

A.3 - Comments Received on Notice of Preparation and Initial Study



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Notice of Preparation

November 6, 2012

To: Reviewing Agencies
Re: City of Fresno General Plan and Development Code Update
SCH# 2012111015

Attached for your review and comment is the Notice of Preparation (NOP) for the City of Fresno General Plan and Development Code Update draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

Keith Bergthold
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721-3604

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2012111015
Project Title City of Fresno General Plan and Development Code Update
Lead Agency Fresno, City of

Type NOP Notice of Preparation
Description The City of Fresno is proposing to update its General Plan and Development Code for its Planning Area that encompasses approximately 106,000 acres and includes all areas within the City's current City limits, the current Sphere of Influence, the City's Wastewater Treatment Plant site, and an area north of the City's most northeasterly portion of the City. The General Plan Update includes a comprehensive update of the City-approved 2025 General Plan and includes amendments to the repeal of certain community plans and specific plans. The Development Code Update includes a comprehensive revision of the City's Zoning Code and Subdivision regulations contained in Section 12 of the Fresno Municipal Code.

Lead Agency Contact

Name Keith Bergthold
Agency City of Fresno
Phone (559) 621-8003
email
Address 2600 Fresno Street, Room 3065
City Fresno
Fax
State CA **Zip** 93721-3604

Project Location

County Fresno
City Fresno
Region
Cross Streets Numerous
Lat / Long 36° 44' 23.2" N / 119° 47' 04.5" W
Parcel No. Numerous
Township 14S **Range** 20E **Section** 3 **Base** Mt.Diabl

Proximity to:

Highways SR-99, -41, -180, -168
Airports FYI, FCH, Sierra Sky Park
Railways BNSF, Union Pacific
Waterways San Joaquin River, Millerton Lake, Irrigation Canals
Schools K-12, Colleges
Land Use The project includes a comprehensive update to the current General Plan and zoning designations, resulting in numerous changes in designations throughout the city of Fresno Planning Area.

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Department of Conservation; California Energy Commission; Central Valley Flood Protection Board; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Game, Region 4; CA Department of Public Health; Native American Heritage Commission; State Lands Commission; Caltrans, Division of Aeronautics; Caltrans, Division of Transportation Planning; California Highway Patrol; State Water Resources Control Board; Air Resources Board, Transportation Projects

Note: Blanks in data fields result from insufficient information provided by lead agency.

**Document Details Report
State Clearinghouse Data Base**

Date Received 11/06/2012 *Start of Review* 11/06/2012 *End of Review* 12/05/2012

Resources Agency

Resources Agency
Nadell Gayou

Dept. of Boating & Waterways
Nicole Wong

California Coastal Commission
Elizabeth A. Fuchs

Colorado River Board
Gerard R. Zimmerman

Dept. of Conservation
Elizabeth Carpenter

California Energy Commission
Eric Knight

Cal Fire
Dan Foster

Central Valley Flood Protection Board
James Herola

Office of Historic Preservation
Ron Parsons

Dept. of Parks & Recreation Environmental Stewardship Section

California Department of Resources, Recycling & Recovery
Site O'Leary

S.F. Bay Conservation & Dev't. Comm.
Steve McAdam

Dept. of Water Resources
Agency
Nadell Gayou

Fish and Game

Depart. of Fish & Game
Scott Flint

Environmental Services Division
Fish & Game Region 1
Donald Koch

Fish & Game Region 1E
Laurie Harnsberger

Fish & Game Region 2
Jeff D'ongesen

Fish & Game Region 3
Charles Armour

Fish & Game Region 4
Julie Vance

Fish & Game Region 5
Leslie Newton Reed

Fish & Game Region 6
Gabriela Gatchel

Fish & Game Region 6 IWM
Brad Henderson

Inyo/Mono, Habitat Conservation Program
George Isaac

Dept. of Fish & Game Marine Region

Other Departments

Food & Agriculture
Sandra Schubert

Dept. of Food and Agriculture
Services
Public School Construction

Dept. of General Services
Anna Garbett

Dept. of Public Health
Jeffery Worth

Dept. of Health/Drinking Water
Delta Stewardship Council
Kevan Samsam

Delta Protection Commission
Michael Machado

Cal EMA (Emergency Management Agency)
Delinis Castillo

Caltrans, District 8
Dan Kopitsky

Caltrans, District 9
Gayle Rosander

Caltrans, District 10
Tom Dumas

Caltrans, District 11
Jacob Armstrong

Caltrans, District 12
Marion Regisford

Air Resources Board
Airport/Energy Projects
Jim Lerner

Transportation Projects
Douglas Ito

Industrial Projects
Mike Tollstrup

State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

State Water Resources Control Board
Phil Crader
Division of Water Rights

Dept. of Toxic Substances Control
CEQA Tracking Center
Department of Pesticide Regulation
CEQA Coordinator

Caltrans, District 1
Rex Jackman

Caltrans, District 2
Marcelino Gonzalez

Caltrans, District 3
Gary Arnoli

Caltrans, District 4
Erik Alm

Caltrans, District 5
David Murray

Caltrans, District 6
Michael Navarro

Caltrans, District 7
Dianna Watson

Native American Heritage Comm.
Debbie Treadway

Public Utilities Commission
Leo Wong

Santa Monica Bay Restoration
Gangyu Wang

State Lands Commission
Jennifer DeJong

Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Business, Trans & Housing

Caltrans - Division of Aeronautics
Philip Caimmins

Caltrans - Planning
Terri Pencovic

California Highway Patrol
Suzann Ikeuchi

Housing & Community Development
CEQA Coordinator
Housing Policy Division

Dept. of Transportation

Caltrans, District 1
Rex Jackman

Caltrans, District 2
Marcelino Gonzalez

Caltrans, District 3
Gary Arnoli

Caltrans, District 4
Erik Alm

Caltrans, District 5
David Murray

Caltrans, District 6
Michael Navarro

Caltrans, District 7
Dianna Watson

Caltrans, District 8
Dan Kopitsky

Caltrans, District 9
Gayle Rosander

Caltrans, District 10
Tom Dumas

Caltrans, District 11
Jacob Armstrong

Caltrans, District 12
Marion Regisford

Air Resources Board
Airport/Energy Projects
Jim Lerner

Transportation Projects
Douglas Ito

Industrial Projects
Mike Tollstrup

State Water Resources Control Board
Regional Programs Unit
Division of Financial Assistance

State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

State Water Resources Control Board
Phil Crader
Division of Water Rights

Dept. of Toxic Substances Control
CEQA Tracking Center
Department of Pesticide Regulation
CEQA Coordinator

Caltrans, District 1
Rex Jackman

Caltrans, District 2
Marcelino Gonzalez

Caltrans, District 3
Gary Arnoli

Caltrans, District 4
Erik Alm

Caltrans, District 5
David Murray

Caltrans, District 6
Michael Navarro

Caltrans, District 7
Dianna Watson

Caltrans, District 8
Dan Kopitsky

Caltrans, District 9
Gayle Rosander

Caltrans, District 10
Tom Dumas

Caltrans, District 11
Jacob Armstrong

Caltrans, District 12
Marion Regisford

Regions Board (1)

Calh North

Envi Cool San

Cent

Tere Los Cenl

Lahr

Colc

San

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
ds_nahc@pacbell.net



November 8, 2012

Mr. Keith Bergthold, Planner

**City of Fresno Department of Development and
Resource Management**

2600 Fresno Street, Room 3065
Fresno, CA 93721-3604

Re: SCH#2012111015; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the "City of Fresno General Plan and Development Code Update;" located in the City of Fresno; Fresno County, California

Dear Mr. Bergthold:

The NAHC is the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources pursuant to California Public Resources Code §21070 and affirmed by the Third Appellate Court in the case of EPIC v. Johnson (1985: 170 Cal App. 3rd 604).

This letter includes state and federal statutes relating to Native American historic properties or resources of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9. This project is also subject to California Government Code Section 65253.2, *et seq.*

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendment s effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect. The NAHC advises the Lead Agency to request a Sacred Lands File search of the NAHC if one has not been done for the 'area of potential effect' or APE previously. This area is known to the NAHC to be very culturally sensitive..

The NAHC "Sacred Sites,' as defined by the Native American Heritage Commission and the California Legislature in California Public Resources Code §§5097.94(a) and 5097.96. Items in the NAHC Sacred Lands Inventory are confidential and exempt from the Public Records Act pursuant to California Government Code §6254 (r).

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries of cultural resources or burial sites once a project is underway. Culturally affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly urge that you make contact with the list of Native American Contacts on the attached list of Native American contacts, to see if your proposed project might impact Native American cultural resources and to obtain their recommendations concerning the proposed project. Pursuant to CA Public Resources Code § 5097.95, the NAHC requests cooperation from other public agencies in order that the Native American consulting parties be provided pertinent project information. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e). Pursuant to CA Public Resources Code §5097.95, the NAHC requests that pertinent project information be provided consulting tribal parties, including archaeological studies. The NAHC recommends *avoidance* as defined by CEQA Guidelines §15370(a) to pursuing a project that would damage or destroy Native American cultural resources and California Public Resources Code Section 21083.2 (Archaeological Resources) that requires documentation, data recovery of cultural resources, construction to avoid sites and the possible use of covenant easements to protect sites.

Furthermore, the NAHC if the proposed project is under the jurisdiction of the statutes and regulations of the National Environmental Policy Act (e.g. NEPA; 42 U.S.C. 4321-43351). Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq*), 36 CFR Part 800.3 (f) (2) & .5, the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interiors Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes. Also, federal Executive Orders Nos. 11593 (preservation of cultural environment), 13175 (coordination & consultation) and 13007 (Sacred Sites) are helpful, supportive guides for Section 106 consultation. The aforementioned Secretary of the Interior's *Standards* include recommendations for all 'lead agencies' to consider the historic context of proposed projects and to "research" the cultural landscape that might include the 'area of potential effect.'

Confidentiality of "historic properties of religious and cultural significance" should also be considered as protected by California Government Code §6254(r) and may also be protected under Section 304 of the NHPA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APEs and possibility threatened by proposed project activity.

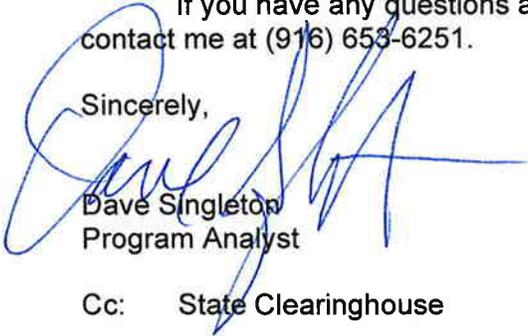
Furthermore, Public Resources Code Section 5097.98, California Government Code §27491 and Health & Safety Code Section 7050.5 provide for provisions for inadvertent discovery of human remains mandate the processes to be followed in the event of a discovery of human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects.

Finally, when Native American cultural sites and/or Native American burial sites are prevalent within the project site, the NAHC recommends 'avoidance' of the site as referenced by CEQA Guidelines Section 15370(a).

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Cc: State Clearinghouse

Attachment: Native American Contact List

**Native American Contacts
Fresno County
November 8, 2012**

Big Sandy Rancheria of Mono Indians
Elizabeth Hutchins Kipp, Chairperson
P.O. Box 337 / 37302 Western Mono
Auberry , CA 93602
ck@big sandy rancheria.com
(559) 855-4003
(559) 855-4129 Fax

Choinumni Tribe; Choinumni/Mono
Lorrie Planas
2736 Palo Alto Choinumni
Clovis , CA 93611 Mono

Cold Springs Rancheria of Mono Indians
Robert Marquez, Chairperson
P.O. Box 209 Mono
Tollhouse , CA 93667
(559) 855-5043
559-855-4445 - FAX

Table Mountain Rancheria
Bob Pennell, Cultural Resources Director
P.O. Box 410 Yokuts
Friant , CA 93626-0177
(559) 325-0351
(559) 217-9718 - cell
(559) 325-0394 FAX

Dumna Wo-Wah Tribal Government
Robert Ledger SR., Tribal Chairperson
2216 East Hammond Street Dumna/Foothill
Fresno , CA 93602 Mono
ledgerrobert@ymail.com
559-519-1742 - office

Kings River Choinumni Farm Tribe
John Davis, Chairman
1064 Oxford Avenue Foothill Yokuts
Clovis , CA 93612-2211 Choinumni
(559) 307-6430

Sierra Nevada Native American Coalition
Lawrence Bill, Interim Chairperson
P.O. 125 Mono
Dunlap , CA 93621 Foothill Yokuts
(559) 338-2354 Choinumni

Dunlap Band of Mono Historical Preservation Soc
Mandy Marine, Board Chairperson
P.O Box 18 Mono
Dunlap , CA 93621
mandy_marine@hotmail.
com
559-274-1705

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012111015; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the City of Fresno General Plan and Development Code Update; located in the City of Fresno; Fresno County, California.

**Native American Contacts
Fresno County
November 8, 2012**

Wuksache Indian Tribe/Eshom Valley Band
Kenneth Woodrow, Chairperson
1179 Rock Haven Ct. Foothill Yokuts
Salinas , CA 93906 Mono
kwood8934@aol.com Wuksache
831-443-9702

Dumna Wo-Wah Tribal Government
Eric Smith, Cultural Resource Manager
2216 East Hammond Street Dumna/Foothill
Fresno , CA 93602 Mono
nuem2007@yahoo.com
559-519-1742 - office

Chowchilla Tribe of Yokuts
Jerry Brown
10553 N. Rice Road North Valley Yokuts
Fresno , CA 93720
559-434-3160

Dumna Wo-Wah Tribal Government
John Ledger, Assistant Cultural Resource Manager
2216 East Hammond Street Dumna/Foothill
Fresno , CA 93602 Mono
ledger17bonnie@yahoo.com
559-519-1742 - office

The Choinumni Tribe of Yokuts
Rosemary Smith, Chairperson
1505 Barstow Choinumni
Clovis , CA 96311 Foothill YoKut
monoclovis@yahoo.com

Santa Rosa Tachi Rancheria
Lalo Franco, Cultural Coordinator
P.O. Box 8 Tachi
Lemoore , CA 93245 Tache
(559) 924-1278 - Ext. 5 Yokut
(559) 924-3583 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of the statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable for contacting local Native Americans with regard to cultural resources for the proposed SCH#2012111015; CEQA Notice of Preparation (NOP); draft Environmental Impact Report (DEIR) for the City of Fresno General Plan and Development Code Update; located in the City of Fresno; Fresno County, California.

DEPARTMENT OF TRANSPORTATION

1352 WEST OLIVE AVENUE
P.O. BOX 12616
FRESNO, CA 93778-2616
PHONE (559) 445-5868
FAX (559) 488-4088
TTY (559) 488-4066



*Flex your power!
Be energy efficient!*

December 6, 2012

2131-IGR/CEQA
6-FRE-GEN
NOP DEIR
CITY OF FRESNO GENERAL
PLAN & DEVELOPMENT
CODE UPDATE
SCH 2007071008

Mr. Keith Bergthold, Assistant Director
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Mr. Bergthold:

We have completed our review of the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the City of Fresno's General Plan and Development Code Update. Caltrans has the following comments:

It is recognized that the Master EIR would include extensive evaluation of traffic and would recommend mitigation measures to both local and State facilities. While we were provided the opportunity to meet with the City and their traffic consultant previously, Caltrans would request the opportunity to remain involved throughout this process. At our previous meeting we offered to provide the traffic consultant with any traffic data we possessed to assist them. However, to date we have not been contacted. It is recommended that the traffic consultant provide a formal scope of work for our review and comment prior to conducting the traffic analysis. This information should include assumptions, modeling, forecasting, methodologies, etc.

If you have any questions, call me at (559) 445-5868.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Navarro".

MICHAEL NAVARRO
Office of Transportation Planning
District 06

C: SCH



DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • FAX 916 / 327-3430 • TDD 916 / 324-2555 • WEBSITE conservation.ca.gov

December 17, 2012

Keith Bergthold, Assistant Director
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721-3604

Subject: Notice of Preparation for the City of Fresno General Plan and Development Code Update – SCH # 2012111015

Dear Mr. Bergthold:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the Notice of Preparation (NOP) for the City's General Plan and Development Code Update. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description

The project consists of a planning area that encompasses 106,000 acres and includes the current City limits, the City's Sphere of Influence, and several other areas, all within Fresno County. The proposed project is a comprehensive update and implementation of the City of Fresno's General Plan and Development Code. Development of the project within the proposed study area will result in the loss of 10,978 acres of farmland.

The project also contains land under Williamson Act contract, and the NOP acknowledges that the Development Code update will remove agricultural zoning districts from the planning area. This will result in potential impacts to contracted land. Implementation of the proposed project would convert this farmland to urban uses and would preclude future agricultural uses on the site.

Division Comments

Per the 2008 Important Farmland Map for Fresno County, produced by the Farmland Mapping and Monitoring Program (FMMP), the planning area contains approximately 11,000 acres of Prime Farmland, 2,700 acres of Farmland of Statewide Importance, and 3,200 acres of Unique Farmland. The conversion of this land is a material consideration for the California Environmental Quality Act (CEQA). Therefore, the Division recommends that the Draft EIR address the following items to provide a comprehensive discussion of potential impacts of the project on agricultural land and activities:

Agricultural Setting of the Area

- Location and extent of FMMP Important Farmland in the project area and other types of agricultural land adjacent to the project area.
- Current and past agricultural use of the project areas. Please include data on the types of crops grown.

To help describe the full agricultural resource value of the soils on the site, the Department recommends the use of economic multipliers to assess the total contribution of the site's potential or actual agricultural production to the local, regional, and state economies. Two sources of economic multipliers can be found at the University of California Cooperative Extension Service and the United States Department of Agriculture (USDA).

Impacts on Agricultural Land

Land use conversion statistics from the Important Farmland Data Availability webpage¹ documents a net decrease of more than 102,000 acres of irrigated Important Farmland² in Fresno County between 2000 to 2008; an average loss of more than 12,750 acres per year. This cumulative loss represents a significant impact to the agricultural resources of the County and the State, and shows why the remaining prime agricultural resources should be protected whenever feasible.

When determining the agricultural value of the land, it is important to recognize that the value of a property may have been reduced over the years due to inactivity, but it does not mean that there is no longer any agricultural value. The inability to use the land for agriculture, rather than the choice not to do so, is what could constitute a reduced agricultural value. The Division recommends the following discussion under the Agricultural Resources section of the DEIR:

- Type, amount, and location of farmland conversion resulting directly and indirectly from the General Plan and Development Code updates.
- Impacts on any current and future agricultural operations; e.g., land-use conflicts, loss of agricultural support infrastructure such as processing facilities, increases in land values and taxes, etc.
- Incremental impacts leading to cumulative impacts on agricultural land. This would include impacts from projects in process at the time the Master EIR is analyzed, as well as impacts from past and likely future projects.

In 2010, approximately \$ 5.9 billion in farm sales was generated in Fresno County³, which demonstrates the high productivity of available agricultural lands in this top-ranked region. The

¹ http://redirect.conservation.ca.gov/dlrp/fmmp/product_page.asp

² Important Farmland consists of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland.

³ California Agricultural Resource Directory 2010-2011

http://www.cdffa.ca.gov/statistics/PDFs/ResourceDirectory_2011-2012.pdf

Mr. Keith Bergthold
December 17, 2012
Page 3 of 5

City of Fresno proposes changes to, and adjacent to, some of the highest quality and longest producing agricultural land in the County.

Any loss of this agricultural land should be avoided or mitigated whenever possible. Under Title 14 of the California Code of Regulations, Section 15064.7, impacts on agricultural resources may also be both quantified and qualified by use of established thresholds of significance. As such, the Department has developed a California version of the USDA Land Evaluation and Site Assessment (LESA) Model. The California LESA model is a semi-quantitative rating system for establishing the environmental significance of project-specific impacts on farmland. The model may also be used to rate the relative value of alternative project sites. The LESA Model is available on the Division's website at:

http://www.consrv.ca.gov/DLRP/qh_lesa.htm

Williamson Act

The Williamson Act enables local governments to enter into contracts with private landowners for the purpose of restricting specific parcels of land to agricultural or compatible uses. California Government Code § 51230 enables local governments to enter into Williamson Act contracts, which have an initial term of 10 years. Section 51296 enables local governments to enter into Farmland Security Zone (FSZ) contracts (also known as "super Williamson Act" contracts), which have an initial term of 20 years. Both kinds of contracts are entered into between private landowners and the County, and both are present in Fresno County. In return, restricted parcels are assessed for property tax purposes at a rate consistent with their actual use (i.e. farming, grazing, and/or open space), as opposed to potential market value.

We recommend that the Draft EIR include a discussion of how the Development Code Updates will remain consistent with the conditions set upon existing Williamson Act contracts, and if not, how any cancellations that may be involved in this project would (or would not) meet the required findings of Government Code § 51282 Cancellation, or § 51297 Cancellation of Farmland Security Zone Contract.

Mitigation Measures

Although direct conversion of agricultural land may be an unavoidable impact under CEQA analysis, mitigation measures, including compensatory mitigation, must be considered and adopted if feasible. This Master EIR has noted that at least 10,978 acres of agricultural land would be developed, with full buildout within the Planning Area sometime after the year 2035⁴.

The document states that there will be a further analysis of these potential impacts, and that "mitigation measures will be provided, if available"⁵. This interpretation of the City's responsibility for the Master EIR does not address Public Resources Code § 21100(b)(3), which

⁴ Introduction, Section 1.4.4 – Comparison of Existing Development to the City of Fresno General Plan update, page 28, Table 4. City of Fresno General Plan and Development Code Update, Initial Study. November 6, 2012.

⁵ Discussion of Environmental Evaluation, Section 3 – 2. Agriculture and Forestry Resources, page 45. City of Fresno General Plan and Development Code Update, Initial Study. November 6, 2012.

mandates the inclusion of "mitigation measures proposed to minimize significant effects on the environment" in the CEQA document. The approval and use of a Master EIR provides a mechanism for mitigating the overall project, thus allowing subsequent, identified projects to meet a lower threshold when examining irreversible significant environmental impacts.

CEQA Guideline § 15370 defines mitigation measures as those that "avoid, minimize, rectify, reduce or eliminate, or compensate" for project impacts. Given the City's location, it may not be feasible to completely avoid agricultural land conversion; nor does CEQA require that impacts be reduced to a level below significance. Rather, CEQA's criterion is feasible mitigation that lessens a project's impacts.

The General Plan Update stage of the land use planning process provides the best opportunity for the City to incorporate General Plan Policies and Ordinances to create agricultural mitigation programs. These Policies and Ordinances create a blanket approach for all subsequent projects that provide for compensatory mitigation as the later site-specific projects move through their individual review. Mitigations such as conservation easements and in-lieu mitigation fee banking are considered viable tools for achieving impact reduction under CEQA.

Should the City decide not to incorporate available, feasible mitigation measures into their Master EIR, then they must consider mitigation measures when a subsequent Focused EIR is reviewed, i.e. during a Specific Plan proposal CEQA analysis. As the Master EIR would not contemplate any mitigation measures, the City must analyze them on a project-by-project basis for any anticipated subsequent project. CEQA Guidelines § 15178(c)(1) states that a Focused EIR must include the following:

The focused EIR shall incorporate by reference the Master EIR and analyze only the subsequent project's additional significant environmental effects and any new or additional mitigation measures or alternatives that were not identified and analyzed by the Master EIR. "Additional significant environmental effects" are those project-specific effects on the environment which were not addressed as significant in the Master EIR. (emphasis added)

Therefore, all potentially feasible mitigation measures which could lessen impacts from the General Plan and Development Code Update should be included in the Master EIR for the City of Fresno. A measure brought to the attention of the Lead Agency should not be left out unless

it is infeasible based on its elements. Agricultural conservation easements are an available mitigation tool that should be considered in the CEQA process. Finally, when presenting mitigation measures in the Master EIR, it is important to note that a mitigation consisting only of a statement of intention or an unspecified future action may not be adequate pursuant to CEQA.

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. As such, the Department recommends the use of permanent agricultural conservation easements on land of at least equal quality and size as compensation for the direct loss of agricultural land. Conservation easements will protect a portion of those remaining

Mr. Keith Bergthold
December 17, 2012
Page 5 of 5

land resources and lessen project impacts in accordance with CEQA Guideline § 15370. The Department highlights this measure because of its acceptance and use by lead agencies as an appropriate mitigation measure under CEQA and because it follows an established rationale similar to that of wildlife habitat mitigation.

Mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence, the search for replacement lands need not be limited strictly to lands within the project's surrounding area, but should be roughly equivalent in proximity, acreage, and agricultural characteristics to the affected property.

A number of agricultural conservation easements currently exist in Fresno County; additional easement projects are potentially feasible. If the City were not able to make arrangements for easement mitigation through one of these or many other land trusts operating in California, the Department would be glad to help. Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered.

Thank you for giving us the opportunity to comment on the NOP for the City of Fresno's General Plan and Development Code Update. Please provide this Department with the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Associate Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

Sincerely,



Molly A. Penberth, Manager
Division of Land Resource Protection
Conservation Program Support Unit

cc: State Clearinghouse

December 5, 2012

Keith Bergthold
City of Fresno
Development and Resource Management Department
2600 Fresno Street
Fresno, CA 93721

Project: City of Fresno General Plan Update and Development Code Update

District CEQA Reference No: 20120749

Dear Mr. Bergthold:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation for the project referenced above. The City of Fresno is proposing to update its General Plan and Development Code for its Planning Area that encompasses approximately 106,000 acres and includes all areas within the City's current City limits, current Sphere of Influence, the City's Wastewater Treatment Plant site, and an area north of the City's most northeasterly portion of the City. The General Plan and Development Code Update is a master level project and, while project-specific data may not be available until specific approvals are being granted, the Environmental Impact Report (EIR) should include a discussion of policies, which when implemented, will reduce or mitigate impacts on air quality at the individual project level. To aid the Lead Agency in addressing project specific issues, the District offers the following comments and recommendations:

Land Use Planning

- 1) Nearly all future development projects within the San Joaquin Valley Air Basin, from general plans to individual development projects have the potential to generate air pollutants, making it more difficult to attain state and federal ambient air quality standards.

Seyed Sadredin

Executive Director/Air Pollution Control Officer

Northern Region

4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)

1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region

34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

Land use decisions are critical to improving air quality within the San Joaquin Valley Air Basin because land use patterns greatly influence transportation needs and motor vehicle emissions are the largest source of air pollution. Land use decisions and project design elements such as preventing urban sprawl, encouraging mix-use development, and project designs that reduce vehicle miles traveled (VMT) have proven benefit for air quality. The District recommends that the General Plan and Development Code Update include or incorporate by reference, policies that will reduce or mitigate VMT impacts to the extent feasible. VMT can be reduced through encouragement of mixed-use development, walkable communities, etc. Recommended design elements can be found on the District's website at:

<http://www.valleyair.org/ISR/ISROnSiteMeasures.htm>

To aid agencies in addressing VMT impacts the District has prepared the following guidance documents: *Air Quality Guidelines for General Plans*, and *AB 170 Requirements for General Plans*. These documents provide general information and recommendations for policies that are effective in reducing impacts from growth and development projects. These documents are available on the District's web site at:

[http://www.valleyair.org/transportation/Guidelines for General Plans.htm](http://www.valleyair.org/transportation/Guidelines%20for%20General%20Plans.htm)

Emissions Analysis

- 2) The District is currently designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM10 and CO, and nonattainment for PM2.5 for the federal air quality standards. At the state level, the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 air quality standards. The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:
 - a) **Criteria Pollutants:** Future development project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.
 - i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separate from operational emissions. The District recommends preparation of an Environmental Impact Report (EIR) if annual construction emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).
 - ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The District recommends preparation of an Environmental Impact Report (EIR) if the sum of annual permitted and non-permitted emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of

oxides of nitrogen (NO_x), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM₁₀).

- iii) Project related criteria pollutant emissions should be identified and quantified. Emissions analysis should be performed using CalEEMod (California Emission Estimator Model), which uses the most recent approved version of relevant Air Resources Board (ARB) emissions models and emission factors. CalEEMod is available to the public and can be downloaded from the CalEEMod website at: <http://www.caleemod.com/> .
- b) **Nuisance Odors:** Future development projects should be evaluated to determine the likelihood that the project would result in nuisance odors. Nuisance odors are subjective, thus the District has not established thresholds of significance for nuisance odors. Nuisance odors may be assessed qualitatively taking into consideration of project design elements and proximity to off-site receptors that potentially would be exposed objectionable odors.
- c) **Health Impacts:** Toxic air contaminants (TACs) are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA).
 - i) The location of development projects is a major factor in determining whether they will result in localized air quality impacts. The potential for adverse air quality impacts increase as the distance between the source of emissions and receptors decrease. From a health risk perspective there are two types of land use projects that have the potential to cause long-term public health risk impacts: those that locate new toxic sources in the vicinity of existing receptors and those that locate new receptors in the vicinity of existing toxic sources.

Accurate quantification of health risks and operational emissions requires detailed site specific information, e.g. type of emission source, proximity of the source to sensitive receptors, and trip generation information. The required level of detail is typically not available until project specific approvals are being granted. Therefore, the District recommends that potential health risks be further reviewed when approving future projects. This recommendation includes projects that would otherwise appear to be exempt from CEQA requirements, such as projects that could be categorically exempt or allowed land uses under current zoning.
 - ii) Various tools exist to perform a screening level analysis for emissions from new stationary sources, such as prioritization charts, SCREEN3, and various

spreadsheets available from the District's website. For projects being impacted by existing emission sources, one screening tool is contained in the ARB Handbook: *Air Quality and Land Use Handbook: A Community Health Perspective*. The document includes a table with recommended buffer distances associated with various types of common sources. The ARB handbook can found on the ARB's website at:

<http://www.arb.ca.gov/ch/landuse.htm>.

If the screening level analysis indicates that TACs are a concern, the District recommends that a more detailed HRA be performed. If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. The project would be considered to have a significant health risk if the HRA demonstrates that project related health impacts would exceed the District's significance threshold of 10 in a million.

More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: hramodeler@valleyair.org; or
- Visiting the District's website at:

http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm

3) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:

- d) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for any modeling referenced in the EIR.
- e) A discussion of the components and phases of the project and the associated emission projections, including ongoing emissions from each previous phase.
- f) A discussion of project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the project.
- i) The following policies/mitigation measures are recommended to reduce or mitigate impacts from criteria pollutant emissions:
 - (1) Use of off-road construction fleets that can achieve fleet average emissions equal to or less than the Tier II emission standards, as set forth in §2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 Code of Federal Regulations. The District recommends

incorporating, as a condition of project approval, a requirement that off-road construction equipment used on site achieve fleet average emissions equal to or less than the Tier II emissions standard of 4.8 NOx g/hp-hr. This can be achieved through any combination of uncontrolled engines and engines complying with Tier II and above engine standards.

- (2) For future projects exceeding the applicability thresholds identified in Section 2.0 of District Rule 9510 (Indirect Source Review), a condition of project approval requiring demonstration of compliance with Rule 9510, prior to the issuance of grading and/or building permits.
- (3) Air quality impacts from future development projects exceeding the District's thresholds of significance for criteria pollutants after the implementation of mitigation measures can be mitigated to less than significant through payment of funds into an emissions reduction program. Also known as a Voluntary Emission Reduction Agreement (VERA), a VERA is a mitigation measure by which a project proponent provides pound-for-pound mitigation of emissions increases through a process that develops, funds, and implements emission reduction projects, with the District serving the role of administrator of emission reduction projects and verifier of the successful mitigation effort. To implement a VERA, the project proponent and the District enter into a contractual agreement, in which the project proponent agrees to mitigate project specific emissions by providing funds to the District's Strategies & Incentives (SI) Department. The funds are disbursed by SI in the form of grants for projects that achieve emission reductions. Thus resulting in project specific impacts on air quality can be fully mitigated.

The District has been developing and implementing VERA contracts with project developers to mitigate project specific emissions since 2005. It is the District's experience that implementation of a VERA is a feasible mitigation measure and effectively achieves the emission reductions required by a Lead Agency, by mitigating project related impacts on air quality to a net zero level by supplying real and contemporaneous emissions reductions. To assist the Lead Agency and project proponent in ensuring that the environmental document is compliant with CEQA, the District recommends the environmental document include an assessment of feasibility of implementing a VERA. More information regarding participation in a VERA can be obtained by calling (559) 230-6000 and asking to speak to a District CEQA staff member.

- (4) For future projects subject to District permitting requirements, demonstration of compliance with District Rule 2201 (New and Modified Stationary Source Review Rule), such as a copy of the Authority to

Construct (ATC), before issuance of the first building permit, be made a condition of project approval.

- ii) The following policies/mitigation measures are recommended to mitigate potential health impacts of individual projects:
- (1) Future development projects resulting in toxic air contaminant emissions will be located an adequate distance from residential areas and other sensitive receptors in accordance to ARB's *Air Quality and Land Use Handbook: A Community Health Perspective*.
 - (2) A health risk screening and/or assessment will be performed to assess potential risks to sensitive receptors for the following projects:
 - Future projects whose proposed locations are within the established buffer distances identified in ARB's handbook;
 - Future projects whose land uses are not specifically identified in ARB's handbook (such as shopping centers), but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants; and
 - Future projects that would otherwise appear to be exempt from CEQA requirements, but there is sufficient information to reasonably conclude that sensitive receptors would be exposed to significant sources of toxic air contaminants, such as industrial use projects allowed by right.
- g) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at:

<http://www.valleyair.org/aginfo/attainment.htm>

District Rules and Regulations

- 4) Individual future development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:
- 50 dwelling units
 - 2,000 square feet of commercial space;
 - 25,000 square feet of light industrial space;
 - 100,000 square feet of heavy industrial space;
 - 20,000 square feet of medical office space;
 - 39,000 square feet of general office space; or
 - 9,000 square feet of educational space; or

- 10,000 square feet of government space; or
- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above.

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payments of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit.

The District recommends that a mitigation measure be included that requires, for any project within the scope of this EIR subject to Rule 9510, demonstration of compliance with District Rule 9510, including payment of all applicable fees before issuance of the first building permit, be made a condition of project approval.

District ISR staff is available to meet with the Lead Agency or project proponent to further discuss the requirements of Rule 9510 for individual development projects. More information on District Rule 9510 can be obtained by:

- Calling the District's ISR staff at (559) 230-6000;
- E-mailing inquiries to: ISR@valleyair.org; or
- Visiting the District's website at: <http://www.valleyair.org/ISR/ISRHome.htm>

- 5) Individual future development projects may also be subject to District regulations including, but limited to: Regulation VIII (Fugitive PM10 Prohibitions), District Rule 2010 (Permits Required), Rule 2201 (New and Modified Stationary Source Review), Rule 4002 (National Emission Standards for Hazardous Air Pollutants), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). To avoid potential delays in project development, the District strongly encourages project proponents contact the District's Small Business Assistance (SBA) Office early in the planning phase to discuss whether an Authority to Construct (ATC) and Permit to Operate (PTO) are required, and to identify other District rules or regulations that apply to their project.

The District recommends that a mitigation measure be included that requires, for any project within the scope of this EIR that is subject to District permits, demonstration of compliance with District permitting requirements, such as a copy of the ATC, before issuance of the first building permit, be made a condition of project approval.

- 6) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's

Small Business Assistance (SBA) Office at (559) 230-5888. Current District rules can be found online at the District's website at:

<http://www.valleyair.org/rules/1ruleslist.htm>

The District recommends that a copy of the District's comments be provided to the project proponent. If you have any questions or require further information, please call Mark Montelongo at (559) 230-5905.

Sincerely,

David Warner
Director of Permit Services



for: Arnaud Marjollet
Permit Services Manager

DW:mm

cc: File



County of Fresno

Department of Public Health
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

November 19, 2012

999999999
LU0016586
PE 2601
CX

Keith Bergthold, Assistant Director
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Mr. Bergthold:

SUBJECT: Notice of Preparation of an Environmental Impact Report for the City of Fresno General Plan and Development Code Update

Thank you for the opportunity to review the above project. The Fresno County Department of Public Health, Environmental Health Division concurs with the probable environmental effects outlined in the Notice of Preparation and has no additional comments to offer at this time. However, we request to be included in the future routing of the Draft Environmental Impact Report

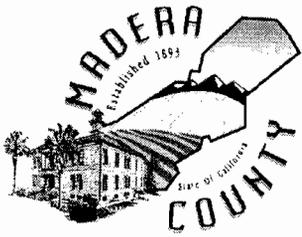
If I can be of further assistance, please contact me at (559) 600-3271.

Sincerely,

R.E.H.S., M.S.
Supervising Environmental Health Specialist
Environmental Health Division

ga

Fresno NOP EIR GP & Development Code Update.docx



RESOURCE MANAGEMENT AGENCY PLANNING DEPARTMENT

Norman L. Allinder, AICP
Director

- 2037 W. Cleveland Avenue
- Mail Stop G
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc_planning@madera-county.com

December 5, 2012

ATTN: Keith Bergthold
City of Fresno
2600 Fresno Street, Room 3065
Fresno CA 93721

RE: Notice of Preparation of a MEIR for City
of Fresno General Plan and Development
Code Update

Dear Mr. Bergthold:

We are in receipt of your Notice of Preparation (NOP) for the Master Environmental Impact Report (MEIR) for the City of Fresno General Plan Update. It is important to note the long-term implications that the proposed Fresno General Plan Update will have not only upon the City of Fresno, County of Fresno, and Clovis, but also upon Madera County.

It is necessary to highlight the City of Fresno's impacts on southern Madera County. From a transportation perspective, the historical and more recent build-out of the northern portion of the City of Fresno has led to slower commute times along major east/west routes, including Herndon Avenue and Shaw Avenue. Therefore, many Valley residents have become reliant upon southern Madera County's major east/west routes, including Avenue 7, Avenue 9 and Avenue 12 in order to by-pass congestion along the City of Fresno's east-west connectors. In addition, due in large part to the significant population of the Fresno/Clovis metropolitan area, Madera County has been experiencing increased impacts upon other main transportation routes, including State Route 99 and State Route 41.

The MEIR for the City of Fresno must identify the significant cumulative impacts of the General Plan Update, and the impacts it will have upon all citizens of Madera County. The MEIR must include a detailed analysis of the environmental and economic impacts upon the existing planned new growth areas of Madera County.

We would like to offer the following as significant environmental issues of interest relating to the City of Fresno General Plan and Development Code Update. We trust that these comments will be addressed in the General Plan Update Draft MEIR, we have been, and remain available if you would like to meet concerning any of the issues outlined.

Aesthetics: The proposed General Plan Update has the potential to cause significant impacts to a number of scenic areas within Madera County, most notable the properties adjacent to the San Joaquin River. In addition to scenic resources of the San Joaquin River being impacted, the

MEIR should look at the impact of Madera County's existing visual character and quality of the properties located adjacent to and in proximity of the San Joaquin River. The MEIR must address the potentially significant new source of light or glare which could adversely impact Madera County properties and residents, most notable Children's Hospital of Central California.

Air Quality: The City of Fresno MEIR for the General Plan Update must analyze the air quality impacts of its proposed development expansion for the entire San Joaquin Valley Air Pollution Control District. In regards to Madera County the MEIR must analyze the numerous sensitive receptors within close proximity to the City of Fresno (i.e., Children's Hospital of Central California, Golden Valley Unified School District Facilities, Madera Unified School District Facilities, and Chawanakee Unified School District Facilities planned and approved). The General Plan will have significant direct impacts upon Madera County. The MEIR must analyze the air quality impacts of traffic on Madera County roads.

Biological Resources: The MEIR must analyze not only the impacts of the infrastructure requirements needed to serve the General Plan's inducement of development within Madera County (i.e., road facilities) but the biological impacts of needing to expand those facilities such as Highway 41, Highway 145, Road 206, Highway 99, Avenue 9, Avenue 7, Avenue 12, and Avenue 15. The potential biological impacts associated with the off-site infrastructure requirements to facilitate the City of Fresno's General Plan are significant and must be analyzed.

Cultural Resources: The MEIR must analyze not only the impacts of the infrastructure requirements needed to serve the General Plan's required development within Madera County (i.e., road facilities) but the potential cultural impacts of needing to expand those facilities such as Highway 41, Highway 145, Road 206, Highway 99, Avenue 9, Avenue 7, Avenue 12, and Avenue 15. The potential cultural impacts associated with the off-site infrastructure requirements to facilitate the City of Fresno's General Plan are significant and must be analyzed.

Greenhouse Gas Emissions: The MEIR must assess and address any conflicts the plan has related to the Madera County General Plan Air Quality element. The development contemplated within the City of Fresno General Plan Update is significant and as stated previously will impact the San Joaquin Air Basin significantly.

Hazards and Hazardous Materials: The MEIR must assess the potential impacts to Madera County's adopted emergency response and evacuation plans. The General Plan update considers massive development which will impact Madera County roadways vital to our emergency response and evacuation plans.

Hydrology and Water Quality: The MEIR should address the potential impacts upon the San Joaquin River Restoration Project. The MEIR must address the existing subsidence within the water basin that will have negative impacts around areas designated and approved for development within Madera County. The City of Fresno MEIR and General Plan Update must identify how new development within the City will have a one to one water balance, thereby addressing the existing subsidence of the City of Fresno water basin.

Land Use and Planning: The project has the potential to promote the continued growth of commercial development in the City of Fresno, and Fresno County, thereby generating traffic trips from Madera County for employment, retail, and service opportunities. The July 2012 jobs to housing ratio for the Fresno Metropolitan Service Area (MSA) was 1.067—meaning that the area contains an excess of commercial and industrial uses that attract employment from outside of the

MSA (an estimated excess of 21,245 jobs). To correct the imbalance, effective and measurable efforts must be taken through the General Plan to obtain jobs to housing balance within the City's boundary and Sphere of Influence (SOI). Such an effort will be important in determining the General Plan's consistency with the, Madera County General Plan, Rio Mesa Area Plan, Gunner Ranch West Area Plan, Gateway Village Area Plan, O'Neals Area Plan, Madera County Regional Transportation Plan, San Joaquin River Parkway Plan, Fresno COG Regional Transportation Plan, SCS's, Blueprint, and State greenhouse gas goals.

The documents provided with the Notice of Preparation do not clearly identify what amendments will be considered within the community plans identified on page 29 of the report. Please provide a detailed explanation of what amendments or approvals are being considered as a part of this General Plan Update.

Mineral Resources: The MEIR must address the regional growth impacts associated with the General Plan Update as proposed and its impacts upon the regional mineral resources. The General Plan needs to identify where the mineral resources that will be required to build the necessary infrastructure to implement the City of Fresno's is coming from.

Noise: The City General Plan contemplates significant population growth which in turn has the potential for significant noise impacts related to traffic generated by the City of Fresno on Madera County roadways (i.e., Avenue 9, Avenue 7, Avenue 12, SR 41, SR 145, Avenue 15), and new planned industrial and commercial land uses within the City sphere of influence.

Transportation and Traffic: The proposed General Plan Update has the potential to cause significant impacts to the County's transportation infrastructure—impacts not anticipated in the Madera County General Plan. A detailed analysis is warranted of the project's direct, indirect, and cumulative impacts on the level of service for the following segments and intersections:

Segments:

- Avenue 7 from State Route 99 to Road 16
- Avenue 9 from Children's Boulevard to State Route 99
- Avenue 12 from State Route 41 to State Route 99
- Avenue 15 from State Route 41 to Road 28
- State Route 145 from Road 206 to Tozer Avenue
- State Route 145 from the City of Madera south to the Madera County line
- State Route 41 from the Madera County line to Yosemite National Park
- State Route 99 from the Madera County line to Merced County
- Road 206 from the Madera County line to State Route 145
- Children's Boulevard from State Route 41 to Avenue 9

Intersections:

- Children's Boulevard & State Route 41
- Avenue 12 & State Route 41
- Avenue 7 & State Route 99
- Avenue 9 & State Route 99
- Avenue 12 & State Route 99
- State Route 145 and State Route 41
- Avenue 15 & State Route 41

- Road 206 & State Route 145

A critical aspect to Smart Growth is the ability for urban areas to have substantially high internal capture rates, thereby reducing the total vehicle miles traveled in the region and promoting alternative modes of transportation within urban centers. The MEIR should involve a detailed analysis of how each urban area in the City of Fresno will substantially increase their internal capture rates, thereby reducing impacts on Madera County.

The City of Fresno General Plan must address the regional traffic impacts of its proposed development, therefore it is appropriate that the City plan for and begin implementing a Highway 65 alignment through the City, as proposed within the San Joaquin River Transportation Study.

Population and Housing: The proposed project will also involve plans to accommodate substantial amounts of population growth. The proposed General Plan Update has the potential to induce population growth both directly and indirectly—such potential impacts must be thoroughly analyzed in the MEIR. In particular, this analysis must focus on the impacts of direct and indirect population growth upon Madera County.

In addition to the items listed above, Madera County would request that page 30, of the initial study identify those entities that the City of Fresno considers potential Responsible and Trustee Agencies. The County of Madera would request that the City General Plan discuss the regional impacts that the City of Fresno has historically had upon Madera County and the continuing impacts that this General Plan will create. The City of Fresno should look at a regional financing mechanism to begin funding improvements along State Route 41 within Madera County which is a main economic engine for the City of Fresno with international flights and commerce into the City of Fresno traveling to Yosemite National Park. In addition to the impacts upon State Route 41, the City of Fresno needs to identify within its General Plan a funding mechanism to construct a new bridge crossing of the San Joaquin River as identified within the San Joaquin River Transportation Study prepared by Madera County in cooperation with the City of Fresno, Caltrans, County of Fresno, and the City of Madera.

Madera County would strongly urge the City of Fresno to amend the General Plan planning area to encompass and address the existing growth areas of southeast Madera County. The City General Plan would be fatally flawed without this area's inclusion in the study area under Government Code Section 65300, which states the following:

“Each planning agency shall prepare and the legislative body of each county and city shall adopt a comprehensive, long-term general plan for the physical development of the county or city, **and of any land outside its boundaries which in the planning agency's judgment bears relation to its planning.** Chartered cities shall adopt general plans which contain the mandatory elements specified in Section 65302.”

The City of Fresno has routinely made claim to regionalism and the impacts Madera County potentially has upon the City. However, in reviewing the NOP and initial study, the issue of how the City of Fresno will accommodate the population expansion proposed in the General Plan is not properly discussed within the initial study. The proposed growth within the General Plan will significantly burden all citizens of Madera County. The Eastern Madera County citizens

of O'Neals, Coarsegold, Oakhurst, Ahwahnee, Bass Lake, and North Fork rely upon State Route 41 to provide emergency medical access which has been and continues to be severely impacted by the developments occurring and planned in the City of Fresno.

We appreciate the opportunity to provide comments on the NOP and will follow the project as it proceeds. The County also looks forward to commenting on the DMEIR. After reviewing this letter, if you have any specific questions, feel free to contact me (559-675-7821).

Sincerely,

A handwritten signature in black ink, appearing to read "Norman Allinder" with a stylized flourish at the end.

Norman Allinder, AICP
Planning Director



City of Clovis
Department of Planning and Development Services
CITY HALL · 1033 FIFTH STREET · CLOVIS, CA 93612

December 4, 2012

Keith Bergthold, Assistant Director
Planning and Development Department
City of Fresno
2600 Fresno Street, Third Floor
Fresno, CA 93721-3604

Dear Mr. Bergthold,

SUBJECT: Response to the Fresno General Plan Update EIR Notice of Preparation

Thank you for the opportunity to review the Fresno GP Update EIR NOP. Fresno's 2025 GP Urban Boundary Map depicted a "North Growth Area and Sphere of Influence Addition" extending north of its current (2009) sphere of influence to the confluence of Willow/Friant Road with Little Dry Creek. My copy of the of the 2025 GP (2007 edition) depicts this land as designated for Low Density Residential uses; it is planned by Fresno County for agricultural or rural residential purposes.

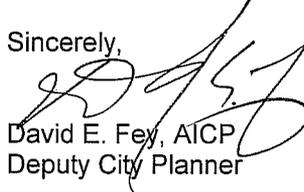
Based on the documents provided with the current NOP, Fresno's proposed planning area continues to encompass this area. Planning it for Low Density Residential uses implies that development of this area would occur after annexation to city of Fresno. However, the "proposed project" description in the public notice, the NOP, and the Initial Study (including the initial discretionary approvals in section 1.5), do not reference an amendment of the Fresno sphere of influence.

We recommend that if the city is still considering this land use designation on property currently not in the city limits that a SOI amendment be included in the record as an initial or reasonably foreseeable subsequent discretionary approval.

We also recommend that the Fresno GP update and the EIR public facility analysis depict the route of the raw water pipeline between the Friant-Kern Canal and Fresno's surface water treatment plant and discuss to some degree the potential service interties between the cities and/or services to county service areas as identified in LAFCo's Fresno MSR.

Thank you for the opportunity to comment on this project. If you have any questions, feel free to contact me at 324-2338.

Sincerely,


David E. Fey, AICP
Deputy City Planner

J:\EnvAssmt\City of Fresno\NWC Copper_Willow\Ltr K Bergthold Fresno GPU EIR NOP 113012.doc

*Mark Reitz, PE
246 E. Denise Avenue
Fresno, CA 93720
(559) 905-4523*

December 4, 2012

Jamie Holt
City of Fresno Planning Commission
2600 Fresno Street
Fresno, CA 93721

Initial Study – General Plan and Development Code Update

Enclosed are copies of correspondence sent to the City of Fresno Planning Department related to an approximately 200-acre area within the SEGA bounded by Temperance Avenue on the west, the railroad on the north, the Briggs Canal on the east, and Church Avenue on the south. The correspondence dates back to August 18, 2008 and November 20, 2008.

Modifications were requested from the land use designation of Industrial/Flex R&D as proposed under the SEGA plan. This was requested in an application with a fee paid to the City Planning Department, which was acknowledged in the enclosed letter dated October 2, 2008.

Based on our attendance at many planning meetings since then, we understand that this area is now proposed as a Regional Business Park (RBP) and no longer the Industrial/Flex R&D per SEGA.

The landowners within this 200-acre area are also not in favor of the RBP land use designation for this area and would prefer the alternatives proposed in our correspondence for the environmental and planning reasons stated.

We would appreciate your consideration in incorporating our proposed land uses or something similar and more flexible for this area in the new General Plan.

Please call if you have any questions.

Sincerely,


Mark Reitz

Trai Her

From: Jeffrey Roberts [JRoberts@gvhomes.com]
Sent: Thursday, December 06, 2012 10:58 AM
To: Keith Bergthold
Subject: FW: General Plan Update Comments - EIR Scoping Session
Attachments: Message from KMBT_C550; Message from KMBT_C550

From: Jeffrey Roberts
Sent: Thursday, December 6th, 2012 11:00 am
To: Jeffrey Roberts
Subject: General Plan Update Comments - EIR Scoping Session

Keith,

The written comments contained in this email are intended to supplement the oral comments that were made at the "Scoping Session" held in the City Council Chambers on November 27th, 2012. I have also attached the two letters that were submitted to you and to the Planning Commission several weeks ago. These letters contain General Plan Update comments that pertain to current Granville Homes projects at various locations with the current and future City limits.

Comments:

1. The EIR Scope should include the study of at least one of the other alternatives that were reviewed by the General Plan Update Committee. With a change in the makeup of the City Council members, the "dynamics" of the body could change and the newer members may or may not be supportive of the Modified Alternative "A" that the current Council members endorsed. I would suggest that Alternative "D" also be studied by the EIR consultant. This was the alternative recommended by the General Plan Update Committee.
2. The Zoning Ordinance does not need to be repealed because it isn't broken. The original document is 50 years old but there have been many text amendments and director classifications over the years that have kept the document relevant and "current". I am very concerned about the elimination of some of the very useful zone districts that are in place all over the City. I am also concerned that the process of changing over from the old code to the new code will take years if not decades. I mentioned that real estate lenders may have a concern if any of the zoning rights that were in place on a property when they made a loan are eliminated. I believe that the EIR consultant needs to look very hard at this issue and consider the "No Project" alternative when it comes to putting a new code in place.
3. I asked a question about the population estimate and didn't get a very good answer from the EIR consultant. I was under the impression that the City had to design a plan to accommodate a population estimate handed down from the State Department of Finance. I guess that isn't the case anymore. I question the response provided and clearly recall a discussion in Room 4017 one night about a new population estimate (done by the Planning Center) for the Valley. I was under the impression that the City was going to "adopt" that number and plan for that population.
4. I asked a question about zoning consistent with the General Plan. The answer given leaves me with the impression that the City will not be doing any proactive zoning. If this is the case, then there will be even more inconsistent situations in the City than ever before. The new designations and zone districts that are suggested coupled with the newly increased fees will make it even tougher for the "customer" to achieve the consistency required by State law when a subdivision is proposed.
5. It would seem to me that the environmental review for a population of 970,000 would be more time consuming and costly than for the projected 2035 population (which will be substantially less than 970,000). If this is true, then why do we need to spend time and money right now evaluating the impacts of a population that may not be here for 50 years?

6. Since the focus of this General Plan seems to be on “Infill” development, it would seem to be an appropriate time to consider policies that actually help incentivize that construction of this housing product. In order to achieve a greater density per acre, the City needs to revisit the fairly recent discussion of the public and private street standards. With the recent imposition of sidewalks on both sides of private streets, the City has created a dis-incentive to developing any private streets. The unintended consequence of the sidewalk policy change is that the City will now have more public streets to maintain than if the private standard without sidewalks were left in place. In addition, street widths, as currently required, consume a tremendous amount of land that could be put to a better use. The EIR needs to look at some alternatives to the street and sidewalk standards to determine which of these is superior in light of the General Plans’ focus.
7. The acceptable sound level should be raised from 60 to 65 db. This is the standard used in most of the State.
8. A policy regarding CFDs’ needs to be included and assessed in the EIR.
9. The proposed General Plan policy regarding annexations (LU 1-E) eliminated. This policy would require developers to utilize a process and pay a fee that is not required today. The option should remain but this unnecessary requirement should not be mandatory.
10. Fresno does not have an “Agricultural Mitigation” fee or policy. (see page 45) Since the current General Plan and the new General Plan are virtually identical (no proposed Agricultural uses) the discussion of a new policy should be eliminated. There would be no reason to study the impacts in the EIR if this concept were eliminated from the text.
11. There is a reference to Dry Creek Dam on page 62 of the initial study and its proximity to the Sphere of Influence. This is an error and should be eliminated.

Additionally, we have been wondering if the suggestions that we made on the attached letters have been addressed in any way. A review of the land use map against the wall last night showed the same pattern that was in place in August, when the map was first released. We would like to know if you or your staff intend to make any of the changes that we suggested. Please let us know.

Thanks for the opportunity to provide these comments. We do intend to be present at any and all public forums where the General Plan is being discussed.

Jeffrey T. Roberts

Granville Homes

Passion, Commitment & Innovation Everlasting

1396 W. Herndon Suite 101, Fresno, CA 93711

559.436.0900 / fax 559.436.1659 / cell 559.288.0688

Visit us at www.gvhomes.com to follow us on facebook® and YouTube®!

SC
COPY



November 12, 2012

Keith Bergthold
City of Fresno, Development Department
Fresno City Hall
2600 Fresno Street
Fresno, CA 93721

SUBJECT: WESTLAKE DEVELOPMENT PROPOSAL
(A-07-001/R-07—008/TTM 5915)

Dear Mr. Bergthold:

Thank you for the opportunity to comment on the pending General Plan Update and how it may affect our "Westlake" Master Planned Development Proposal.

As you are aware, the proposed "Westlake" project has been discussed on numerous occasions and has been on file with the City since 2007. The DEIR is now being reviewed by City staff and will be out for the 45 day public review next month (before December 18, 2012). Public hearings on the EIR and other applications will be considered in public hearings in the spring of 2013, well ahead of any scheduled General Plan hearings.

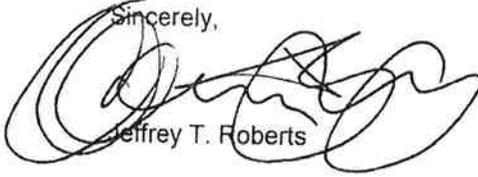
It is our understanding that the City's intent is to reflect the "Westlake" proposal as a "pipeline" project. We sincerely appreciate your efforts in this regard, and have several comments to help clarify our project as it relates to the General Plan Update Land Use Diagram Draft Figure 2 which was initiated on August 9, 2012.

1. The key open space element in the "Westlake" project is a 55 acre lake. We would like Draft Figure 2 to be revised and illustrate the lake in its location reflected by the existing applications on file.
2. The Draft Figure 2 reflects a "Corridor/Center Mixed Use" land use designation within the central area of the project site which is proposed for the lake. This designation should be removed altogether.
3. The Draft Figure 2 illustrates a Medium Density residential land use description on all lands proposed for residential uses. The Map needs to be revised to reflect the "blend" of land use designations consistent with the Plan Amendment A0-07-008 application. As you are aware, our intent is to have a variety of residential densities in the project. Some of the residential neighborhoods will be developed at less than 5 units/acre. The minimum density proposed in the new "Medium Density Designation" is 5 units to the acre and this is too high for a portion of the Westlake project.
4. The Draft Figure 2 illustrates several "Connector" roadways within the boundaries of the project. It was our intent to design "Special Collector" streets for the project. We are unclear what a "Connector" street is and what the cross section looks like.

Keith Bergthold
November 12, 2012
Page 2

Thanks again for this opportunity. We do intend to attend the Planning Commission and make oral comments on Westlake and other Granville Homes projects that are affected by the update of the General Plan.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey T. Roberts". The signature is stylized and somewhat illegible due to its cursive nature.

Jeffrey T. Roberts

Copy

GRANVILLE

Passion, Commitment & Innovation *Everlasting*

October 30, 2012

Keith Bergthold
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Dear Keith:

Subject: City of Fresno 2035 Fresno General Plan Land Use Diagram Draft Figure 2 for Initiation Purposes Only - August 9, 2012

This letter is in reiterate our discussions regarding the City's intent to maintain the existing zoning/density on "Pipeline Projects" (projects that are currently submitted to the City and are being processed for approval) and "Areas of Stability" (areas that have current entitlements in place). We have reviewed our various land holdings and have identified discrepancies in the Land Use Diagram that are in conflict with the City's proposed intent to leave the zoning/density for the areas of stability and the pipeline projects intact.

The enclosed attachment "Granville Homes review of City of Fresno 2035 Fresno General Plan Land Use Diagram Draft Figure 2 dated August 9, 2012" identifies properties that qualify under the "Pipeline Projects" and "Areas of Stability" categories. We are bringing these to your attention to insure that the final land use diagram incorporates the changes.

In addition, we discussed the inclusion of policy language to document and address any future discrepancies that may be overlooked in the planning process to insure that the "Pipeline Projects" and "Areas of Stability" entitlements remain intact.

The attachment brings to your attention several discrepancies on the Land Use Diagram in the Copper River project. Copper River should be considered an "Area of Stability" and should remain at the current approved densities. The Copper River project has limited sewer capacity and additional densities cannot be accommodated at this location. We are requesting revisions to the Land Use Diagram to conform to the Master CUP for the approved Copper River Project.

Numbers 1 through 9 on the enclosed attachment reference approved tentative maps and projects in the City of Fresno. These maps/projects are currently active and should be considered as "Areas of Stability". Modifications should be made to the land use diagram to accurately reflect land uses/densities per the approved entitlements.

It is our understanding that the any tentative map extensions that the City will extend these maps in accordance with the provisions of the subdivision map act and any extensions provided through legislation.

Renewable Energy • Farming • Land Development & Urban Infill

Address: 1396 West Herndon Avenue, Suite 101 Fresno, CA 93711

Corporate: 559.436.0900 **Established:** 1977 **Websites:** gvhomes.com • gvurban.com

Granville Homes

GRANVILLE

Passion, Commitment & Innovation *Everlasting*

We have several recorded final maps that are identified inaccurately on the Land Use Diagram. Reference is made to the attachment, Numbers 11 through 15. The designated land uses on the Land Use Diagram do not conform to the approved projects and would result in a non conforming land use. We are requesting that the General Plan Land Use Diagram be revised to accurately reflect the zoning/densities for these approved final maps.

As far as projects in the pipeline, we are currently processing the EIR for the Westlake project and will forward you comments regarding that project in a separate transmittal. In addition, we have several properties that have been rezoned for future development and are identified on the attachment by assessor's parcel number. The proposed designations on the Land Use Diagram are not compatible with existing zoning nor are they compatible with the existing adjacent land uses. Several of these parcels have divided zoning/densities within the parcel which are not conducive to development of the parcels given the limited size. We are recommending that the existing rezonings remain in place for these parcels.

We appreciate your attention to this matter and these modifications to the plan will minimize conflicts in the future and meet Staff's intent to accommodate areas of stability and projects in the pipeline. Should you have any questions regarding this proposal, please do not hesitate to contact us at 559.436.0900.

Very truly yours,

Goldie Lewis
Granville Homes, Inc.

Jeff Roberts
Granville Homes, Inc.

Attachment

Granville Homes

Renewable Energy • Farming • Land Development & Urban Infill

Address: 1396 West Herndon Avenue, Suite 101 Fresno, CA 93711

Corporate: 559.436.0900 **Established:** 1977 **Websites:** gvhomes.com • gvurban.com

Granville Homes review of City of Fresno 2035 Fresno General Plan Land Use Diagram Draft Figure 2 dated August 9, 2012

AREAS OF STABILITY

Copper River Ranch

The subject area has been zoned and subject to both an approved map and Master CUP. The proposed land use designations shown on the Land Use Diagram do not comply with the approved densities for this area. In addition, there is a "fixed" amount of sewer capacity in this area some of the proposed changes to the multi-family designations would surpass the available sewer capacity.

Outlet M – 579-090-22

CUP designates as R3 Density of 22.8 DU/AC

Designated as High Density 30-45 Units per Acre on Land Use Diagram

Should all be Urban Neighborhood Density 16-30 DU/AC

5 Acre Park

The five acre park depicted at the northwest corner of Copper Avenue and Chestnut Avenue, straddles two parcels one of which is owned by our partnership. If the City wants to have a park here, we would need to know how the park would be maintained. The park site is not conserved in any of the Copper River Ranch Planning documents nor is it programmed in the Community Facilities District (CFD 15) that is now being formed to maintain all green space in this area. The park location is not positioned correctly for the residents of the Copper River Ranch to take advantage of the facilities. We believe that this facility should not be planned or developed at the location illustrated

Tract 5273 579-074-17

Tentative Map Low Density Residential

Designated as Medium Density 5 -12 Units per Acre on Land Use Diagram

Should all be Low Density per Acre 1-3 DU/AC

Village I – 579-074-62, 59, 58

Tentative Map Low Density Residential 1-3 DU/AC

Designated as Medium Low Density 3.5 -6 Units per Acre on Land Use Diagram

Should all be Low Density per Acre 1-3 DU/AC

Reference should be made to the existing zoning/prezoning for this area and verification should be made that the designated land use complies with the approved plan.

Approved Tentative Maps/Projects

1. Tract 5717 310-040-99

Northwest corner of Armstrong and Clinton

Currently Zoned Medium Low Density Residential existing tentative map is 4.55 DU/Acre

Designated as Medium Density 5 -12 Units per Acre on Land Use Diagram

General Plan should reflect Medium Low Density per Acre 3.5-6 DU/AC

2. Tract 5717 310-740-07, 08 & 09

Princeton and Bliss

Currently Zoned CM

Designated as Business Park on Land Use Diagram

Is Business Park Compatible with CM Zoning?

3. Tract 5717 - 310-040-10 & 11

East side of Fowler between Clinton and Princeton

Currently Zoned CM

Designated as Commercial on the Corner and Urban Neighborhood (16-30 DU/Acre) approximately 34.5 Acres on Land Use Diagram, this density is not sustainable at this location.

Supportive of 10 Acres of Community Commercial on NEC of Clinton and Fowler with Approximately 10 acres of Medium High Density 12-16 DU/AC and Buffer of 14.5 acres of Medium Density 5/12 DU/AC

4. Tract 5584 504-080-16S

Tentative Subdivision Map located at the North Side of Bullard near Bryan alignment 11.44 DU/acre

Designated as Medium High Density 12-16 DU/AC

Should all be Medium Density per Acre 5-12 DU/AC

5. Tract 5597 505-040-13, 21, 70 and 71

Tentative Subdivision Map located at the northeast corner of Garfield and Barstow Avenue 5.2 DU/Acre

Designated as Medium High Density 12 – 16 and Medium Low Density per Acre 3.5-6 DU per Acre

Should all be Medium Low Density per Acre 3.5-6 DU/AC

6. Tract 5560 - 312-061-18

Tentative Subdivision Map located on the north side of Clinton (between Polk and Hayes) 4.4 DU/acre

Designated as Medium Density 5-12 Units Per Acre on Land Use Diagram

Should all be Medium Low Density per Acre 3.5-6 DU/AC

7. Tract 5770 Phase II of Tract 5300 – 312-062-49

Tentative Map Medium Low Density Residential

Designated as Low Density 1- 3 DU/AC and Medium Density 12-16 DU/AC

Should be Medium Low Density Residential 3.5-6 DU/AC

8. Tract 5567 312-062-34, 35, 36 & 46

Tentative Subdivision Map located at the northeast corner of Clinton and Polk Avenues 4.4 DU/acre

Designated as Medium High Density 12-16 DU/Acre, Medium Density 5-12 Units Per Acre and Low Density 1-3 DU/acre on Land Use Diagram

Should all be Medium Low Density per Acre 3.5-6 DU/AC

9. Tract 5584

Tentative Subdivision Map located at the North Side of Bullard near Bryan alignment 11.44 DU/acre

Designated as Medium High Density 12-16 DU/AC

Should all be Medium Density per Acre 5-12 DU/AC

10. Northeast Corner of Grantland and Barstow PM 2179 505-281-16, 17, 18

Approved Neighborhood Commercial Corner

Designated as Urban Neighborhood 16-30 DU/Acre

Should all be Community Commercial.

Recorded Final Maps

11. Tract 5450 – Southwest corner of Church and Fowler

Recorded Final Map 5.9 Dwelling Units per acre

Designated as Urban Neighborhood 16-30 DU/Acre on the Land Use Diagram

Should all be Medium Density per Acre 5-12 DU/AC

12. Tract 5248/Tract 5477

Recorded Maps at the Southeast corner of Sunnyside and Church Avenues 3.5 DU/acre
Designated as Medium Density 5 -12 Units per Acre on Land Use Diagram

Should all be Medium Low Density per Acre 3.5-6 DU/AC

13. Tract 5357

Recorded Map at Northeast Corner of Bullard and Barstow Avenues 4.2 Units per Acre
Designated as Medium Density 5-12 Units Per Acre on Land Use Diagram

Should all be Medium Low Density per Acre 3.5-6 DU/AC

14. Tract 5300 312-062-34, 35

Recorded Subdivision Map Phase I located at the northeast corner of Clinton and Polk Avenues
4.4 DU/acre

*Designated as Medium High Density 12-16 DU/Acre, Medium Density 5-12 Units Per Acre and Low Density
1-3 DU/acre on Land Use Diagram*

Should all be Medium Low Density per Acre 3.5-6 DU/AC

15. Tract 5278 507-360-15S and 16S

4171 and 4179 W Sample Ave.

Designated as Medium Low Density Residential

Existing Density Low Density 1-3 DU/Acre

PROJECTS IN THE PIPELINE

Tract 5915 – Westlake (Will be addressed via a separate letter)

Future Projects

512-150-01

Located on the east side of Grantland north of Shields Avenue
Designated as Low Density 1-3 DU/AC and Medium Density 5-12 DU/AC

Maintain Medium Density per Acre 5-12 DU/AC

512-050-89

West Side of Bryan South of Ashlan. This site is a 17 acre site south of large lot subdivision 2 acres
per lot. The General Plan proposes two designations on the parcel. The Urban High Neighborhood is
not sustainable at this location. There should be a transition from the large lot existing subdivision.
Designated as Urban High Neighborhood 16-30 and Medium Density 5-12 DU/AC

Should all be Medium Low Density per Acre 3.5-6 DU/AC

512-141-33

SEC of Grantland and Dakota

Designated as High Density Residential 30-45 DU/AC This is not sustainable at this location.

Maintain Existing Land Use Designation of Residential Medium High 12-16 DU/Acre

December 6, 2012

Robert D. Wilkinson
Attorney at Law
rwilkinson@bakermanock.com

VIA ELECTRONIC MAIL AND U.S. MAIL

Mr. Keith Bergthold
Assistant Director
City of Fresno
2600 Fresno Street, Room 365
Fresno, CA 93721
E-Mail: Keith.Bergthold@fresno.gov

Fig Garden Financial Center
5260 North Palm Avenue
Fourth Floor
Fresno, California 93704
Tel: 559.432.5400
Fax: 559.432.5620
www.bakermanock.com

Re: Notice of Preparation of an Environmental Impact
Report for the City of Fresno General Plan and
Development Code Update

Dear Mr. Bergthold:

Please accept the following comments on behalf of our client Vie-Del Company.
Thank you for your consideration.

**I.
INTRODUCTION**

Vie-Del Company ("Vie-Del") owns Assessor Parcel Number ("APN") 508-020-04S (the "Property"), which is located southwest of the existing North Golden State Boulevard between Veterans Boulevard and the Herndon Canal in north Fresno. Vie-Del is a family owned business established in 1946. It is a majority woman-owned manufacturing and food processing business.

On the Property, Vie-Del maintains the largest industrial site and largest industrial building north of downtown Fresno. The property is unique in terms of its size, location and fixtures, which include cranes and high capacity electrical outlets that make it particularly well suited for manufacturing. Currently the Property is occupied by three tenants, two of whom are also majority woman-owned businesses. One of the businesses manufactures agricultural harvesters and is one of the few domestic manufacturers of this type competing in an international market. A second tenant manufactures road repair equipment. These two tenants take advantage of the facility's unique properties. The third tenant stores agricultural products at the site.

II. BACKGROUND

A. California High Speed Train

Earlier this year, the California High Speed Rail Authority ("CHSRA") certified the Merced to Fresno Final Environmental Impact Report/ Environmental Impact Statement (Final EIR/EIS) and approved the Hybrid Route as the Preferred Alternative. An aerial map with engineering designs dated February 24, 2012, is attached hereto as Exhibit "A" and was included in the Final EIR/EIS. Exhibit "A" shows the proposed California High Speed Train ("HST") route, the existing right of ways for North Golden State Boulevard, the proposed right of ways for the HST, and the property that would be affected by a realignment of North Golden State Boulevard. This map covers an area along the existing North Golden State Boulevard from southwest of Veterans Boulevard (not identified on the map) to just past the Herndon Canal, at North Market Street.

The right of way shown as "proposed" in Exhibit "A" was approved by the CHSRA based on the certification of the Final EIR/EIS for the HST. As shown in Exhibit "A," this right of way to the southwest of the railway does have impacts on parcels that are currently located adjacent to the southwest side of North Golden State Boulevard. However, in the HST Final EIR/EIS the CHSRA determined that such impacts were less than significant.

Exhibit "A" also shows the planned new alignment of North Golden State Boulevard, which would generally run adjacent and parallel to the HST, on the southwest side. The proposed new alignment of North Golden State Boulevard as shown in Exhibit "A," and as approved by the CHSRA, will impact those same parcels as the right of way. Of course, the new North Golden State Boulevard alignment will impact those parcels to a greater degree than the right of way for the HST, but the impact is still less than significant.

Among the parcels impacted by the approved HST right of way and new North Golden State Boulevard alignment (as identified in the Final EIR/EIS), is property owned by Vie-Del. Specifically, Assessor's Parcel Number ("APN") 508-020-04S is impacted. The area of the Property impacted by the HST and new alignment of North Golden State Boulevard is currently used as a temporary drainage basin by the Fresno Metropolitan Flood Control District. There are no existing structures on this area of the Property.

The CHSRA, in the HST Final EIR/EIS has already evaluated and made a determination about the impacts to all the properties along the HST right of way and within the area of the proposed new North Golden State Boulevard. The CHSRA concluded that the alignment of North Golden State Boulevard adjacent and parallel to the HST is the preferred route. Therefore, no party can make further comments on the impacts and findings of the CHSRA concerning the HST and the associated relocation of Golden State Boulevard.

III. ISSUES

A. City of Fresno General Plan Update

On October 26, 2012, we obtained a copy of the City of Fresno's ("City") proposed Golden State and West Barstow Businesses and Owners site plan dated September 25, 2012 ("Golden State Site Plan"), which is attached hereto as Exhibit "B." Unlike the HST Final EIR/EIS, the Golden State Site Plan shows two different alignments for North Golden State Boulevard. Shown on Exhibit "B" with a solid black line and teal outline, is the path of the North Golden State Boulevard alignment as identified in the Final EIR/EIS and as adopted by the CHSRA. Shown on Exhibit "B" with two red lines, is the City's new proposed alignment for North Golden State Boulevard ("Proposed Alignment"). This Proposed Alignment is to be evaluated in the City of Fresno 2035 General Plan Master Environmental Impact Report ("Master EIR"). Vie-Del was very disappointed to learn that the Proposed Alignment was the product of meetings with its neighbors, meetings to which Vie-Del was not invited. Vie-Del only learned of the Proposed Alignment indirectly from City staff after it was already decided the Proposed Alignment would be included in the 2035 General Plan Update.

Notably, the Proposed Alignment no longer runs adjacent to the HST, but instead creates a new route from north of Veterans Boulevard to Herndon Canal. This new Proposed Alignment cuts through the middle of larger APNs, including property owned by Vie-Del. If this Proposed Alignment is adopted, it would cut through the biggest industrial site north of downtown Fresno and severely restrict the job generating activities that could utilize this site at its current size and state of development. These impacts negatively affect the economic development in and fiscal sustainability of the City. In particular, the current facility is very unique as it is one of the few manufacturing facilities left in Fresno. Most other large commercial facilities in the City are dedicated to storage and warehousing. With the turnaround of the economy, Vie-Del intends to further develop and expand the facility and market it to additional outside manufacturing businesses.

The Proposed Alignment would dramatically adversely impact current and future activities on the Property. In particular, the impacts of the Proposed Alignment are much greater than those illustrated in Exhibit "A." In addition to the roadway, there would be landscaping and zoning setbacks which would further destroy the site and its current use as a manufacturing facility. Among other concerns Vie-Del has are that in response to the Proposed Alignment, Vie-Del would have to create new traffic access, circulation and parking on the site, all of which would diminish the site's utility. The Proposed Alignment also completely wipes out a 50,000 square-foot building. All of this would adversely impact current manufacturing at the site and the site's potential for additional manufacturing and commercial activity.

City staff should be fully aware that the exercise of relocating the route of North Golden State Boulevard should only occur if and when the HST is built. We strongly request

that the City include in its analysis that if the HST is not constructed, then the currently North Golden State Boulevard orientation would not change.

Furthermore, the Proposed Alignment should not be implemented and included in the 2035 General Plan Update. As noted above, it has a significant potential to cause harm to the area. Moreover, drainage in the area is already an issue and will become a greater concern. The Proposed Alignment indisputably causes a greater public impact than the North Golden State Boulevard alignment adopted by the CHSRA in the Final EIR/EIS. In addition, although not necessarily an environmental issue, the CHSRA is supposed to cover the costs of realigning North Golden State Boulevard. If the City changes that realignment, the costs for construction will have to come out of the City's budget and the local taxpayer's pockets. In this regard, the overall costs of cutting through Vie-Del's unique, large industrial parcel are significantly higher than pursuing the adopted HST plan.

B. Evaluation of the Proposed Alignment in the Master EIR

We request that the City of Fresno adopt the findings of the CHSRA and the HST Final EIR/EIS and incorporate the new North Golden State Boulevard alignment as it is shown in Exhibit "A" into the City's 2035 General Plan. However, if the City still plans to evaluate the Proposed Alignment, at least the following must be adequately addressed in the Master EIR: (1) a comparison between the North Golden State Boulevard alignment as proposed and adopted by the CHSRA, and the Proposed Alignment, especially as to which alignment has the greatest public impact; (2) an analysis of the effect of reducing the size of the largest industrial site in north Fresno and its affect on the economic development and fiscal sustainability of the City; (3) an analysis of the impacts the Proposed Alignment will have on drainage in the area described above; (4) public safety; (5) costs associated with the project; (6) traffic impacts; (7) the setback and zoning impacts that will affect the use of the facility; and (8) all other analyses required by the California Environmental Quality Act ("CEQA").

Although it is appropriate to evaluate alternatives as part of the CEQA analysis, we believe that on a basic analysis of the two alternatives, the City should reject the Proposed Alternative and not include it in the draft Master EIR that is released for public comment. We also strongly request the City analyze the comparative impacts and costs of these two routes. The costs should include the contribution, or lack thereof, from the CHSRA for construction of the new North Golden State Boulevard. Of course, the CHSRA cannot provide funding for a road that it did not authorize and did not analyze as part of its own CEQA/NEPA analysis.

**IV.
CONCLUSION**

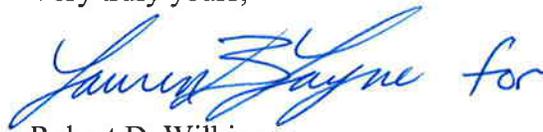
Vie-Del strongly urges the City of Fresno to use the North Golden State Boulevard alignment, between Veterans Boulevard and the Herndon Canal, as it was adopted by the CHSRA and as identified in Exhibit "A," attached hereto. As evaluated in the CHSRA Final

Mr. Keith Bergthold
December 6, 2012
Page 5

EIR/EIS, this alignment causes the least public impact. However, if the City decides to proceed with evaluating the Proposed Alignment in the 2035 General Plan Update Master EIR, we strongly request that the City fully analyze all the impacts the Proposed Alignment will have on the Property and the dramatically adverse affect it will have on the City by destroying such a unique parcel. We also expect the City to fully address the increased cost this Proposed Alignment will have on the City and its residents.

Thank you for your consideration.

Very truly yours,

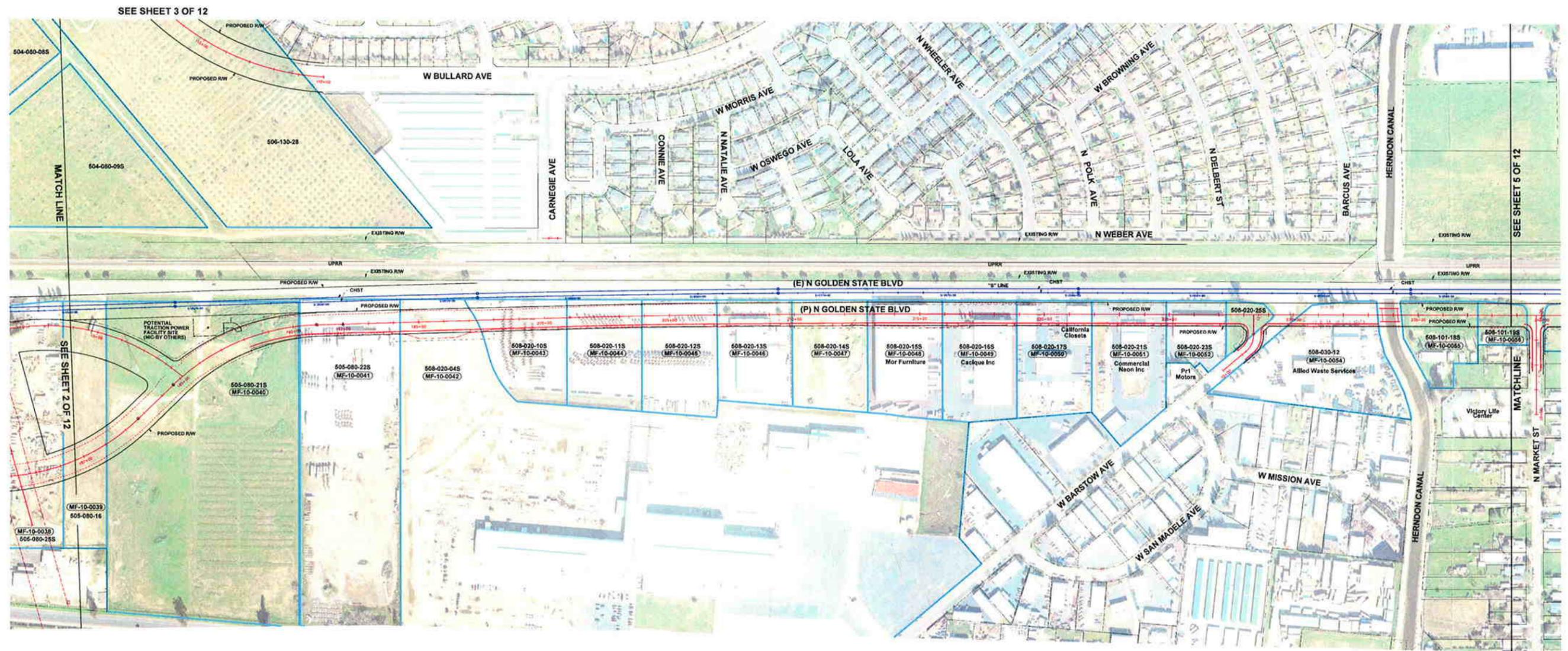


Robert D. Wilkinson
BAKER MANOCK & JENSEN, PC

LDL:LDL
Attachments

cc: Ms. Dianne S. Nury, Vie-Del Company
Mr. Dirk Poeschel

EXHIBIT A



Legend

- Impacted Parcel
- - - - - Proposed Drainage Basin
- ||||| Caltrans R/W (Access Prohibited)
- ||||| Caltrans R/W (Relinquished)
- Proposed R/W
- Existing R/W

**2-24-12
30% DESIGN
SUBJECT TO CHANGE**



CALIFORNIA HIGH-SPEED TRAIN PROJECT
SIERRA SUBDIVISION - PACKAGE 1A & 1B
RIGHT-OF-WAY EXHIBIT
4 OF 12
FEBRUARY 2012

WILD, CARTER & TIPTON
A Professional Corporation
ATTORNEYS AT LAW
Founded in 1893

246 WEST SHAW AVENUE
FRESNO, CALIFORNIA 93704
Telephone: (559) 224-2131

BRUCE M. BROWN

Our File No.: DB2-05718
Email: bbrown@wctlaw.com
Direct Fax: 559-229-7295

December 6, 2012

Mr. Keith Bergthold
City of Fresno Development & Resource
Management Administration
2600 Fresno Street, Room 3065
Fresno, California 93721

Re: Comments by Landowner to the City of Fresno General Plan Updates
Address: 5631 and 5661 N. Golden State Blvd., Fresno, CA 93722
Owner: We Be Jammin' LP
Issue: "Lawson ByPass"

Dear Mr. Bergthold:

Please be informed that this law firm represents the above-referenced Owner and its manager, John Brelsford. The following are my clients' comments/concerns regarding the City of Fresno General Plan ("General Plan") Updates:

My clients have two (2) properties located on Golden State Boulevard, north of Barstow Avenue and south of the new alignment for Veterans Boulevard. My clients' properties are comprised with two (2) buildings (one approximately 48,000 square feet in area and the other approximately 75,400 square feet in area). The two (2) buildings are leased to tenants for use as industrial warehouse and related business uses. These properties have historically been fully leased at market rents. However, some time ago the High Speed Rail ("HSR") Authority designated a portion of each property and a portion of each building within the footprint design and construction area for the HSR and the relocation of Golden State Boulevard. That decision, by the HSR Authority, has depressed rental values because no tenant with a long term business plan (i.e. longer than one year) has any interest in moving into a building that may require an immediate relocation.

Mr. Keith Bergthold

December 6, 2012

Page 2

At this point, the HSR Authority has severely and irreparably damaged the industrial warehouse market in the City of Fresno along the HSR route. The HSR Authority has stated that it is purchasing the properties along this route and at the very least has made verbal statements to the effect that the owners will be fairly and adequately compensated for their losses attributed to the HSR. If the HSR Authority's statements are true, then some, if not most, of the economic problems for the individual owners will over time be mitigated.

Now, the City of Fresno, in its updated General Plan, is proposing an action that will further depress property value for a number of properties along the HSR corridor. The proposed action by the City of Fresno is the redesign of Golden State Boulevard north of Barstow Avenue to the proposed Veterans Boulevard and further north ("Lawson ByPass") which separates Golden State Boulevard from the HSR.

If this redesign becomes part of the undated General Plan, my clients' properties and other similarly situated properties (i.e., property designed to be leased to tenants) will be placed in quasi-permanent limbo status because:

- (a) The HSR Authority will now (i.e. under the redesign) elect not to purchase my clients buildings, however, the HSR Authority will be taking the land in front of my clients' building, making access to the front of the buildings impossible.
- (b) The Utilities - Electrical, gas, water, sewer and drainage from my clients' buildings are serviced from the existing Golden State Boulevard (i.e. east of the building) and will have to be redesigned to be serviced from the west side of the building.

Therefore, any potential tenant will be dealing with future issues of no access to the front of the building, a redesign of all utilities and a redesign of the entire building for future use. In other words, the buildings will not have any use to a long term tenant.

In regard to the HSR, the only certainty is that some ± \$6 billion dollars are available to be spent on a project that may ultimately cost \$150 to \$200 billion dollars, or more, to complete. The initial funding could be used to purchase our clients' properties, however, in view of the redesign under the General Plan, this will not take place. This outcome is unreasonable considering that the HSR Authority, with its initial funding, and without the Lawson ByPass design will take/purchase my clients' buildings and that purchase will resolve the reduced rent and losses sustained by my clients and the future losses.

Mr. Keith Bergthold
December 6, 2012
Page 3

Specific issues/concerns if the HSR does move forward and Golden State Boulevard is realigned include:

1. The proposed western bypass of Golden State Boulevard north of Barstow is outside of the project footprint per the HSR Final Environmental Impact Report/Statement for the Merced to Fresno section (Appendix 2-B - Page 078). This is problematic, as it is assumed that the HSR will necessitate and fund the realignment of Golden State Boulevard. Given that the Final EIR for the Merced to Fresno section has been completed, moving Golden State Boulevard outside of the project footprint creates the potential need for additional environmental review, which may be a concern for the HSR Authority and the City.

2. Existing buildings on Golden State Boulevard are currently designed to face east, both from a functionality and utility design point of view. Redesigning these buildings to now face west would be costly and time consuming, with no certainty that the changes would result in these properties retaining their economic value.

3. The inconsistency between the General Plan's western bypass of Golden State Boulevard and the HSR's planned realignment create uncertainty for potential users/tenants moving forward. This would have a significant negative impact on the ability to lease these buildings at market rents.

Specific issues/concerns if the HSR does NOT move forward and Golden State Boulevard is not realigned include:

1. If the HSR does not move forward, there would be no need to realign Golden State Boulevard. Given that the current land use diagram shows a western bypass of Golden State Boulevard, the plan would not be consistent with the actual street alignment. In the meantime, the ability to continue using the buildings as they are being used today would be put into question, which would necessarily and negatively affect the ability to lease existing buildings.

2. The western bypass of Golden State Boulevard would impact the design of the Veterans Boulevard overpass. If the HSR does not move forward and Golden State Boulevard is not realigned, then the design of Veterans Boulevard at Golden State Boulevard may not work with the existing alignment of the roadway.

Mr. Keith Bergthold
December 6, 2012
Page 4

We provide this information as our public comments to the General Plan, Master Environmental Impact Report ("Master EIR") and respectfully request that our comments be carefully reviewed in light of the scope and economic issues that will be evaluated in the Master EIR.

Very truly yours,



Bruce M. Brown

Read, approved and agreed:

WE BE JAMMIN' LP

By: _____

John Brelsford, Manager

BMB:ift

Via Electronic and First-Class Mail

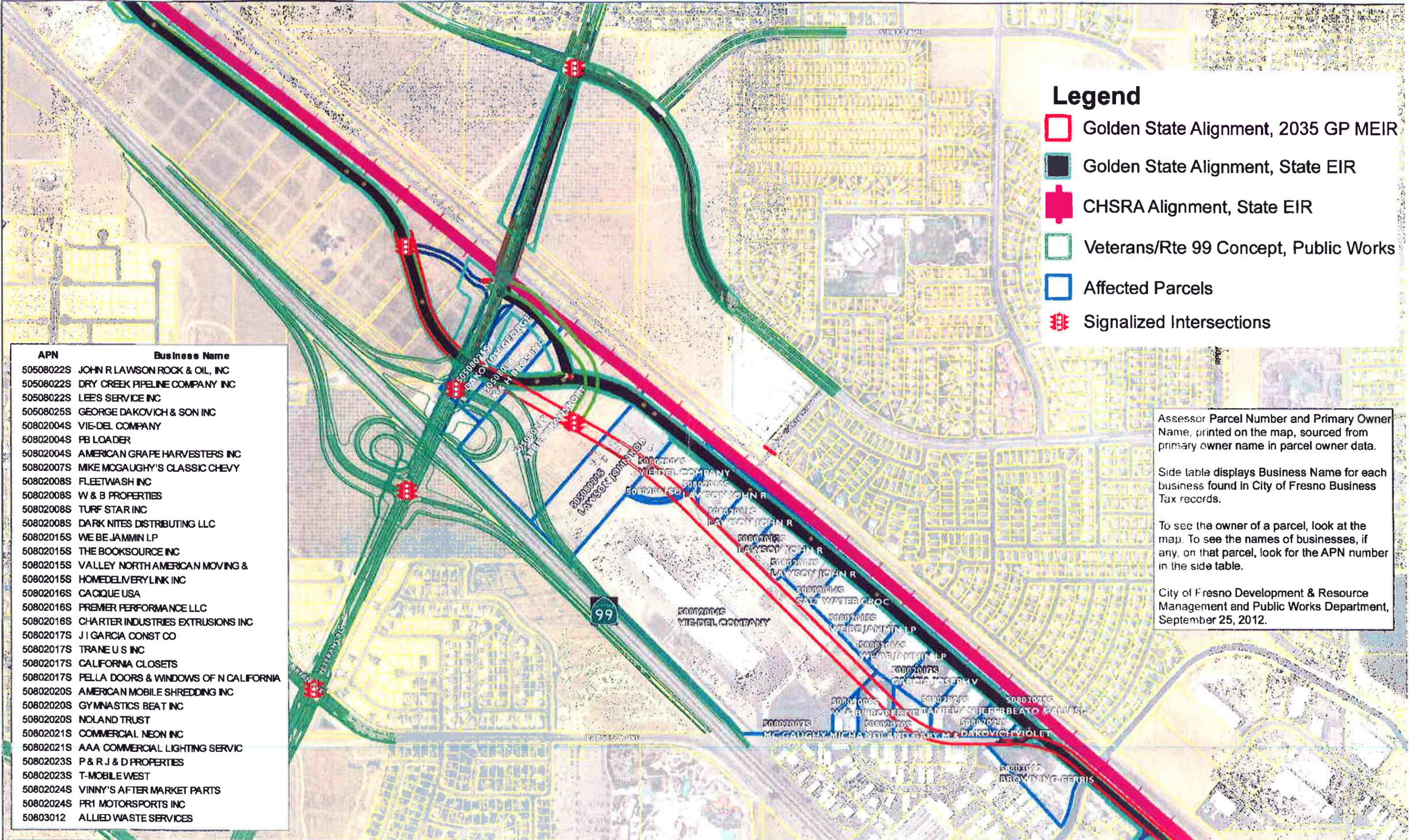
cc: We Be Jammin' LP (Via Electronic and First-Class Mail)

Ashley Swearengin, Mayor-City of Fresno (Via Electronic and First-Class Mail)

Mark Scott, City Manager-City of Fresno (Via Electronic and First-Class Mail)

Steve Brandau, Councilman-City of Fresno (Via Electronic and First-Class Mail)

EXHIBIT B GOLDEN STATE AND WEST BARSTOW BUSINESSES AND OWNERS



Legend

- Golden State Alignment, 2035 GP MEIR
- Golden State Alignment, State EIR
- CHSRA Alignment, State EIR
- Veterans/Rte 99 Concept, Public Works
- Affected Parcels
- ⚡ Signalized Intersections

| APN | Business Name |
|-----------|---------------------------------------|
| 50508022S | JOHN R LAWSON ROCK & OIL, INC |
| 50508022S | DRY CREEK PIPELINE COMPANY INC |
| 50508022S | LEE'S SERVICE INC |
| 50508025S | GEORGE DAKOVICH & SON INC |
| 50802004S | VIE-DEL COMPANY |
| 50802004S | PB LOADER |
| 50802004S | AMERICAN GRAPE HARVESTERS INC |
| 50802007S | MIKE MCGAUGHY'S CLASSIC CHEVY |
| 50802008S | FLEETWASH INC |
| 50802008S | W & B PROPERTIES |
| 50802008S | TURF STAR INC |
| 50802008S | DARK NITES DISTRIBUTING LLC |
| 50802015S | WE BE JAMMIN LP |
| 50802015S | THE BOOKSOURCE INC |
| 50802015S | VALLEY NORTH AMERICAN MOVING & |
| 50802015S | HOMEDELIVERYLINK INC |
| 50802016S | CACIQUE USA |
| 50802016S | PREMIER PERFORMANCE LLC |
| 50802016S | CHARTER INDUSTRIES EXTRUSIONS INC |
| 50802017S | J I GARCIA CONST CO |
| 50802017S | TRANE U S INC |
| 50802017S | CALIFORNIA CLOSETS |
| 50802017S | PELLA DOORS & WINDOWS OF N CALIFORNIA |
| 50802020S | AMERICAN MOBILE SHREDDING INC |
| 50802020S | GYMNASTICS BEAT INC |
| 50802020S | NOLAND TRUST |
| 50802021S | COMMERCIAL NEON INC |
| 50802021S | AAA COMMERCIAL LIGHTING SERVIC |
| 50802023S | P & R J & D PROPERTIES |
| 50802023S | T-MOBILE WEST |
| 50802024S | VINNY'S AFTER MARKET PARTS |
| 50802024S | PR1 MOTORSPORTS INC |
| 50803012 | ALLIED WASTE SERVICES |

Assessor Parcel Number and Primary Owner Name, printed on the map, sourced from primary owner name in parcel owner data.

Side table displays Business Name for each business found in City of Fresno Business Tax records.

To see the owner of a parcel, look at the map. To see the names of businesses, if any, on that parcel, look for the APN number in the side table.

City of Fresno Development & Resource Management and Public Works Department, September 25, 2012.

Trai Her

From: Leland Parnagian [leland@fowlerpacking.com]
Sent: Thursday, December 06, 2012 5:49 PM
To: Keith Bergthold
Cc: Arakel A. Arisian (arakel@arisiandevlopment.com)
Subject: EIR - Buffer Evaluation

Keith,

Please accept this email as a request for an alternative evaluation within the EIR for the General Plan Update.

As stated in the Initial Study the EIR will be evaluating a "Buffer" of approximately 1/4 mile along the eastern planning area boundary. It is also stated that the band may be narrower if designed as part of a sub area master plan that achieves the goal of a buffer classification. Given the possibility that some landowners may seek a design that achieves this goal, I feel it would be appropriate to evaluate an alternative in which the band is narrower (maybe 100ft wide). I would suggest that the alternative land use in the remainder buffer area should be evaluated by continuing the adjacent land use that is designated to the west.

We look forward to continuing to work with you on the General Plan Update. Please let me know if you have any questions.

Sincerely,

Leland



Leland Parnagian

8570 S. Cedar Ave

Fresno, CA 93725

Ph. 559-834-5911

Cell 559-281-8455

Fax 559-834-5272

www.fowlerpacking.com

PARGA PARTNERS

8570 S CEDAR AVENUE
FRESNO, CA 93725
TEL (559) 834-5911
FAX (559) 834-5272

December 6, 2012

Keith Bergthold
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Re: Fresno General Plan EIR Notice of Preparation Comments

Dear Mr. Bergthold:

As you know, we have been working on the planning for our College Park – Academic Village concept in the South SEGA planning area. In an effort to move forward with those efforts and to maintain some flexibility moving forward, we request that the EIR evaluate some alternative land uses on Parga Partners properties as shown and described below:



To summarize, in addition to the land uses proposed in the draft Land Use Map/Diagram provided by the City, we request that you also evaluate the alternative land use designations we are considering for these parcels:

| Assessor Parcel Number | Alternative Land to Evaluate |
|-------------------------------|--|
| 316-040-77 | Regional Business Park |
| 316-040-66 | Regional Business Park |
| 316-040-63 | Regional Business Park |
| 316-040-17S | Regional Business Park |
| 316-180-09 | Regional Business Park |
| 316-051-18 | Urban Neighborhood (partial designation per map diagram above) |
| 316-051-20 | Medium Density Residential (partial designation per map diagram above) |
| 316-051-21 | Medium Low Density Residential (partial designation per map diagram above) |
| 316 -051-09 | Medium Density Residential (partial designation per map diagram above) |
| 316-051-07 | Corridor Mixed Use (partial designation per map diagram above) |

In evaluating these alternative uses, we hope to continue working with you to refine the land uses in this area and create a plan that meets the goals and objectives of the General Plan and our vision for College Park - Academic Village in southeast Fresno.

Sincerely,



Leland D Parnagian



MEMORANDUM

To: Keith Bergthold

From: P-R Farms Planning Team

Date: December 6, 2012

Subject: General Plan Update Land Uses & EIR NOP Comments

In response to the Notice of Preparation for the Fresno General Plan Environmental Impact Report, we request that the possibility of a mixed use designation for the northwest corner of Shepherd and Willow (APN 568-010-20) be evaluated. The parcel is currently shown with a Commercial land use, but we would like to explore the possibility of changing the designation to the Corridor/Center Mixed Use or Neighborhood Mixed Use, as introduced in the draft City of Fresno General Plan Update.

Given that these land uses designations are new to the City of Fresno, we would like more time and information to better understand the requirements and policies concerning these mixed use land uses. For that reason, we request that the environmental review consider the possibility of a Commercial land use on the northwest corner of Shepherd and Willow, as well as the mixed use designations mentioned above. That would allow us to continue discussions with you and your staff on the particulars of the proposed mixed use categories with the intent of determining a preferred land use in the near future.

We look forward to learning more about the mixed use land uses and discussing the alternatives for this property. Thank you

Allen Matkins

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law
515 South Figueroa, 9th Floor | Los Angeles, CA 90071-3309
Telephone: 213.622.5555 | Facsimile: 213.620.8816
www.allenmatkins.com

Patrick A. Perry
E-mail: pperry@allenmatkins.com
Direct Dial: 213.955.5504 File Number: 110045-00136/LA946616.01

Via Electronic and First Class Mail

December 6, 2012

Mr. Keith Bergthold
City of Fresno
2600 Fresno Street, Room 3065
Fresno, California 93721

Re: Notice of Preparation for General Plan and Development Code Update

Dear Mr. Bergthold:

This firm represents the McCaffrey Group in connection with its review of the Notice of Preparation ("NOP") and Initial Study ("IS") for the City of Fresno General Plan and Development Code Update. As you are aware, the McCaffrey Group has been supportive of the City's General Plan and Development Code Update and submitted correspondence to Mark Scott in April of this year supporting the Planning Commission's approval of proposed Alternative A. Notwithstanding such continuing support, the McCaffrey Group has concerns regarding the process and the significant cumulative impacts of the project from a regional planning perspective. We have reviewed the NOP and the IS and have the following comments regarding the scope and analysis of the Master Environmental Impact Report ("MEIR") proposed to be prepared in connection with the General Plan and Development Code Update.

A. The Project Description is Incomplete.

Section 15063 of the State CEQA Guidelines requires an initial study to consider all phases of project planning, implementation, and operation. Among other things, an initial study is required to contain the following elements:

1. A description of the project including the location of the project;
2. An identification of the environmental setting;
3. An identification of environmental effects by use of a checklist, matrix, or other method, provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence to support the entries;

Mr. Keith Bergthold
December 6, 2012
Page 2

4. A discussion of ways to mitigate the significant effects identified, if any;
5. An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls;

Here, the IS loosely describes the proposed project as an update to the City's General Plan and Development Code, but information regarding specific revisions to the General Plan and Development Code is fragmentary at best. By way of example, the IS bifurcates the project area into two parts, described as (1) the Planning Area excluding the Downtown Planning Area, and (2) the Planning Area exclusive to the Downtown Planning Area. The IS provides no explanation or justification for this bifurcation, which would conceivably allow revisions to one portion of the Planning Area without corresponding revisions to the other, leading to a lack of integration and potential segmentation of the project in violation of CEQA.

The IS further provides that the Development Code Update will only apply to the Downtown Planning Area "if updates have not otherwise been made at the time of approval." There is no explanation as to the nature or scope of any proposed updates to the Development Code for the Downtown Planning Area other than those discussed in the IS, nor is there any discussion as to whether such updates to the Development Code for the Downtown Planning Area would be consistent with the updates described in the IS for the remainder of the Planning Area, or what level of environmental review would be undertaken for the approval of such updates under CEQA. This could lead to the anomalous result that revisions to the General Plan and/or Development Code could be made for only the Downtown Planning Area and not the remainder of the Planning Area, or vice-versa, without any corresponding analysis of the impacts such revisions may have on the portion of the Planning Area for which revisions are not adopted. The MEIR must therefore either combine the two portions of the Planning Area into a single analysis or explain how separate consideration and approval of revisions to the General Plan and Development Code for the two portions of the Planning Area can be integrated for purpose of comprehensive analysis.

B. The Goals of the Proposed Project Are Inconsistent and Contradictory.

In addition to the foregoing defects, the IS fails to clearly identify a consistent scope of analysis for the MEIR. The IS purports to rely on the Preferred Draft General Plan Alternative ("Preferred Alternative") for purposes of analysis in the MEIR; however, the IS does not describe the Preferred Alternative in detail. Instead, the City has prepared a Review Draft of the 2035 General Plan, dated August 2012 (the "Review Draft"), for initiation purposes only, which may or may not correspond to the Preferred Alternative. To the extent that the Review Draft represents the Preferred Alternative, the projected land use patterns set forth therein fall short of the goals described in the IS.

The IS describes historic growth in Fresno as primarily suburban style development that relies heavily on the automobile for mobility, resulting in sprawl. The land use policies proposed as

Mr. Keith Bergthold

December 6, 2012

Page 3

part of the General Plan and Development Code Update purportedly address this condition by encouraging infill development and revitalization of the Downtown Planning Area, older neighborhoods, and along established major street corridors, as well as the development of compact and complete communities in Growth Areas located on the outer areas of the Planning Area.

Review of the diagrams and tables set forth in the IS reveals, however, that the land use patterns proposed as part of the General Plan and Development Code Update will increase allowable density in certain areas but may otherwise do little to change overall patterns of development within the majority of the Planning Area. According to the IS, the most significant increase will occur in residential and mixed use development, while the acreage allocated to industrial development and open space will be reduced. Much of the increase in residential and mixed use development is proposed to be accommodated through the shift of acreage presently designated for "other" uses in the Southeast Growth Area ("SEGA"), which has been included in other land use designations, but which currently consists of unincorporated areas of prime farm land that lacks infrastructure and public utility services, concerns that have been raised by the Fresno County Local Agency Formation Commission in connection with the City's draft Specific Plan for SEGA.

According to the Review Draft, a minimum of only 45 percent of new development will occur in proximity to transit corridors, and up to 55 percent of new development will continue to occur outside of targeted growth areas. According to the Planned Land Use diagram attached as Exhibit 4 to the IS, most of the new high density residential and mixed use development will occur in the Downtown Planning Area and along Blackstone Avenue and Shaw Avenue, yet the IS fails to identify whether the necessary transportation and other infrastructure is in place to support such density or what the secondary impacts of the development of such additional infrastructure may be if required. According to the IS, the projected jobs/housing balance will remain roughly comparable to the existing jobs/housing balance, which will contribute, along with increased density within the overall Planning Area, to increased traffic congestion City-wide. The IS provides only a peremptory acknowledgement of potentially significant impacts on transportation and traffic resulting from the proposed General Plan and Development Code Update, without identifying any specific characteristics of such impacts or discussing potential mitigation measures as CEQA requires. The MEIR must therefore specifically analyze the potentially significant impacts that will result from the combination of increased density along existing transportation corridors without a corresponding adjustment to the jobs/housing balance, which will inevitably cause unacceptable levels of traffic congestion within the Planning Area absent effective mitigations.

C. The IS Fails to Consider Regional Planning Approaches.

The Council of Fresno County Governments ("Fresno COG") is moving forward with the preparation of the Regional Transportation Plan ("RTP") and Sustainable Communities Strategy ("SCS") pursuant to the requirements of SB 375 in order to coordinate regional growth. According

Allen Matkins Leck Gamble Mallory & Natsis LLP
Attorneys at Law

Mr. Keith Bergthold
December 6, 2012

Page 4

to the schedule set forth in the IS, the draft MEIR will be completed and circulated for public review prior to completion of the RTP and SCS. The IS and Review Draft only discuss SB 375 in connection with its possible effect on the Housing Element of the General Plan, which is not proposed to be updated at this time. Failure to coordinate revisions to the General Plan with regional approaches to transportation and planning issues could frustrate the effective implementation of policies designed to achieve reductions in greenhouse gasses and other pollutants throughout the region. The MEIR should accordingly reflect careful coordination with the efforts of Fresno COG and the Councils of Governments of surrounding areas as a means to achieve regional goals of traffic reduction and enhancement of air quality.

Your careful attention to these issues is greatly appreciated. Please call with any questions or if I can provide additional information with regard to this matter.

Very truly yours,



Patrick A. Perry

PAP

cc: Mayor Ashley Swearingen
Council President Clint Olivier
Councilmember Oliver Baines III
Councilmember Andreas Borgeas
Councilmember Lee Brand
Councilmember Sal Quintero
Councilmember Larry Westerlund
Councilmember Blong Xiong
Mr. Mark Scott
The Fresno County Board of Supervisors
The Fresno County Local Agency Formation Commission

FRIANT RANCH L.P.

December 6, 2012

Mr. Keith Bergthold
Assistant Director
CITY OF FRESNO
2600 Fresno Street, Room 3065
Fresno, CA 93721

Re: **City of Fresno General Plan and Development Code Update
Master Environmental Impact Report Notice of Preparation & Scope**

Dear Mr. Bergthold:

This letter contains comments by Friant Ranch, L.P. on the Notice of Preparation and Scope for the City of Fresno General Plan and Development Code Update (hereafter “Proposed Project”) Master Environmental Impact Report. It expands on the oral comments I presented on behalf of Friant Ranch, L.P. at the Tuesday, November 27, 2012 NOP scoping meeting, regarding the scope and content of the environmental issues to be evaluated in the City of Fresno Master Environmental Impact Report (hereafter “MEIR”).

The Proposed Project, involves a huge expansion of urban growth within the City Sphere of Influence in an area currently zoned as prime agricultural use without available public services. With past development approvals in Fresno County, the City itself has asserted that this type of expansion violates fundamental principles of the County and City General Plans and the Memorandums of Understanding (MOU) between the County and Cities. The City of Fresno contended that these documents direct development to urbanized areas which have available service capacity to accommodate growth and focus on preserving agricultural land and environmental resources. The Proposed Project completely contradicts the position the City of Fresno’s has taken toward neighboring development projects, ignoring its own proclamation of what constitutes smart growth principles. The inconsistency with the City’s application of these policies broadens the scope of its Proposed Project’s significant environmental impacts, which will require more comprehensive analysis and significant mitigation. The Proposed Project rezones several thousands of acres of prime agricultural land to residential and commercial use. The scope of the MEIR should evaluate Proposed Project alternatives that could reduce or eliminate the conversion of prime agricultural land, unique farmland and farmland of statewide importance. The MEIR needs to address all significant environmental impacts and mitigation measures which reduce these impacts to less than significant. In addition, the MEIR should analyze and mitigate the long term economic impacts of the permanent loss of thousands of acres of prime farmland, which is a primary economic driver of the Fresno County economy.

In the event a significant and unavoidable impact to prime agricultural land occurs, CEQA requires that all feasible mitigation measures be adopted for mitigation.

Accordingly, the MEIR must analyze any available feasible mitigation measures to reduce agricultural impacts.

In accordance with the City's allegations made in other forums, the MEIR must include grazing land as a category of farmland worthy of conservation and analyze or mitigate potential adverse impacts to grazing. The MEIR needs to provide information on how the Proposed Project could adversely affect supply of grazing land, particularly winter grazing land.

The Proposed Project will have significant growth-inducing impacts due to the expansion of public services, particularly in the South East Growth Area. This includes the fiscal and environmental impacts of storm water detention & percolation, wastewater treatment and water supply facilities and services. The impacts of this future growth should be analyzed in the MEIR including impacts to the existing aged water distribution and wastewater systems as a result of the proposed new growth, development and infrastructure. The MEIR water supply analysis must show a reasonable likelihood of adequate water being available to meet the Proposed Project and cumulative demand in the short-term and long-term and dry year conditions.

Potential significant impacts from the Proposed Project may result in the degradation of water quality and result in violations of water quality or water discharge standards. The MEIR must address the water quality standards and waste discharge requirements and determine the potential for impacts from future growth and development. In addition, the Proposed Project may substantially deplete groundwater supplies or interfere substantially with groundwater recharge resulting in a net deficit in aquifer volume or a lowering of the local groundwater table level. This would diminish the production rate of pre-existing nearby wells, which could drop to a level which would not support existing land uses, such as farming activity. Increased impervious surfaces associated with development could also reduce the potential for groundwater recharge. The MEIR must analyze these significant impacts and propose feasible mitigation measures.

The MEIR should evaluate, as a standard of significance for air quality impacts, whether the implementation of the proposed land use changes associated with the General Plan and Development Code Update may significantly alter long-term local and regional air quality conditions. The proposed growth has the potential to expose sensitive receptors and increase pollutant concentrations. Mitigation measures should be recommended to reduce potential significant air quality impacts to sensitive receptors. Under CEQA, the MEIR must also disclose the human health related effects of the Proposed Project's air pollution impacts. (CEQA Guidelines section 15126.2(a)). The MEIR should disclose and determine the significance of TAC impacts, and of human health risks due to exposure to Project-related air emissions.

The MEIR should also identify construction impacts related to a number of criteria pollutants, as well as particulate matter (PM10) and Fine Particulate Matter (PM2.5). The MEIR must provide analysis of PM2.5 impacts. The MEIR's discussion of construction and operational air emissions should identify any significant impact in violation of SJVAPCD emissions standards. The MEIR should set out the federal and

state ambient (concentration) thresholds for various pollutants as well as the emissions thresholds for CO, ROG, NO_x, PM₁₀ or PM 2.5. The MEIR must also determine, on the basis of substantial evidence, that no additional feasible mitigation measures would further reduce or avoid the Project's air quality impacts which remain significant after imposition of the MEIR's recommended mitigation measures.

Finally, the MEIR must disclose and determine the significance of the Project's total air emissions, in years when Project construction emissions overlap with Project operational emissions.

There are known and potential sensitive biological resources within the City of Fresno and its Sphere of Influence. The San Joaquin River corridor represents suitable habitat for numerous plant, wildlife, and avian species, including several special status species. Based on habitat requirements, special status species that occur, or could potentially occur in the San Joaquin River corridor include valley elderberry longhorn beetle, California red-legged frog, burrowing owl, San Joaquin kit fox, San Joaquin pocket mouse, and Swainson's hawk. These as well as other biological resources could be significantly affected under the proposed General Plan and Development Code Update. The MEIR must analyze the potential for impacts to sensitive habitats and species. Mitigation measures should be recommended to reduce potential significant impacts and biological impacts should be mitigated to less than significant.

Future development under the proposed General Plan and Development Code Update may significantly affect existing wetland areas. These potential impacts may occur along existing drainages within the General Plan Area as well as along the San Joaquin River, which borders the northern portion of the City of Fresno. Potential impacts to wetland resources should be discussed in the MEIR, and mitigation measures should be provided to a fully mitigated standard of no net loss of wetlands.

For vernal pools and the species they support (vernal pool fairy shrimp), the MEIR should explain why it is infeasible to design the Proposed Project to avoid impacts to all vernal pools. Preservation of existing vernal pools is not mitigation for filling pools. Creation and restoration are the only mitigations under CEQA. The MEIR should contain any standards for creation and restoration.

The MEIR must evaluate whether the Proposed Project's effects on the uplands and watersheds that support "preserved" vernal pools will have an adverse impact on these pools. Similarly, the MEIR should analyze whether the Grazing Management Plans and Open Space Access Plan required by mitigations will adversely affect the preserved pools. The MEIR should also properly analyze the impacts of storm water runoff on vernal pools. Storm water run-off may result in over-inundation of vernal pools or contamination from urban run-off. All these indirect impacts should be analyzed and mitigated. The mitigation measures should require the development of a Drainage Plan to address the impacts of storm water runoff on resources.

The population and housing section of the MEIR also needs to demonstrate that there is actual demand for housing to support a conclusion that the City's projections for growth that impacts prime agricultural land is necessary. The MEIR should also include analysis of impacts related to high density infill growth envisioned by the Proposed Project to existing and approved neighboring projects to be built in Fresno County, the City of Clovis and Madera County. The MEIR should also disclose and determine the significance of the impacts on existing regional and local recreational facilities from the increased use by new residents who would be introduced by the Proposed Project.

Since it is commonly known that overall population growth and development in California and the San Joaquin Valley will lead to future power shortfalls unless there are major gains in energy conservation and alternative energy development, the MEIR must reconcile the long-term energy supply outlook for the state and region, and needs to provide mitigation in the form of higher standards for conservation and alternative energy programs, built into every component of the Proposed Project growth areas.

The MEIR needs to discuss the numerous laws and regulations on greenhouse gas (GHG) impacts and analysis including: (1) Compliance with the latest state CEQA Guidelines amendments on greenhouse gas analysis adopted by the State Resources Agency; (2) the proposed regulations of the San Joaquin Valley Air Pollution Control District on addressing and mitigating GHG impacts from development. SJVAPCD has developed these regulations and include guidance on how to address GHG impacts under CEQA; (3) the AB 32 Seeping Plan which includes reductions from land use development; (4) SB 375 which requires the adoption of regional targets for GHG reductions from land use and transportation and the development of regional plans to achieve these reduction targets; (5) information developed by the State Attorney General's Office on the analysis and mitigation of GHG emissions under CEQA; and (6) the recent determination by the US Environmental Protection Agency that CO₂ threatens public health and the environment due to its impacts on climate change. The MEIR should discuss these important regulatory developments and apply these regulations and guidance in its analysis of GHGs and evaluate and consider all feasible mitigation measures to reduce the impacts.

The MEIR should analyze and reach a conclusion on the significance of the impacts of global warming on the Project for other issues besides water. The MEIR should analyze the potential global warming impacts due to flooding and increased temperature (especially as it relates to increasing the likelihood of violations of air quality standards). Even if the MEIR finds that the impact on greenhouse gases is significant and unavoidable, it should establish a significance threshold on which to base this determination. Under the proposed SJVAPCD Guidance, the recommended standard of significance is a 29% reduction.

Since the Proposed Project's impact on agricultural resources is cumulatively considerable, there must be mitigation analyzed and adopted to address this significant impact (see discussion of mitigation of agricultural impacts above). The Project's significant conflicts with land use and other policies create a cumulatively considerable impact. As discussed above, the Proposed Project violates the fundamental policies that

Mr. Keith Bergthold
December 6, 2012
Page Five of Five

guide City planning, including preserving agricultural land, directing development to areas with public services in place, and protecting environmental resources.

The discussion of cumulative utilities/service systems impacts should analyze the City claims to have adequate surface water supplies for the Proposed Project growth areas and discussion of the West's finite water supply, which will likely be drastically reduced by factors including climate change. In addition, the proposed General Plan and Development Code Updates may result in development that could substantially reduce groundwater supplies and increase impervious surfaces that could reduce the potential for groundwater recharge. The MEIR should address these issues and provide mitigation measures to reduce potential impacts. Given the existing water crisis and the lack of new supplies, the Proposed Project's demand will be cumulatively considerable.

We appreciate the opportunity to participate in the City of Fresno Master Environmental Impact Report NOP scoping process. If you have any questions or comments, please contact us at (559) 224 0871.

Sincerely,

FRIANT RANCH L.P.

A handwritten signature in black ink that reads "Dennis Bacopulos". The signature is written in a cursive style with a large, stylized initial 'D'.

Dennis Bacopulos
Operating Manager
7110 N. Fresno Street #340
Fresno, CA 93720

cc: Bryan N. Wagner, Esq.