



June 27, 2023

Chris Motta, Principal Planner
Department of Public Works and Planning
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RE: **Comment on the draft EIR for the General Plan Review/Zoning Ordinance Update**

Dear Mr. Motta,

Please accept this letter, sent on behalf of the Tehipite Chapter of the Sierra Club, providing comments on the Draft Environmental Impact Report (EIR) for the 2023 General Plan Review and Zoning Ordinance Update (GPR/ZOU), dated April 28, 2023.

While the EIR is an expansive document, these comments will focus on the Air Quality, Greenhouse Gases, and Transportation Policies set forth in the EIR, as well as the inadequate discussion and reasoning for rejecting Environmentally Superior Alternatives to the proposed GPR/ZOU.

1. Air Quality (Section 4.3):

The EIR notes Fresno County is part of the San Joaquin Valley Air Basin (SJVAB), and “is highly susceptible to pollutant accumulation.” (EIR at p. 4.3-1) Fresno County suffers from some of the worst air quality in the Nation, specifically with respect to Ozone and Fine Particulate Matter. (EIR at pp. 4.3-6 4.3-9.) Despite these concerns, the EIR indicates the proposed GPR/ZOU would make our air quality demonstrably worse. Even with the feeble mitigation measures set forth, the EIR indicates in “IMPACT AQ-1 through 3” that “[t]he GPR/ZOU [is] inconsistent with applicable air quality plans, and impacts would be significant and unavoidable.” (EIR at p. 4.3-19, 21, 25-26.)

Several of the included tables are instructive. Table 4.3-6 titled the “Total Unmitigated Operational Emissions” indicates that besides sulfur oxides, all other measured pollutants generated under the GPR/ZOU would exceed the SJVAPCD significance thresholds by nearly a full order of magnitude. (EIR at p. 4-3-20.) Mitigating measures are inadequate and do not take into consideration best construction practices including electrification of construction equipment, increased material efficiency and design standards, and the use of low-carbon or recycled materials. Likewise, the operational impacts to air quality would have long lasting negative

implications for the County. Allowing for development spread throughout the County will not overcome my mitigation measures that are not practicable. The plan states it will rely on mitigation measures such as a reduction to VMT (EIR at p. 4.3-20), but as discussed below, the transportation portion of the plan does not actually reduce VMT in the manner required under California law. The continued air pollution created from dispersed development in Fresno County will cause air pollution on a scale that will dwarf the impact of any realistic mitigation measures.

As set forth, the GPR/ZOU will result in deleterious effects on our already bad air quality and admits as such. “The GPR/ZOU may cumulatively increase the potential for impacts resulting from increased air pollutant emissions.” (EIR 4.3-27.) The EIR fails to adequately set forth or analyze feasible mitigation measures to minimize the impact of the GPR/ZOU on air quality.

2. Greenhouse Gas Emissions (Section 4.8):

The EIR likewise contains an inadequate discussion as regarding the manner it seeks to reduce greenhouse gas emissions as the GPR/ZOU is dependent on the preparation of a Climate Action Plan that does not exist. “[U]ntil the County prepares a [Climate Action Plan] in accordance with Mitigation Measure GHG-1 and GHG-2, impacts from GHG emissions would remain significant and unavoidable.” (EIR at p. 4.8-18.) Table 4.8-3 of the EIR explains the combined annual GHG emissions under the GPR/ZOU would exceed the 2042 threshold of .8 metric tons of carbon dioxide per person by four-fold at 3.2 metric tons per person. (EIR at p. 4/8-17.)

Planning to initiate a Climate Action Plan in two years, without any defined criteria or guarantee the plan will be implemented all is inadequate and provides at best illusory mitigation efforts to ensure for the reduction of greenhouse gas emissions. Continued delay is untenable; the Climate Action Plan should be part of the planning document.

3. Transportation (Section 4.8):

The EIR states the GPR/ZOU, even with the implementation of mitigation measures, will not comply with California Vehicle Miles Traveled (VMT) laws, enacted under Senate Bill 743. Rather, the GPR/ZOU fails to decrease VMT to below the average rate of 87% of VMT per capita. Information contained in Table 4.15-4, VMT Results Summary, illustrates the point. While Impact T-2 lists many potential mitigation measures, based on the information contained in Appendix TIS - Vehicles Miles Traveled Technical Memorandum, the County is aware the mitigation measures are not likely to be adequate to reach compliance with State standards.

While the mitigation measures are welcome, the TIS study makes clear the measures would be insufficient to make more than marginal improvements to the VMT rate. For example, “[B]oth bicycle infrastructure and pedestrian network improvements *would make marginal improvements* to otherwise short vehicle trips between future workplaces and nearby destinations (for purposes of errands, dining, and the like), as well as between future residences and nearby destinations, *but their effects on VMT reduction would be dependent on the availability of nearby transit and largely limited in the absence of nearby transit service.*” (Appx. TIS at 10.) (Emphasis added.) Likewise, “the effectiveness of constrained parking supply or alternatively priced parking is context sensitive, and the availability of parking off site will be a limiting factor in its overall effectiveness in managing transportation demand; *and may result in unwanted consequences such as ‘spillover’ parking into surrounding residential areas, particularly if there is a lack of transit options.*” (*Ibid.*) (Emphasis added.)

The traffic engineers conducting the survey concluded the mitigation measures are nearly certain to be inadequate. They explain:

Even with policies aimed to reduce VMT, some significant unavoidable impacts considering excessive VMT will occur. VMT deficiencies will translate into deficiencies in transportation performance along several local and regional roadways and intersections in Fresno County, as a result of future housing and population growth. Roadway widenings are not anticipated due to funding and other constraints associated with state or federal monies per statewide policies. *It is anticipated that even with implementation of the Project with mitigations, significant VMT deficiencies will occur; therefore, this impact with mitigation would be considered significant and unavoidable.*

(Appx. TIS at 10.) (Emphasis added.) The inability of the GPR/ZOU to meet VMT standards is contingent on the failure of the County to properly address reasonable alternatives, as set forth in the next section.

4. Reasonable Alternatives to the Proposed GPR/ZOU (Section 6):

The GPR/ZOU fails to provide substantial evidence why either of the proposed alternative measures involving denser growth around the Fresno and Clovis metropolitan area were infeasible. The County speculates Alternative 2 is infeasible as it relies on the fact the City of Fresno for the “annexation process, and projects within these areas would likely be dependent on urban services from the cities of Fresno and Clovis; therefore, Alternative 2 may be infeasible.” (EIR at p. 6-21.) This is not a sufficient showing. Further, based on many of the same laws, the City of Fresno, like the County is incentivized to engage in smart growth, including increasing density. There is little reason to think the City of Fresno would not be amenable to such modes of growth. The fact is that without implementation of GPR/ZOU more akin to Alternative 2, the County will be unable to comply with state and local air quality and environmental standards. The conclusory assertions the alternatives are infeasible are inadequate, fail to provide substantial evidence to support the ultimate determination, and accordingly do not comply with the requirements of CEQA.

Thank you for your time and attention to this matter.

Sincerely,

/s/

Jeremy Clar
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