizing one electrical room 25% larger than required) to accommodate additional electrical panels. (SCSP at 76.) 30-17

- For all industrial land uses that do not use natural gas as part of a manufacturing process, "no natural gas infrastructure shall be permitted." (SCSP EIR, Mitigation Measure 4.3-1k.)

This is overreach as currently drafted in the SCSP. The City of Fresno has no business mandating the scope of the electrical plans and or the use of natural gas for every new building being constructed. The owners/developers/engineers & architects design the building for their intended use – NOT The City of Fresno.

Further Studies:

- Business owners and/or their consultants must perform noise studies for any new development, regardless of how close they are to sensitive receptors. (SCSP EIR, Mitigation Measure 4.12-2a.)

This part of the current draft of the SCSP is unnecessary. If there is no sensitive receptor near the project, the City of Fresno is simply mandating the developer to waste money on a noise study that is not going to result in any mitigation needs. 30-18

The current draft of the SCSP should be scrapped and completely reworked. My family has built Valley Iron Inc into one of the largest metal distributors in California over many decades and we have invested heavily in the City of Fresno. We pay our taxes, we have increased the number of jobs we provide, and we give back to the community in many, many ways throughout every year. The SCSP as drafted would have a negative impact on our ability to continue to operate and grow our business in the City of Fresno. 30-19

VALLEY IRON INC.
SINCE 1958

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The City of Fresno must create and implement a version of the SCSP that firmly supports existing businesses, as well as attracts new businesses. As currently drafted, the SCSP is full of overreach and will penalize many of the existing businesses that have been investing in Fresno for decades and it will certainly make the City of Fresno very unattractive to new investors/developers. There are several other Cities along the 99 corridor that are competing for new business, and they are not implementing plans like the current draft of the SCSP. 30-19 cont.

Thank you for your consideration,

Noel Briscoe
President & CEO
Valley Iron Inc

LETTER 31
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Letter 31

July 30, 2024

VIA EMAIL [scsp@fresno.gov] & UNITED STATES MAIL

Sophia Pagoulatos, Planning Manager
Planning and Development Department
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Re: Comments on South Central Specific Plan

Dear Ms. Pagoulatos:

Thank you for providing the opportunity to submit comments on the City of Fresno's (the "City") Draft South Central Specific Plan (the "SCSP") and the related Draft Environmental Impact Deport (the "DEIR"). As you are aware, my law firm represents numerous businesses and landowners located within the boundaries of the South Central Specific Plan (the "SCSP"). 31-1

In short, the SCSP and the DEIR would downzone numerous industrial properties—even though the SCSP area has been an industrial reserve for over a century;[1] impose onerous, infeasible, and unusual requirements on property owners and tenants unlike those of any other city in the Central Valley; effectuate impermissible spot zoning by rezoning isolated properties to residential districts; create restrictive 1,000-foot buffers from sensitive receptors that 31-2

[1] SCSP, 2 ["Beginning as early as 1918, the City of Fresno has recognized the area's economic importance and from 1956 onward has planned for industrial development through several iterations of the Fresno General Plan . . . ."].)

would apply to roughly half the properties within the SCSP; and continue the practice of reducing and eliminating employment-generating industrial zoning across the City. 31-2 cont.

Due to its central location and proximity to transportation corridors, the City has long been the preferred destination in the Central Valley for economic investment. Over the past several years, however, developers, investors, and national tenants have instead chosen other communities—primarily the City of Visalia, the City of Madera, and the County of Tulare. As explained in the accompanying expert report prepared by Ethan H. Smith of Newmark, this shift has largely been driven by the perception of the City as an exceptionally challenging permitting and business environment. (See generally Attachment A.) 31-3

The SCSP will only reinforce these trends, and it should not be adopted as currently envisioned. The City should instead seek to build consensus with its job creators. The City should reach out to landowners to determine whether they want their properties downzoned. The City should meaningfully engage with industry regarding feasible mitigation measures. And it certainly should not consider policies or practices that will drive jobs and investment away from the City.

A. The City Should Not Downzone Properties Without Notice to, or Approval of, Affected Landowners and Businesses

For over a century, the area within the SCSP ("Plan Area") has been designated primarily for industrial land uses, reflecting sound planning principles. The area is adjacent to transportation corridors and is located on the southmost, sparsely populated periphery of the City. The residents within the Plan Area "are located primarily in pockets of development along the outer edges of the area." (DEIR, 5-12.) This longstanding vision of the Plan Area as an industrial reserve has allowed it to thrive as the City's primary economic engine.[2] While it comprises less than 7.5% of land in the City, and includes only 0.34% of the City's population, it contributes roughly 21% of the City's tax revenue: $102.7 million annually. The area's 440 businesses, representing 124 different sectors of the economy, account for approximately 25% of the City's jobs and more than $13 billion in annual economic activity. 31-4

Despite this, one of the primary planned consequences of the SCSP is to downzone properties away from heavy and light industrial land uses. These efforts are especially prevalent in the undeveloped eastern, western, and southern peripheries of the SCSP—exactly where new development would occur. (See SCSP, Figures 4-3, 4-7.) The City should not limit potential uses in exactly those areas where development is likely to occur.

In addition to the adverse consequences for economic development, the City should also decline to authorize any rezones in the SCSP because the City declined to provide affected landowners with notice that the zoning of their properties would be changing. It is unclear why this did not occur. I frequently attend City Council, Planning Commission, and Project Review Committee meetings. At virtually every one of those meetings, the elected and appointed 31-5

[2] https://www.investfresnoca.com/economicimpact

representatives of the City stress the importance of early and persistent outreach by both the City and project applicants to the community. Here, however, although the SCSP contemplates the rezoning of numerous properties within the Plan Area, I am unaware of a single affected landowner or business that received notice directly from the City regarding the publication of the draft SCSP, the circulation of the DEIR, or the public comment period on the DEIR—much less a communicating stating their underlying zoning and land use designation would change. 31-5 cont.

Landowners should not be required to hire a land use specialist, such as an attorney, to learn about a potential action that could directly affect their property. The City should instead directly advise landowners that their zoning will change. And this notice should not simply be a one-page document providing notice of a plan amendment. Rather, since most lay people are not familiar with technical planning principles, or understand that such a plan amendment could affect their property rights, the City should instead directly advise landowners and businesses—in plain language that a lay person can understand—that the City's actions would impact their zoning.

Direct notice in plain language is critically important. Downzoning can have a devastating impact on landowners and employers whose properties are rendered inconsistent with the underlying zoning. (Attachment A, p. 4.) Downzoning diminishes the ability to attract the reputable, responsible, and well-capitalized businesses. (*Id*.) It can likewise result in an event of default on existing loans. (*Id*.) Moreover, rezoning that results in non-conformities makes it nearly impossible to receive conventional financing (including capital improvements necessary for ongoing maintenance, beautification, and clean energy improvements). (*Id*.) And it is far more difficult to sell properties with legal non-conforming uses.) (*Id*.)

Although the Legal Non-Conforming Use provisions of the City's Development Code provide some limited protections for legal non-conforming uses, those protections are exceptionally limited for industrial landowners. For example, if an industrial legal non-conforming use ceases for more than 90 days, the use is no longer legal. This is insufficient for a landowner to change tenants even under the best of circumstances; during an economic downturn, however, it virtually ensures the legal non-conforming status will be lost. (See City of Fresno, Development Code, § 15-404(F)(2); Attachment A, p. 4.) Similarly, a landowner cannot change from one legal non-conforming use to another (such as converting manufacturing space to warehouse space). (See *id*. at § 15-404(D).) Further, enlargement of a legal non-conforming use can only occur subject to a conditional use permit ("CUP"), which eliminates the ability to attract reputable, national, industrial tenants and further diminishes the ability to re-let industrial properties. (See *id*. at § 15-404(B); Attachment A, p. 4.) 31-6

This issue is not limited to developed properties or nonconformities. Landowners acquire land with an investment-backed expectation based largely on the property's zoning. By eliminating potential uses, or changing the possible uses, for a property, or making certain uses subject to a CUP, rezoning property carries a strong likelihood of interfering with landowners' investment-backed expectations, especially when the rezone is against their will. (See Attachment A, p. 4.) Further, by changing the zoning of a property without landowner/business approval, the City sends the message to all those seeking to invest in Fresno that the City's zoning process is

unstable and their investments are not safe. (*Id.*) Because California's unemployment rate is among the highest in the nation,[3] and the County of Fresno's rate is among the highest in California,[4] the City should be encouraging—not discouraging—investment and job creation. 31-6 cont.

B. Because the City Has Been Eliminating Light and Heavy Industrial Zoning Across the City, Very Little Land Remains Available for Industrial Development

Over the past several years, the City has been gradually eliminating industrial zoning districts throughout the City and its planning area. For example, the 2017 Southwest Specific Plan ("SWSP") eliminated all industrially-zoned property from the plan area.[5] The Central South Area Specific Plan ("CSASP") likewise does not include any properties zoned industrial within the relevant plan area.[6] The West Area Neighborhoods Specific Plan land use map shows less than five small properties—all adjacent to S.R. 99 and containing existing development—as zoned light industrial, with no heavy industrial zoning.[7] The Southeast Development Area Specific Plan includes no proposed industrially-zoned properties.[8] And aside from a small handful of properties along the S.R. 180 corridor in West Fresno, along Golden State Boulevard in Northwest Fresno, and within the Palm Bluffs area, there are no undeveloped industrial-zoned properties elsewhere in the City. There is currently little room for industrial growth or expansion within the City's jurisdictional boundaries. The only land available for industrial development is within the SCSP. Yet the SCSP now contemplates downzoning most undeveloped land within the Plan Area. The dearth of land available for heavy and light industrial development in the City will not only reduce economic investment in the City, it will steer economic investment elsewhere. (See Attachment A, pp. 4–8.) 31-7

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3 https://apnews.com/article/california-highest-unemployment-slower-job-growth-b1e4c822b33f29f819dbb024103cc843

4 https://edd.ca.gov/en/about_edd/news_releases_and_announcements/unemployment-may-2024/

5 https://opr.ca.gov/docs/20200624-Southwest_Fresno_Plan-case-study.pdf ["Key outcomes of the SWSP development process include a new zoning map that prohibits further industrial development in the community"].

6 https://www.fresno.gov/wp-content/uploads/2023/03/Fresno_Central_Southeast_Area_Subsequent_MND_signed.pdf

7 https://www.fresno.gov/wp-content/uploads/2023/05/2023-Planned-Land-Use-Map.pdf

8 https://www.fresno.gov/darm/wp-content/uploads/sites/10/2022/03/SEDA-Landuse-Map.pdf

C. Further Assessment of the SCSP's Impacts on Local Businesses is Required

1. The City's Market Demand Assumptions Are Not Supported by Substantial Evidence

The City retained Economic & Planning Systems, Inc. ("EPS") to prepare a nonresidential real estate market analysis (the "Market Analysis") to support planning efforts and environmental review. (DEIR, Appx. A, p. 1.) The Market Analysis was intended to "provide context for the EIR related to the scale and type of land uses that can be supported through the study horizon (2040)," thereby "ensuring that development totals allow for appropriate environmental analysis and mitigation measures, as necessary," and to "inform land use regulations" so that the Project could "develop according to the vision described in the Specific Plan while aligned with market demand." (*Id*. at 2.) The Market Analysis relied on projected employment growth and long-term historical growth of non-residential development to estimate development demand over the planning horizon, (*id*. at 35), assuming that "foundational market conditions fall within normal parameters" during that time. (*Id*. at 38 fn. 41.) Based on this methodology, the Market Analysis estimated "demand for approximately 350 acres (about 6.0 million square feet of new [nonresidential] development) through 2040" within the Plan Area. (*Id*. at 45.) 31-8

In reaching this conclusion, the Market Analysis acknowledged that development in the Project Area would be "heavily influenced" by "individual landowner decisions and investor objectives" and therefore "there is every possibility that the specific actions of one or more development interests may contribute to outcomes that vary from the land use demand estimates in th[e] [Market] Analysis." (*Id*. at 35.) To account for this uncertainty, EPS recommended application of a 30% contingency factor to the base non-residential demand estimate, finding this "would be appropriate to allow for a conservative evaluation of environmental impacts and identification of mitigation measures." (*Id*.) This resulted in estimated non-residential development demand in the Project Area "for about 456 acres (about 7.8 million square feet of new development) through 2040." (*Id*. at 45.) The City, however, declined to use this figure, and instead directed its environmental consultant "to recalibrate a target buildout to reflect ***twice*** the market demand estimated by EPS in order to capture the level of demand the City anticipates could happen with the adoption of this Plan." (SCSP, p. 10 [emphasis added].) Nor did the City take into consideration the challenging permitting conditions industrial applicants face in the City. 31-9

There is no substantial evidence to support the City's assumed market demand. It is important that the estimate be correct. If too high, it could overstate the potential environmental effects of the SCSP, resulting in unnecessary mitigation without a nexus or substantial relation to any environmental impact. (See DEIR, Appx. A, p. 45 ["EPS recommends a 30 percent contingency factor would be appropriate to allow for a conservative evaluation of environmental impacts and identification of mitigation measures."].) If too low, it could understate the environmental and economic consequences of employment generating land uses moving outside the City, as explained below. Under any circumstance, the City should endeavor to use a figure

for market demand that is supported by the evidence. Because that did not occur, the DEIR is flawed. (See *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1197 ["[An] EIR must contain facts and analysis, not just the bare conclusions of the agency."].) 31-9 cont.

2. The SCSP if Adopted Will Frustrate the City's Ability to Capture Market Demand

Although the City has long been the preferred destination in the Central Valley for investment in new industrial land uses, the last several years have seen the City's industrial inventory stagnate and the inventories in other nearby cities skyrocket. According to the Market Analysis, the inventory of industrial space in the Plan Area has remained static since 2018. (See DEIR, Appx. A, p. 28, Table 9; see also DEIR, p. 4-2 ["conditions in the Plan Area have not changed substantially since" the NOP was circulated in 2019].) This is not due to a lack of demand; to the contrary, the vacancy rate for industrial properties has been less than 5% since 2018, and it was only 1% in 2021. (See *id*.) It is likewise not due to a dearth of land zoned for industrial uses; rather, Figure 4-3 in the SCSP shows a large number of undeveloped properties within the City zoned industrial.

The simple truth is the City is a difficult permitting environment for employment-generating land uses. (See Attachment A, pp. 5–6.) The Market Analysis directly acknowledges the causal connection between land use policies and demand absorption, finding the City's "policies and strategies also affect the types of industries that locate in the City and the real estate they demand." (DEIR, Appx. A, p. 22.) The Market Study likewise finds "land demand estimates" are "informed by land use regulations that support desired development," as well as "streamlined permitting requirements, the availability of 'shovel-ready' land, and, in the case of large-scale office and industrial users, an interest among corporate decision makers in the area to locate in the Project (as opposed to the competitive markets discussed previously) . . . ." (*Id*. at 35.) 31-10

Both internal and external issues unique to the City directly affect its ability to absorb demand for industrial uses. For example, there is little to no "shovel-ready" land in the City, as the City characterizes virtually any development permit as "discretionary" and thus subject to both CEQA and appeal to the City Council. (See Fresno Municipal Code, §§ 15-5206, 15-5207, 15-5208.) Even for land uses that are technically "permitted," those land uses are not "by right." (See *id*. at § 15-5207.) This attracts project opponents, and this requires industrial applicants to be overly conservative with respect to their choice of environmental documents. The result has been that, over the past decade, most industrial projects within the City result in the preparation of an environmental impact report.[9]

[9] See https://ceqanet.opr.ca.gov/Search?StartRange=2014-07-18&EndRange=2024-07-18&LeadAgency=Fresno%2c+City+of&City=Fresno&DevelopmentType=Industrial; see also https://fresnochamber.com/news/unraveling-fresnos-industrial-development-from-warm-welcome-to-present-challenges-economic-growth-expansion-businesses-operational-

Further, the California Attorney General's office has appointed counsel to oversee the City's land use decisions, objected to ***existing*** industrial developments,[10] and hired local advocates who previously objected to industrial development in the City.[11] Since 2018, virtually any land use decision perceived as furthering the interests of industrial development has attracted litigation by a wide range of interests.[12] And the City has recently made zoning decisions to convert new industrial developments into legal nonconforming uses.[13] 31-10 cont.

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comparative-advantages-fresno-fresnocounty/ [observing that "[f]rom the early 2000s to the mid-2010s, developers encountered no problem in obtaining city approval for building projects in areas appropriately zoned to accommodate spaces for light to heavy industrial"].)

[10] https://oag.ca.gov/system/files/media/2022-10-12-ago-ltr-southwest-fresno-rezone-project.pdf

[11] https://gvwire.com/2024/02/07/leading-fresno-environmental-justice-attorney-joins-state-ags-office/

[12] The following links provide just a handful of examples:

https://leadershipcounsel.org/south-fresno-residents-take-historic-action-against-caltrans-and-federal-highway-administration-over-toxic-highway-interchange-expansions/

https://www.fresnobee.com/news/local/article203120414.html

https://sjvsun.com/news/fresno/100mil-southwest-fresno-warehouse-development-faces-environmental-lawsuit/

https://fresnochamber.com/news/industrial-zoning-dispute-continues-for-some-elm-avenue-properties/

https://fresnoland.org/2022/10/13/city-council-approves-location-of-busseto-food-plant-in-southwest-fresno/

https://leadershipcounsel.org/wp-content/uploads/2021/11/Verified-Petition-Complaint_South-Fresno-Community-Alliance-v.-City-of-Fresno.pdf

https://leadershipcounsel.org/wp-content/uploads/2022/06/MC3-Draft-Plans-Comment-Letter-1.pdf

https://leadershipcounsel.org/city-of-fresno-remove-light-industrial-zoning-in-the-proposed-plan-amendment/

https://leadershipcounsel.org/press-release-south-fresno-residents-fight-back-against-warehouse-development-secure-protections/?utm_source=rss&utm_medium=rss&utm_campaign=press-release-south-fresno-residents-fight-back-against-warehouse-development-secure-protections

[13] https://thebusinessjournal.com/southwest-fresno-industrial-rezone-project-pushed-back/

The City's competitors have directly benefitted from the City's inability to entitle additional industrial projects—all of whom have enjoyed rapid growth in available industrial space since 2018. (See, e.g., DEIR, Appx. A, p. 30 ["Since 2018, development in the area [of the Visalia Industrial Park] has intensified rapidly, with several developments each containing more than 1 million square feet currently under construction or seeking planning entitlements, largely consisting of logistics and distribution hubs for national firms such as Amazon and UPS."]; *id.* ["As of May 2022, existing industrial buildings in the [Madera Industrial District] area contained approximately 2.5 million square feet of floor area."]; Attachment B [finding "tenant and buyer demand has slowed" in Fresno whereas Visalia has become "the development capital of Central California" with "fi[ve] consecutive year[s] of over 1 million square feet of commercial space constructed, most of it industrial" and "Madera County's industrial momentum remains positive"].)[14] As the Market Analysis explains: 31-10 cont.

> Within approximately 30 miles or less of the SCSP area, there is at least 27.4 million square feet of industrial development, with an estimated 49.6 million square feet of industrial development capacity in these areas. Including developments over 30 miles from the SCSP along SR-99, there is at least 43.5 million square feet of existing industrial development with capacity for 103.9 [million] further square feet. With [one] exception . . . , all of these developments are within close proximity to SR-99, and all allow a variety of office and industrial uses, enabling them to compete with the SCSP for a wide variety of business, including manufacturing, warehousing, and logistics and distribution centers.

(DEIR, Appx. A, p. 27.)

In the comment period on the Notice of Preparation for the DEIR, the City received comments demonstrating that, to be an adequate document, the DEIR should evaluate the potential impacts associated with industrial businesses locating outside the City.[15] Despite (i) having received these comments, (ii) the Market Study's acknowledgement that the City's ability to absorb demand is directly affected by adverse permitting conditions, and (iii) the fact that the City's industrial inventory has stagnated during a time of one percent vacancy rates while other 31-11

https://gvwire.com/2023/06/01/fresno-companies-say-theyve-been-left-out-of-citys-rezoning-discussions/

[14] See also https://fresnochamber.com/news/unraveling-fresnos-industrial-development-from-warm-welcome-to-present-challenges-economic-growth-expansion-businesses-operational-comparative-advantages-fresno-fresnocounty/ [stating that "recent opportunities that could have greatly benefited Fresno's economy instead found their way to the cities of Madera and Visalia"].

[15] https://www.fresno.gov/wp-content/uploads/2023/03/Comments-Received-SCSP-EIR-Scoping-Period-20210324-20210514.pdf

cities have admittedly captured that demand, neither the DEIR nor the Market Study endeavor to assess the likelihood that the City's competitors will continue to capture that demand.

This is of significant concern because the SCSP and the DEIR interfere with the investment-backed expectations of industrial landowners and businesses, and seek to impose unusual and infeasible requirements on industrial land uses that are far more onerous than those applied by the City's competitors, as shown below:

SCSP & DEIR Requirements	City of Madera	City of Visalia	County of Tulare
The SCSP contemplates the downzoning of properties from IH/IL to more restrictive zoning districts. (SCSP, Figure 4-7.)	N/A	N/A	N/A
The SCSP contemplates the creation of buffers for approximately half the plan area that would restrict certain land uses, and make others subject to CUPs. (SCSP, Figure 5-2; see also Attachment C	No buffers; just 10 foot setbacks	No buffers; just 10 to 20 foot setbacks and 7 to 8 foot solid wall for industrial properties adjoining residential uses	No buffers; just 5 to 20 foot setbacks and six foot solid wall for industrial properties adjoining residential uses
In buffer areas, compliance with CARB "zero or near zero emission facility" requirements in the California Sustainable Freight Action Plan	N/A	N/A	N/A
Buildings over 400,000 square feet must have a truck operator lounge with amenities. (SCSP, Policy (m).)	N/A	N/A	N/A
Building over 400,000 square feet must install rooftop solar sufficient top power 100% of the non-refrigerated areas of the facility, including parking areas. (SCSP Policy (q). For other buildings, inclusion of on-site clean energy commensurate	N/A	N/A	N/A

31-11 cont.

with at least 50% of the demand needed for future development. (DEIR, Mitigation Measure ("MM") 4.6-1d.)			
All motorized operational equipment must be zero emissions. (SCSP, Policy (n).)	N/A	N/A	N/A
All rooftops must be designed to be capable of accommodating rooftop solar. (SCSP, Policy (o).)	N/A	N/A	N/A
Cool/Low VOC surfaces are required for new construction. (SCSP, Policies (u), (w).)	N/A	N/A	N/A
Construction of redundant warehouse electrical rooms. (SCSP, Policy (v).)	N/A	N/A	N/A
Requires highest available CARB tier technology for construction equipment. (SCSP, Policy (y).) Requirement to use cleanest available construction equipment. (DEIR, MM 4.3-1b.)	N/A	N/A	N/A
Obligation to reduce emissions through Voluntary Emissions Reduction Agreements (VERAs) with the SJVAPCD. (DEIR, MM 4.3-1a.)	N/A	N/A	N/A
Class 7-8 vehicles domiciled on property must be fully electrified by December 31, 2026. (DEIR, MM 4.3-1h.) Infrastructure to support ZEVs must also be installed. (*Id.*)	N/A	N/A	N/A

31-11 cont.

Landowners must begin to convert Class 2-6 vehicles domiciled on property to ZEVs at the start of operations, and transition the entire fleet to ZEVs by December 31, 2031. (DEIR, MM 4.3-1i.)	N/A	N/A	N/A
Prohibition of natural gas except for processing. (DEIR, MM 4.3-1k.)	N/A	N/A	N/A
Mandatory Health Risk Assessments within buffer areas. (DEIR, MM 4.3-3a, 3b.) Prohibition of loading/unloading within 1,000 feet of sensitive receptors, depending on the results of the HRA. (DEIR, MM 4.3-1c.)	N/A	N/A	N/A
Mandated use of low-carbon concrete. (DEIR, MM 4.8-1a.)	N/A	N/A	N/A
Mandated use of locally sources or recycled construction materials. (DEIR, MM 4.8-1b.)	N/A	N/A	N/A
Site characterization, investigation, and remediation as a condition of development. (DEIR, MM 4.9-1d, 1e, 1i.)	N/A	N/A	N/A
Mandatory noise studies, regardless of likelihood of potential impacts. (DEIR, MM 4.12-2a.)	N/A	N/A	N/A

31-11 cont.

Individually and cumulatively, these measures will continue the outward drift of businesses and jobs to other communities. From a policy perspective, the City should not allow this to occur. At the very least, however, the DEIR must assess the impacts associated with the City's market demand being captured by other nearby cities so that decision makers can make an informed decision regarding the tradeoffs inherent in the proposed project. 31-12

3. The DEIR Fails to Assess the Environmental Consequences of Other Cities Capturing the City's Market Demand

"The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project." (*Banning Ranch Conservancy v. City of Newport Beach* (2017) 2 Cal.5th 918, 937; see Pub. Res. Code, §§ 21061, 21002.1(a).) Thus, "CEQA procedures 'are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.'" (*Id*. [quoting Pub. Res. Code, § 21002]; see also CEQA Guidelines, §§ 15126.4, 15126.6, 15131(c).)

The downzoning of numerous properties and the imposition of infeasible requirements far more onerous than those of the City's competitors makes it highly likely that other local communities will not only continue to capture the demand for industrial development within the Central Valley but do so at an increasing rate. (See Attachment A, pp. 5–8.) This would not only have permanent and severe economic consequences, it would also have serious environmental consequences. For instance: 31-13

Vehicle Miles Traveled. The Market Study concludes that the "City is projected to add up to 216,000 residents and nearly 70,000 employees by 2040," and that the demand for industrial land uses in the Plan Area would account for over 10% of those jobs: approximately 7,100 additional jobs. (DEIR, Appx. A, pp. 4–5.)[16] If the City remains unable to entitle industrial projects and does not increase its available inventory of industrial space—which is reasonably foreseeable, and highly likely, given the SCSP plans to make development even more difficult than it already is—***those jobs will go elsewhere***. (See Attachment A, pp. 3–8.) That means City residents who would have otherwise enjoyed a short commute to South Central Fresno would instead be required to drive an additional 30 miles each way to Madera, Visalia, or Goshen. This

[16] Notably, the projected population growth assumed in the Market Analysis and DEIR is inconsistent with positions the City has previously taken on this issue. (See https://gvwire.com/2024/01/29/is-fresno-done-growing-mayor-dyer-calls-for-halt-to-city-support-of-southeast-expansion/ [reporting that City officials put approval of Southeast Development Area Plan on hold, citing "lagging population forecasts [that] don't justify the outward growth"]; see also

https://www.fresnobee.com/opinion/readers-opinion/article287210260.html;

https://www.fresnobee.com/opinion/readers-opinion/article284875172.html.)

would result in an additional 426,000 daily vehicle miles traveled and, assuming 260 work days/year, ***over 110 million additional vehicle miles traveled annually***. Despite this, there is no analysis of this potential impact in the DEIR.

Air Quality/Greenhouse Gas Impacts. Employees being required to travel daily from Fresno to communities such as Madera, Visalia, and Goshen for work would likewise increase criteria pollutant emissions and greenhouse gas emissions. Despite this, there is no analysis of the impacts associated with Fresno residents being required to drive to these locations.

31-13 cont.

Agricultural and Forestry Resources. Impact 4.2-1 concludes that development within the Plan Area would "likely . . . result in conversion of existing Prime Farmland and Farmland of Statewide Importance to non-agricultural uses" and that this would result in a significant impact. (DEIR, 4.2-7.) While there are some agricultural uses in the Plan Area, many of the undeveloped properties are not active farms. This is in contrast to the land available for industrial development by the City's competitors—virtually all of which are comprised of existing agricultural uses. In other words, by driving industrial development elsewhere, the City will actually ***increase*** the conversion of farmland at a regional and particularly a cumulative level. Despite this, there is no analysis of this potential impact in the DEIR.[17]

4. The SCSP Does Not Meet the Project Objectives and the Project Description is Inadequate

31-14

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal and weigh other alternatives in the balance." (*South of Market Community Action Network v. City and County of San Francisco* (2019) 33 Cal.App.5th 321, 332.) Thus, "[a]n accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185; see *Southwest Regional Council of Carpenters v. City of Los Angeles* (2022) 76 Cal.App.5th 1154, 1173 [same].) "A project description that gives conflicting signals to decision makers and the public about the nature of the project is fundamentally inadequate and misleading." (*South of Market*, *supra*, 33 Cal.App.5th at 321.) Similarly, "[a] curtailed, enigmatic or unstable project decription draws a red herring across the path of public input." (*County of Inyo*, *supra*, 71 Cal.App.3d at 198.) A project description must include, among other things, "a statement of the objectives sought by the proposed project." (*Id.*; see CEQA Guidelines, § 15124, subds. (b), (c).) A clear statement of objectives is crucial to "develop a reasonable range of alternatives" and to "aid the decision makers in preparing findings or a statement of overriding

[17] The fact that some of the requirements that would continue the outward migration of industry is "mitigation" identified in the DEIR is immaterial. CEQA requires the discussion and evaluation of potentially significant environmental effects caused by mitigation measures themselves. (CEQA Guidelines, § 15126.4(a)(1)(D); *Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)

considerations." (CEQA Guidelines, § 15124(b); see also *id*. at §§ 15126.6(a), 15021(d); Pub. Res. Code, § 21081.)

The DEIR includes several Project Objectives, most of which concern the stimulation of economic development and the creation of jobs. (See DEIR, pp. 2-1–2-2 [objectives include to "[s]timulate economic development . . . [by] attract[ing] development," to "provide diverse employment," to "[p]reserve the viability of existing industrial and manufacturing operations in the Plan Area," and to "improve Plan Area infrastructure . . . [by] expand[ing] the supply of 'shovel-ready' sites"].) The SCSP, however, does not meet the Project Objectives for the following reasons:

- Because the SCSP and the DEIR impose requirements that are far more drastic and unlike any requirements adopted by any local governments that compete with the City for industrial development, substantial evidence does not support the conclusion that the SCSP would stimulate economic development. In fact, the SCSP would continue and exacerbate existing low vacancy rates and stagnated industrial development.

- Because the SCSP and the DEIR impose requirements that are far more drastic and unlike any requirements adopted by any local governments that compete with the City for industrial development, substantial evidence does not support the conclusion that the SCSP would provide diverse employment opportunities for local workers. 31-14 cont.

- Because the SCSP and the DEIR will drive business to nearby communities, and the ZEV mandate will create its own environmental impacts, substantial evidence does not support the finding that the SCSP will minimize environmental impacts.

- Because the SCSP and the DEIR impose a buffer requirement that will restrict existing uses and create nonconformities, substantial evidence does not support the conclusion that the SCSP will preserve existing operations.

- Because the SCSP contemplates the creation of new, isolated residential zoning districts, substantial evidence does not support the conclusion that the SCSP would protect against incompatible uses; rather, it would exacerbate such conflicts.

- Because the SCSP and the DEIR impose requirements that are far more drastic and unlike any requirements adopted by any local governments that competes with the City for industrial development, substantial evidence does not support the conclusion that the SCSP would "expand the supply of 'shovel-ready' sites."

Because the SCSP does not meet the Project Objectives, it should not be considered for approval. In fact, a comparison of the SCSP with the Business Plan Option ("BPO") shows that the BPO would likely better promote the Project's Objectives than the SCSP while actually ***reducing significant potential impacts***. (Compare DEIR, pp. 6-11–6-14 [analyzing SCSP impacts relative to no-project alternative] with 6-39–6-41 [analyzing BPO impacts relative to SCSP impacts].) According to the DEIR, the BPO would have "less" impact with respect to population and housing and "similar" impacts with respect to most other categories. (See *id.*) While the DEIR finds the BPO would have a "slightly greater" impact with respect to air quality, greenhouse gas emissions, and transportation, substantial evidence does not support these findings.[18]

To the extent the SCSP may be argued to meet the Project Objectives, it is only because the DEIR employs an enigmatic and unstable project description that sends conflicting signals to decision makers and the public about the nature of the proposed project, effectively treating the SCSP's adoption as a foregone conclusion. The DEIR identifies eight Project Objectives.[19] While no explicit prioritization is assigned to the Project Objectives, the focus appears to be on promoting economic development, as five of the eight objectives relate to that goal. In contrast, the DEIR devotes comparatively little attention to the Project's other

31-15

[18] The DEIR finds a supposedly "greater" impact to air quality because operational emissions would be "slightly greater" but also incongruously finds that, "unlike the [SCSP], the [BPO] would not place sensitive receptors near high-volume roadways or other substantial sources of TACs." (DEIR, p. 6-39.) Similarly, with respect to greenhouse gas emissions the DEIR finds operational emissions would be "slightly greater" due to higher industrial development even though it acknowledges "the same mitigation measures [might] apply" to industrial development as other types. (*Id.* at 6-40.) As to transportation, both the SCSP and the BPO would reduce impacts relative to existing conditions, according to the DEIR, but the BPO's reduction would be approximately 4% less than the SCSP's. This indicates the transportation impacts of the BPO are "similar" to those of the SCSP, not "greater." (See *id.* at 6-41.) Thus, substantial evidence does not support these findings. (See also *supra* at § C.3.)

[19] Five are directed at promoting or preserving economic growth and development in the Plan Area: (i) to "[p]romote inclusive and sustainable economic growth and attract development that focuses on emerging markets and new technologies;" (ii) to "[c]reate diverse employment opportunities, including an accessible and resilient employment zone;" (iii) to "[p]reserve the viability of existing industrial and manufacturing operations in the Plan Area;" (iv) to "[p]rotect existing and future development from adverse impacts associated with incompatible uses;" and (v) to "[i]mprove Plan Area infrastructure . . . to expand the supply of 'shovel-ready' sites." (See DEIR, pp. 2-1–2-2.) Two are focused on enhancing residential uses in the Plan Area: (i) to "[c]onsider project-specific environmental effects . . . on existing and potential future sensitive receptors and impose measures to minimize such impacts" and (ii) to "provide residents with clear and transparent access to information regarding community development and assist in addressing disputes and concerns." (*Id.*) And one is focused on improving visual character—*i.e.*, to "[t]ransform State Routes 99 and 41 as Gateways into the City . . . to improve visual quality when entering the Plan Area." (*Id.*)

objectives—*i.e.*, enhancing visual quality and residential uses—which together account for just three objectives. The DEIR appears to acknowledge this at times, stating, for instance, that the "primary impetus for the SCSP is economic development and job growth." (*Id*. at 2-2; see also *id*. at 6-6 ["[O]ne of the primary project objectives is to create diverse employment opportunities."]) Yet, elsewhere the various objectives are described as though they are all equal. (See *id*. at 2-1 [stating that the Project's "overarching vision . . . is to improve the City's overall economic competitiveness, support employment opportunities for residents, and maintain and improve community livability"], 3-5 [describing "vision and guiding principles centered around balancing the needs of industrial users, ensuring a diverse employment base, and minimizing impacts on the environment and neighborhoods"].) Complicating matters further, the SCSP contains an entire chapter titled "Vision, Guiding Principles, & Policies" and, while there is overlap with the Project Objectives, in many cases the SCSP's stated objectives are different than the Project Objectives described in the DEIR. (Compare *id*. at 2-1–2-2 with SCSP, pp. 38–42.) Despite this, the DEIR does not address the relationship between the SCSP's objectives and the Project Objectives nor explain the role, if any, the SCSP's objectives play with respect to environmental review. Rather, the DEIR appears to pick and choose as necessary to support the desired outcome: adoption of the SCSP. 31-15 cont.

The lack of a clear, accurate, and stable project description in the DEIR as well as the conflicting signals arising from inconsistencies between the objectives set forth in the DEIR and those described in the SCSP undermine the DEIR's environmental impact analyses and mitigation measures, foreclose a meaningful alternatives analysis, and inhibit the DEIR's use as an informational document, contrary to CEQA.

5. The City Must Perform a Holistic Evaluation of its Efforts Across the City to Downzone or Rezone Industrial Properties

"CEQA contemplates consideration of environmental consequences at the 'earliest possible stage, even though more detailed environmental review may be necessary later.'" (*Rio Vista Farm Bureau v. County of Solano* (1992) 5 Cal.App.4th 351, 370 [quoting *Leonoff v. Monterey County Bd. of Supers.* (1990) 222 Cal.App.3d 1337, 1346].) CEQA therefore prohibits the piecemealing—or segmentation—of environmental review. In other words, the "requirements of CEQA cannot be avoided by piecemeal review which results from chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have disastrous consequences." (*Envt'l Prot. Info. Ctr. v. Calif. Dept. of Forestry & Fire Prot.* (2008) 44 Cal.4th 459, 503; *Lighthouse Field Beach Rescue v. City of Santa Cruz* (2005) 131 Cal.App.4th 1170, 1208-09; *Bozung v. LAFCo* (1975) 13 Cal.3d 263, 283-84.) 31-16

As explained above, the SCSP is one of many actions where the City has limited or downzoned industrial properties within the City. These actions are all related since they concern the same subject matter (industrial zoning), the same location (the City), and achieve the same result (less industrial zoning in the City). Further, such actions have, and will continue to, incentivize industrial development in other Central Valley jurisdictions, such as the City of Visalia, the County of Madera, and the County of Tulare, rather than the City. (See Attachment A, pp. 4–

8.) This has the potential to cause significant impacts to air quality, greenhouse gas emissions, agricultural resources, and transportation. (See *supra* at § C.3.) Therefore, until the City addresses its reduction of industrial zoned property as a whole, the City will not comply with CEQA.

At the very least, the City should assess this impact as a cumulative impact. CEQA "require[s] a finding that a project may have a 'significant effect on the environment' if . . . [t]he possible effects of a project are individually limited but cumulatively considerable." (Pub. Res. Code, § 21083.) A project's cumulative impacts are significant if the project's incremental contribution to the impact is "cumulatively considerable." (CEQA Guidelines, § 15130(a).) A Project's incremental contribution is cumulatively considerable if the incremental effects of the project are significant "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." (*Id*. at § 15065(a)(3).)

The fact that a particular project's incremental impact is not alone significant, or is relatively small when compared to the greater overall problem, does not mean the project does not have significant cumulative impacts. The courts have rejected this theory because it would allow "the approval of projects which, when taken in isolation, appear insignificant, but when viewed together, appear startling." (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 720-21.) The proper standard for a cumulative impacts analysis is therefore whether the impacts are "collectively significant." (*Id*. at 721 [citing CEQA Guidelines, § 15355].) An EIR must also "establish the geographic scope of the area affected by the cumulative impacts." (*League to Save Lake Tahoe Mountain etc. v. County of Placer* (2022) 75 Cal.App.5th 63, 148.) "The geographic scope to be analyzed must be reasonably defined." (*Id*.) It "cannot be so narrowly defined that it necessarily eliminates a portion of the affected environmental setting." (*Bakersfield*, *supra*, 124 Cal.App.4th at 1216.) "Nor may it be defined so broadly as to dilute the significance of a project's cumulative impact." (*League to Save Lake Tahoe*, *supra*, 75 Cal.App.5th at 148.) 31-16 cont.

If a project's incremental contribution to the impact is "cumulatively considerable"—*i.e.*, if the project's impacts, taken together with those of similar projects, are "collectively significant," (*Kings County Farm Bureau*, *supra*, 221 Cal.App.3d at 721)—the lead agency must examine reasonable, feasible options for reducing or avoiding the project's contribution to those significant impacts. (CEQA Guidelines, § 15130(b)(5); see also Pub. Res. Code, §§ 21064.5, 21080(c)(2); CEQA Guidelines, § 15064(f)(2), 15070(b).) "If the lead agency finds either that the combined impact is insignificant or the project's contribution is not cumulatively considerable, the EIR must briefly explain the basis for the agency's finding and, where the impact is found to be insignificant, identify facts and analysis supporting the agency's conclusion." (*League to Save Lake Tahoe*, *supra*, 75 Cal.App.5th at 148.)

Substantial evidence shows the ongoing reduction of industrial zoned property in the City has caused, and will continue to cause, increased industrial development in other Central Valley markets. (See Attachment A, pp. 4–8; Market Analysis at 22–23, 27–31, 35–38; Attachment B; Attachment D.) Further, increased industrial development in other Central Valley markets has the potential to cause significant environmental impacts to agricultural resources, air quality, greenhouse gas emissions, and transportation, among other things. (See, e.g., DEIR, §§

4.2.2, 4.3.3, 4.8.3, 4.15.3.) While specific details regarding the exact location and extent of development in other Central Valley markets may be uncertain to some extent, a general trend of increased development in competitive Central Valley markets is reasonably foreseeable and historical data regarding general market trends in the Central Valley provides sufficient information for meaningful environmental review. Under these circumstances, CEQA requires a proper cumulative impact analysis be performed to enable the public and decision makers to understand and consider meaningfully the issues raised by the proposed project. 31-16 cont.

Accordingly, the DEIR must assess the impacts resulting from the City's ongoing efforts to reduce industrial zoned property in the City, determine whether the Project makes a "cumulatively considerable" incremental contribution to those impacts, and if so, examine reasonable, feasible options for reducing or avoiding the Project's contribution to those significant impacts.

D. Several Proposed Mitigation Measures Are Infeasible

When imposing mitigation, lead agencies must ensure there is a "nexus" and "rough proportionality" between the measure and the significant impacts of the project. (CEQA Guidelines, § 15126.4(a)(4)(A)–(B) [citing *Nollan v. Calif. Coastal Comm'n* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374].) Mitigation measures must also be feasible to be effective. (CEQA Guidelines, § 15041.) Several of the mitigation measures described in the DEIR are infeasible and/or bear no rough proportionality to development within the SCSP area:

- The DEIR requires that Class 7-8 vehicles domiciled on property must be fully electrified by December 31, 2026. (DEIR, MM 4.3-1h.). The DEIR likewise requires that businesses must begin to convert Class 2-6 vehicles domiciled on property to ZEVs at the start of operations, and transition the entire fleet to ZEVs by December 31, 2031. (*Id*. at MM 4.3-1i.) In addition, new projects will require the installation of infrastructure to support ZEVs. Heavy duty ZEVs are a nascent technology that are generally unreliable, over twice as expensive as combustion engines, and not widely available. Due to this reality, stakeholders have argued CARB's Advanced Clean Fleets and Advanced Clean Truck regulations are infeasible. Yet the DEIR seeks to impose requirements that are vastly more aggressive than those regulations. There is simply no evidence the ZEV purchase mandate is feasible as a general matter—let alone feasible consistent with the Project Objectives related to stimulating economic development and creating employment opportunities, and preserving the viability of industrial operations. 31-17

- Mitigation Measure 4.6-1d requires the installation of solar sufficient to power at least 50% of the amount of energy needed for future development. This is not only an expensive investment, and there is no evidence in the record to suggest this requirement is feasible, generally or consistent with 31-18

the Project Objectives. Indeed, it would be virtually impossible to have enough rooftop solar to offset 50% of the demand of many types of manufacturing, which is the most frequently cited type of industrial job that qualifies as a "good job." 31-18 cont.

- Mitigation Measure 4.3-1b requires the use of clean fleets during construction. The problem is that the cleanest levels of construction equipment are not widely available, and developers often must wait several months before they can be used on a project site. 31-19

- Mitigation Measure 4.3-1a contemplates that applicants would be required to fund Voluntary Emissions Reduction Agreements (VERA) with the SJVAPCD. There is no evidence this requirement is feasible. Under a VERA, an applicant must pay $9,350/ton for construction NOx/VOC emissions and $93,500/ton for operational NOx/VOC emissions, and similar amounts for particulate matter, plus a 4% administrative fee. This is a generally applicable requirement, and there is simply no evidence to suggest this mitigation measure is generally feasible or would not obstruct the Project Objectives. 31-20

The DEIR's failure to properly analyze the feasibility of mitigation measures is exacerbated by the lack of any analysis regarding the economic and social impacts of the SCSP's adoption. As the Guidelines explain, "[e]conomic, social, and [] housing factors ***shall*** be considered by public agencies together with technological and environmental factors in deciding whether changes in a project are feasible to reduce or avoid the significant effects on the environment identified in the EIR." (CEQA Guidelines, § 15131(c) [emphasis added].) Thus, if such information is not included in the DEIR, it "***must*** be added to the record in some other manner to allow the agency to consider the factors in reaching a decision on the project." (*Id*. [emphasis added].) The DEIR, however, fails to analyze economic and social factors arising from SCSP's adoption and therefore such information cannot be accounted for when evaluating the feasibility of proposed mitigation measures, contrary to the requirements of CEQA. (See Pub. Res. Code, § 21081(a)(3); see also *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 948.) This deficiency not only compromises the development of adequate mitigation measures as a general matter, it also renders ineffective, unenforceable, and/or improperly deferred mitigation measures that expressly incorporate the concept of feasibility, as many do. (See, e.g., MM 4.2-1, 4.3-1a, 4.3-1m, 4.3-3d, 4.5-2b-c, 4.6-1d.) 31-21

E. The DEIR Fails to Assess Environmental Effects Associated with the Requirement to Transition to Electric Vehicles

An environmental impact report is not only required to assess the potential impacts of the Project. To be adequate under CEQA, the DEIR must also discuss and evaluate the potentially significant environmental effects caused by mitigation measures themselves. (CEQA Guidelines, § 15126.4(a)(1)(D); *Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.) Here, 31-22

the DEIR includes purchase mandates for ZEVs at a rate far exceeding that imposed by CARB. The DEIR, however, includes no discussion of the potential impacts that the early transition to ZEVs might create:

- The DEIR does not address increased electricity demand associated with the accelerated transition to electric vehicles. This is particularly important due to the unreliability of PG&E and the fact that many neighborhoods within the City regularly experience power outages.[20] The lack of electrical infrastructure to support the anticipated increases in the Plan Area is a major near- and medium-term issue because it will increase energy demands, complicate PG&E approvals, necessitate locking down tenants much earlier in the development process, and require them to wait even longer before commencing operations. (See Attachment A, pp. 7–8.) This means additional risk and longer delays for both developers and tenants, and further reduces the City's competitiveness relative to other markets. (*Id.*)

- The DEIR does not analyze the emissions associated with the operation of ZEVs. For example, the DEIR does not analyze or include an assessment of the impacts on ZEV weight on particular PM emissions from tire wear and entrained road dust, even though it is reasonably foreseeable that ZEVs will be heavier than the internal combustion engine vehicles (ICEVs) currently on the road. (See Attachment E, pp. 24–25.) 31-22 cont.

- ZEVs have a smaller hauling capacity than trucks with internal combustion engine vehicles (ICEVs). The performance of ZEVs also degrades in the heat. Despite this, the DEIR contains no discussion of the additional vehicle miles traveled that would result from the early transition to ZEVs.

- The transition to electric vehicles at a rate far exceeding that imposed by CARB would accelerate the recognized environmental impacts associated with the need to develop electric infrastructure and new/modified facilities to meet the demand for ZEVs. In the environmental analysis performed for the ACF Regulation, CARB found the construction of infrastructure and the new/modified facilities would result in significant and unavoidable environmental effects. (See generally Attachment F.) The SCSP would accelerate the need for this infrastructure and new/modified facilities,

[20] See https://data.usatoday.com/national-power-outage-map-tracker/area/fresno-county-ca/06019/;

https://www.yourcentralvalley.com/news/local-news/pge-may-shut-off-power-to-areas-of-fresno-county-merced-county-this-weekend/.

exacerbating those effects. The DEIR should therefore be augmented to include an analysis of these impacts and recirculated for public review. 31-22 cont.

F. The SCSP is Inconsistent with the Goals and Policies of the City's General Plan

California's Planning and Zoning Law ("PZL") requires that all municipalities adopt a general plan. (Govt. Code, § 65300.) While charter cities are not subject to ***some*** of the PZL's consistency requirements, the Government Code expressly requires that a charter city's general plan to be ***internally*** consistent. (See *id*. at § 65300.5; see also Fresno General Plan ("FGP"), pp. 1-3–1-4.)

Moreover, a subsequent project that is not consistent with a charter city's general plan gives rise to a presumption that the project approval constitutes an abuse of discretion. (See, e.g., *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 414–415.) A "project is consistent with the general plan if, considering all its aspects, it will further the objectives and policies of the general plan and not obstruct their attainment." (*Corona-Norco*, *supra*, 17 Cal.App.4th at 994.) While perfect conformity may not be required, "a project ***must*** be compatible with the objectives and policies of the general plan." (*Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 782 [emphasis added] [citing *Families Unafraid to Uphold Rural etc. County v. Board of Supers.* (1998) 62 Cal.App.4th 1332, 1336].) "A project is inconsistent if it conflicts with a general plan policy that is fundamental, mandatory, and clear." (*Id*. at 782.) 31-23

The SCSP conflicts with several objectives and policies of the City of Fresno's General Plan. For instance, ED-1 emphasizes the need to support economic development by "maintaining a strong working relationship with the business community and improving the business climate for current and future business." (FGP, p. 2-21.)[21] Indeed, expanding and retaining industrial industries within the City of Fresno is the "'bread and butter' of a solid economic development program. . ." (*Id*. at 2-13.) 31-24

To implement this objective, ED-1-d directs the City to "[e]xplore increasing the amount of land properly zoned, consistent with the General Plan, and ready to be expeditiously developed, redeveloped, and/or revitalized for ***economic development and job creation purposes***." (*Id*. at 2-21 [emphasis added].) Not only is the SCSP inconsistent with the general plan it requires the City to concurrently amend the general plan if it is adopted.[22] (See, e.g., SCSP,

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[21] The existence of this letter, authored on behalf of several business and landowners within the SCSP, demonstrates the lack of a strong working relationship with the business community as envisioned by the FGP.

[22] In addition to foreseen amendments to the general plan, the SCSP also acknowledges that the City will need to adopt concurrent amendments to the Development Code, repeal the existing

p. 134; DEIR, pp. 2-46, 2-47 ["Implementing the proposed plan would require a general plan amendment to allow for the proposed land use changes, as some of the proposed land uses differ from the general plan. ***With the approval of the amendment***, the SCSP would be consistent with the City of Fresno General Plan."][emphasis added].)

Instead of increasing land zoned for economic development and job creation purposes the SCSP reduces it. As discussed above, the downzoning of properties away from heavy and light industrial land uses within the peripheries of the SCSP combined with the City's limited opportunities for industrial growth or expansion will steer existing and potential economic investment elsewhere. (See Attachment A, pp. 5–8; *supra* at § C.3.) 31-24 cont.

Such results conflict with other General Plan policies and objectives as well, including:

- ED-3: "Attract and recruit businesses and offer incentives for economic development." (FGP p. 2-23.) To implement this objective, ED-3-a directs the City to adopt and implement programs to expand existing businesses and attract new businesses. Downzoning, buffers, and limited protection from Legal Non-Conforming Use provisions will cause existing businesses to abandon the City and repel new businesses from entering the City.

- LU-7 "Plan and support industrial development to promote job growth." (*Id*. at 3-54.) The City is intended to "[p]romote industrial land use clusters to maximize the operational efficiency of similar activities." (*Id*. at LU-7-c.) The General Plan notes a need to provide relatively high-income jobs to promote economic development. Several industrial businesses, including manufacturing, provide generally high paying jobs and opportunities for advancement. (*Id*. at Table 2.5.) To foster these job opportunities, industrial development is critical. The only planning area within the City that includes land available for industrial development is the area within the SCSP, yet with the SCSP's intended downzoning, opportunities for industrial development further wane. If industrial development dissipates, the opportunities for job growth also disappear. Most manufacturing uses require Heavy Industrial zoning, which is virtually eliminated from the parts of the Plan area that are undeveloped. 31-25

G. The SCSP Effectuates Spot Zoning

"Spot zoning occurs where a small parcel is restricted and given lesser rights than the surrounding property, as where a lot in the center of a business or commercial district is limited to uses for residential purposes thereby creating an "island" in the middle of a larger area devoted 31-26

North Avenue Industrial Triangle Specific Plan and replace the overlapping portion of the Roosevelt Community Plan to "allow for consistency." (SCSP at pp. 16, 68.)

to other uses." (*Foothill Communities Coal. v. Cnty. of Orange* (2014) 222 Cal.App.4th 1302, 1311 [citing *Arcadia Development Co. v. City of Morgan Hill* (2011) 197 Cal.App.4th 1526, 1536].) The SCSP would cause spot zoning by creating small, isolated clusters of properties that are zoned residential, even though they are surrounded by industrial properties and the owners of the clusters of property intend to develop those properties to industrial land uses. While the City may assert that the residential zoning is necessary to avoid nonconformities, this assumes the individual landowners want their properties zoned residential. Moreover, the creation of small, isolated clusters of residential zoned properties is not in the public interest, especially since those properties will result in a buffer area where adjacent land uses will be severely restricted, and the buffers themselves will create an even greater number of nonconformities than an isolated residence. 31-26 cont.

H. The AB 617 Truck Reroute Study is Deeply Flawed

The conclusions in the SCSP and the DEIR appear to be based in part on the South Central Fresno AB 617 Community Truck Reroute Study: Truck Routing and Implementation Strategies Report (April 2024) (the "Reroute Study"). For the reasons stated in my May 22, 2024, letter on the Reroute Study, the City should not take action on that document or use it in connection with either the SCSP or the DEIR. (See Attachment G.) 31-27

I. The SCSP Is Preempted by the Clean Air Act

Section 209(a) of the Clean Air Act, 42 U.S.C. § 7543(a), provides that states and their political subdivisions are preempted from adopting or attempting to enforce "any standard relating to the control of emissions from new motor vehicles . . . ." (See *Engine Mfrs. Ass'n v. S. Coast Air Quality Mgmt. Dist.* (2004) 541 U.S. 246 ("*EMA*"); *Jensen Family Farmsi, Inc. v. Monterey Bay Unified Pollution Control Dist.* (2011) 644 F.3d 934, 938; *In re Volkswagen "Clean Diesel" Marketing, Sales Practices, and Products Liability Litigation* (9th Cir. 2020) 959 F.3d 1201, 1217 ["*Volkswagen*"] ["Section 209(a) precludes a local government from enforcing 'any standard relating to the control of emissions from new motor vehicles."].) Likewise, Section 209(e) preempts states and their political subdivisions from adopting or attempting to enforce standards or requirements related to non-road mobile sources. (42 U.S.C. § 7543(e); see *Jensen Family Farms, supra*, 644 F.3d at 938.) 31-28

The SCSP proposes mitigation measures preempted by the CAA, including Mitigation Measures 4.3-1h and 4.3-1i. Mitigation Measure 4.3-1h requires, in pertinent part, future tenants of new and redeveloped commercial and industrial land uses to ensure that all heavy-duty trucks (Class 7 and 8 vehicles) domiciled on the project site are model year 2014 or later from start of operations and to expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2026 or when commercially available for the intended application, whichever date is later. It also requires that all heavy-duty truck fleets associated with operational activities for industrial uses or uses that require deliveries to and from the site to utilize the cleanest available heavy-duty trucks, including zero and near-zero that meet 0.02 gram per brake

horsepower-hour NOx technologies. Finally, all operational on-site equipment, including cargo handling, yard hostlers, forklifts and pallet jacks, must be zero-emission. 31-28 cont.

Mitigation Measure 4.3-1i in turn mandates future tenants of new and redeveloped commercial and industrial land uses within the SCSP to use a "clean fleet" of vehicles, delivery vans, and trucks (Class 2 through 6 vehicles) in their business operations pursuant to the following schedule:

- 33 percent of the fleet shall be zero emission at the start of operations;
- 65 percent of the fleet shall be zero emission vehicles by December 31, 2027;
- 80 percent of the fleet shall be zero emission vehicles by December 31, 2029; and
- 100 percent of the fleet shall be zero emission vehicles by December 31, 2031.

31-29

Mitigation Measures 4.3-1h and 4.3-1i create a generally-applicable requirement that fleet operators expedite transition to zero-emission vehicles and zero-emission on-site equipment, including forklifts, cargo-handling vehicles, and yard hostlers. (SCSP, MM 4.3-1h, 4.3-1l.) In effect, these measures essentially operate as purchase mandates.

A standard broadly includes that which was "established by authority, custom, or general consent, as a model or example; criterion; test." (*EMA*, *supra*, 541 U.S. at 252–253 [opinion by Justice Scalia striking down as preempted a rule that effectively required the purchase of lower emission vehicles].) Standards may denote "not only 'numerical emission levels with which vehicles or engines must comply…' but also 'emission-control technology with which they must be equipped…'" (*Volkswagen*, *supra*, 959 F.3d 1201 at 1218, [quoting *EMA*, *supra*, 541 U.S. 246 at 253].)

In *EMA*, the United States Supreme Court determined that a series of regulations promulgated by the South Coast Air Quality Management District, which contained detailed prescriptions regarding the types of vehicles that fleet operators must purchase or lease when adding or replacing fleet vehicles qualified as standards under the meaning of Section 209. (*EMA*, *supra*, 541 U.S. at 252–255.) Because the proposed mitigation measures require certain emission-control technology (*i.e.*, zero-emissions technology) be used amongst fleet operators' motor vehicles, these measures effectively operate as a purchase mandate which constitute emissions standards under the CAA. (*EMA*, *supra*, 541 U.S. at 255–256.) These standards, therefore, require a waiver. (See 42 U.S.C. § 7543(b), (c)(2).) 31-30

Although CARB has received various waivers for certain regulations, including the Advanced Clean Trucks regulation, Mitigation Measures 4.3-1h and 4.3-1i propose ***more*** stringent regulations of vehicle fleets and non-road vehicles. No waiver issued to date authorizes the adoption or enforcement of the regulations proposed by the SCSP as they are even more onerous than CARB's own regulations. Further, EPA cannot grant a waiver to the City of Fresno because the City of Fresno has no authority to request a waiver under either § 209(b) or § 209(e). (See U.S.C. § 7543(b), (c).) Accordingly, the Mitigation Measures, to the extent the proposed regulations are more stringent than those CARB currently has received waivers to adopt and enforce, are preempted under section 209 of the CAA. 31-31

J. Several Mitigation Measures Are Preempted By the California Health & Safety Code

1. SCSP Mitigation Measures Are Preempted Because the California Legislature Has Fully Occupied the Field

Article XI, section 7 of the California Constitution provides that "a county or city may make and enforce within its limits all local, police, and other ordinances and regulations not in conflict with general law." However, if an "otherwise valid local legislation conflicts with state law, it is preempted by such law and is void.'" (*Chevron v. U.S.A. Inc. v. County of Monterey* (2023) 15 Cal.5th 135, 140 [quoting *Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 897].) A conflict with general law arises when local legislation

> enters an area that is "fully occupied" by general law when the Legislature has expressly manifested its intent to "fully occupy" an area [citation], or when it has impliedly done so in light of one of the following indicia of intent: (1) the subject matter has been so fully and completely covered by general law as to clearly indicate that it has become exclusively a matter of state concern; (2) the subject matter has been partially covered by general law couched in such terms as to indicate clearly that a paramount state concern will not tolerate further or additional local action; or (3) the subject matter has been partially covered by general law, and the subject is of such a nature that the adverse effect of a local ordinance on the transient citizens of the state outweighs the possible benefit to the locality. 31-32

(*Id*. [some internal quotations omitted].)

California's air resources are governed by Division 26 of the Health and Safety Code and regulations implemented by CARB. In Division 26, the Legislature expressed its intent to fully occupy the field of air pollution control and preempted local and regional authorities from regulating air pollution related to vehicular sources. Section 39002 of the Health and Safety Code provides that "[l]ocal and regional authorities have the primary responsibility for control of air pollution from all sources ***other than vehicular sources***. ***The control of vehicular sources***, except

as otherwise provided in this division, ***shall be the responsibility of the State Air Resources Board***." (Health & Saf. Code, § 39002 [emphasis added].)

The Legislature further indicated its intent to occupy the field by providing CARB the exclusive authority to "adopt standards, rules, and regulations…necessary for the proper execution of the powers granted and imposed upon, [CARB] by [Division 26] and by any other provision of law." (Health & Saf. Code, § 39601 (a); see also *id*. at § 39602 ["The state board is designated as the state agency responsible for the preparation of the state implementation plan required by the Clean Air Act . . . and, to this end, shall coordinate the activities of all districts necessary to comply with the act."].) Amongst its promulgated responsibilities, CARB is charged with preparing the state implementation plan required by the Clean Air Act, (*id*. at § 39602); providing summaries of actions taken by CARB or the air quality districts, (see *id*. at § 39604); and, in some instances, adopting a market-based incentive program as an element of an air quality districts' attainment plan for state or federal ambient air quality standards, provided that the program "will not result in a greater loss of jobs or more significant shifts from higher to lower skilled jobs . . . ." (*Id*. at §§ 39616(b)(1), 39616(b)(4).) Conspicuously absent from the relevant air quality statutes is the inclusion or grant of any authority to localities, like the City of Fresno, to regulate air quality, again evidencing the Legislature's intent to fully occupy this area of law. (See *Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 898; see also *Chevron*, *supra*, 15 Cal.5th 135 at 145–146.)

31-32 cont.

California law also fully occupies the more narrow field of vehicular air pollution control, including motor vehicles emissions, for "[i]t is the intent of the Legislature that the State Air Resources Board shall have the responsibility, except as otherwise provided in this division, for control of emissions from motor vehicles…" (Health & Saf. Code, § 39500; see also *id*. at §§ 43000.5 ["The state board should take immediate action to implement both short- and long-range programs of across-the-board reductions in vehicle emissions and smoke, including smoke from heavy-duty diesel vehicles…"], 43101 ["The state board shall adopt and implement emissions standards for new motor vehicles for the control of emissions from new motor vehicles that the state board finds to be necessary and technologically feasible to carry out the purposes of this division."], 43013(a) ["The state board shall adopt or implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution], 43013(b) ["The state board shall… adopt standards and regulations for light-duty *and heavy-duty* vehicles…and off-road or nonvehicle engine categories…"], 43013(h) ["It is the intent of the Legislature that the state board act as expeditiously as is feasibly to reduce nitrogen oxide emissions from diesel vehicles… and other categories of vehicular or mobile sources which significantly contribute to air pollution problems."].)

It is clear the Legislature intended for CARB's standards to occupy the motor vehicle emissions field to promote consistency. (See *id*. at § 43000 ["The state has a responsibility to establish ***uniform procedures*** for compliance with standards which control or eliminate those air pollutants [from motor vehicles]." [emphasis added].) Implementation of Mitigation Measure 4.3-1h and 4.3-1i would directly affect emissions of air pollutants from motor vehicles, threatening

the very uniformity the Legislature sought in adopting Part 5 of Health and Safety Code Division 26.

Mitigation Measures 4.3-1h and 4.3-1i require fleet vehicle operators of motor vehicles, including non-road motor vehicles, to purchase zero-emission vehicles within the SCSP. However, even if the Legislature did not intend to fully occupy the entire field of motor vehicle emissions, it plainly intended to occupy the area covered by these Mitigation Measures. The Health and Safety Code requires CARB to "adopt standards and regulations including but not limited to . . . requiring the purchase of low-emission vehicles by state fleet operators." (*Id*. at § 43018(c)(3).) Pursuant to its authority under this provision CARB promulgated a series of regulations, including Advanced Clean Trucks, Advanced Clean Fleets, and the Zero-Emission Forklift regulations, which set forth standards requiring fleet vehicle operators to transition their fleets to zero-emission. The Mitigation Measures regulate the same motor vehicles and, in some cases, apply more stringent standards. Therefore, the Mitigation Measures Encroach on an area of law the Legislature intended to occupy and do so in a manner that prohibits conduct that would otherwise be permitted under state law. (See *infra* § J.2.) 31-32 cont.

2. SCSP Mitigation Measures Are Preempted Because they Contradict General Law

A conflict with general law also arises when local legislation local legislation is contradictory to general law. (*Sherwin-Williams Co., supra*, (1993) 4 Cal.4th at 897.) A law is contradictory to general law where it is inimical thereto. (*Id*. at 898; see also *Chevron*, *supra*, 15 Cal.5th at 142.) A local law is inimical to—and therefore conflicts with—a state law in two situations: where the local law directly prohibits what the state enactment demands or the local ordinance prohibits what the state enactment permits or authorizes. (See *AIDS Healthcare Foundation v. Bonta* (2024) 101 Cal.App.5th 73, 86–87; *City of Riverside v. Inland Empire Patients Health & Wellness Center* (2013) 56 Cal.4th 729, 743; *Chevron*, *supra*, 15 Cal.5th at 149.) The latter situation is applicable here.

The Mitigation Measures are generally applicable requirements providing that no internal combustion engine vehicles ("ICEVs") may be added to a fleet after a certain date and requiring ICEVs' complete replacement by 2031. These provisions prohibit acts permitted by Section 43021 of the Health & Safety Code. 31-33

Section 43021 was enacted "to provide owners of self-proposed commercial motor vehicles . . . certainty about the useful like of engines certified by" CARB and other agencies "to meet required environmental standards for sale in the state." (Health & Saf. Code, § 43021 (d).). As the Senate Bill Analysis for S.B. 1 explains, Section 43021 "[s]ets a 'useful life' period where truckers subject to future, undefined regulations can get a return on their investment before being asked to replace or modify the vehicle. Thus, if CARB adopts future in-use regulations, trucks will not be required to turnover until they have reached 13 years from the model year the engine and emission control systems are first certified or until they reach 800,000 vehicle miles traveled.

(California Bill Analysis, S.B. 1 Sen., 4/3/2017.)[23] Accordingly, Section 43021 provides that, with limited exceptions inapplicable here, "the retirement, replacement, retrofit, or repower of a self-propelled commercial motor vehicle . . . ***shall not be required*** until the later of . . . [t]hirteen years from the model year the engine and emission control system are first certified" or when "the vehicle reaches the earlier of either 800,000 vehicle miles traveled or 18 years" from the certification of the engine and emission control system. (Health & Saf. Code, § 43021(a) [emphasis added].)

31-33 cont.

Mitigation Measures 4.3-1h requires the use of Class 7 and 8 ZEVs by December 31, 2026 and 4.3-1i requires the complete use of Class 2 through 6 ZEVs by December 31, 2031. In effect, both measures prohibit the use of any ICEVs by December 31, 2031. These measures therefore foreclose business owners' ability to operate newer model ICEVs which would otherwise be permissible under Section 43021 for 13 years from the model year the engine and emission control systems are first certified within the SCSP. Accordingly, both Mitigation Measures directly contradict Section 43021 of the Health & Safety Code and are preempted. (See *AIDS Foundation*, *supra*, 101 Cal.App.5th at 87.)

K. Conclusion

The SCSP and the DEIR are deeply flawed documents. At a foundational level, if adopted they would undermine the City's ability to compete with nearby communities for industrial development. They likewise seek to impose infeasible requirements not found in other competitor cities, while at the same time declining to evaluate the impacts of those requirements. Due to these and other concerns, the SCSP should not be adopted as currently proposed. The City should instead decline to adopt the SCSP, and direct staff to work with industrial stakeholders in good faith to strike a meaningful and achievable balance between industrial development and nearby communities that does not undermine the City's competitiveness.

31-34

Respectfully submitted,

John P. Kinsey

Enclosures

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[23] As noted in Section J(2) of this letter, the Legislature has expressly and impliedly occupied the field of vehicular emissions. CARB, not the City, has the express authority to adopt future in-use regulations which would be directly affected by Section 43021. As a result, the mitigation measures are preempted by Section 43021.

LETTER 32
ROSA DePEW

South Central Specific Plan and Environment Impact Report Comments

Letter 32

DePew, Rosa@EDD <Rosa.DePew@edd.ca.gov>

Tue 7/30/2024 3:09 PM

To:SCSP <SCSP@fresno.gov>

External Email: Use caution with links and attachments

To whom it may concern:

Thank you for accepting comments on the South Central Specific Plan and Environment Impact Report. Below is my list of comments/concerns.

- Wat Brahmacariyakaram, located on Orange Ave between Central Ave and American Ave is not listed on the report 32-1
- Orange Center Elementary School is listed as being built in 1980. The school has been located on Cherry Ave for decades. Maybe even a century. 32-2
- Transformative Climate Communities Program is listed on a map and legend. No explanation of it's purpose. 32-3
- No explanation of the changes made to areas now zoned as Regional Business Park and Neighborhood Mixed Use (what are the changes?, what will be able to be built in these zones) 32-4
- No explanation of the proposed round abouts planned on North Ave and American Ave 32-5
- A simpler explanation of the truck study and what it means is needed 32-6
- No mention of the Cherry Auction. Although the Cherry Auction is located in Fresno County, the majority of traffic crosses Central Ave and Cherry Ave every Tuesday and Saturday. This traffic affects all four stops. The streets are jammed with cars and trucks. 32-7

The reports were too long and too complicated to truly understand. The residents of the area want less traffic, less pollution, less growth, or if growth is unavoidable then growth where the residents' health and safety and well-being are a top priority. The residents deserve to be taken into account without their health and safety being collateral damage to the City of Fresno and to people who don't live in the area. Thank You! 32-8

Sincerely,

Rosa DePew
521 E.Britten Ave
Fresno CA 93706
(559) 790-3233

LETTER 33
OPEN HOUSE COMMENT CARDS

Public Comment from the SCSP and EIR Open House - July 23, 2024

Name	Phone #	Email	Address and Nearest Cross Street	Comment	Pertains to
Kyle Ridderling	[redacted]	[redacted]	[redacted]	I have concerns about the spot zoning and the effect it will have on development feasibility of surrounding parcel.	SCSP
			[redacted]	The truck study needs to include zoning recommendations. The Regulated Areas need to have lower uses of NMX not BP or regional BP.	Truck Route Study
Tyler Kelly	[redacted]	[redacted]	[redacted]	Residential buffer zones should have to meet certain density requirements to exist. Future development in the Angus and Annadale area could be hindered due to just two small houses that are already surrounded by existing industrial.	SCSP
Alma	[redacted]	[redacted]		The dynamic impact and look interesting but we need to see how it affects the community and area around.	SCSP
Terry Hirschfield	[redacted]	[redacted]	[redacted]	Everything along Cherry and Central should be zoned neighborhood mixed-use. Not BP or RBP. No trucks on Cherry between North and Central Avenues	SCSP