



June 15, 2010

VIA E-MAIL

Mr. Mike Sanchez
City of Fresno Planning Division
Fresno City Hall
2600 Fresno St., Room 3043
Third Floor, South End
Fresno, CA 93721-3604

RE: Fresno El Paseo Draft Environmental Impact Report (DEIR)

Dear Mr. Sanchez,

Thank you for the opportunity to comment on the above-referenced DEIR. I am executive director of Aquarius Aquarium Institute (Aquarium), which has its own approved, potentially significantly impacted nonprofit 501(c)(3) public benefit project in the proposed project's neighborhood within the City of Fresno's sphere of influence, and wish to express our organization's concerns about the significant impacts El Paseo will have on the environment under CEQA.

While we are generally supportive of the proposed project, from the opening of Phase 1A, El Paseo will worsen the traffic congestion at Herndon Avenue and Golden State Boulevard and at the adjacent at-grade Union Pacific Railroad (UPRR) crossing not only during peak hours, but also throughout the day and evening. The DEIR relies too heavily on the future construction of the proposed Veterans Boulevard for mitigation of project traffic impacts and does not propose adequate mitigation from the applicant for project impacts at SR-99/Herndon, Golden State/Herndon or UPRR/Herndon.

We also object to the proposal to close the southbound (Grantland) off ramp from SR-99 since this is the off ramp many of the Aquarium's future visitors will use to access our project and such closure would move this traffic to the Golden State/Herndon intersection, negatively impacting it even further. We believe an alternative design for the Herndon/Parkway intersection can be developed by the City's Traffic Engineering Department that would preserve this vital off ramp for both the Aquarium and County residents west of SR-99.



Due to the failure of the City of Fresno over many years to collect adequate mitigation fees from developers, require adequate mitigation measures or place tougher Conditions of Approval on developers to address the cumulative impacts of numerous northwest area projects in addition to permitting developers to earmark mitigation fees for specific future projects such as Veterans Boulevard, the SR-99/Herndon Avenue interchange complex has unfortunately fallen into a state of complete inadequacy for the motoring public in Fresno. While this is certainly not the fault of the applicant, it is the existing environment in which the applicant has elected to build a major regional Shopping Center project.

The DEIR states on page 415: "The final design for improvements to the Golden State Boulevard/Herndon Avenue intersection (including street widening, lane addition, and traffic signal modifications) is complete, and construction of these improvements is anticipated to start in Spring 2010. A grade-separation project (Herndon Avenue underpass at the UPRR tracks) just east of Golden State Boulevard is also identified. The timing for this improvement is uncertain." This timing should not be uncertain and represents a fatal flaw in the DEIR.

The Aquarium believes that the DEIR's statement that the "final design for the intersection is complete" misleads the motoring public and decision makers and is in conflict with the City of Fresno's adopted 2025 General Plan: "Objective E-2: Maintain a coordinated land use and circulation system that conforms to planned growth, minimizes traffic conflicts, reduces impacts on adjacent land uses, and preserves the integrity of existing neighborhoods" because it implies no further improvements are planned when this is not the case. On April 15, 2010, the Fresno City Council held a hearing to approve a cooperative agreement with Caltrans for improvements at the SR-99/Herndon interchange and I expressed concerns at the meeting for the public record about the designs of the interchange and adjacent Golden State/Herndon intersection and UPRR/Herndon at-grade crossing being described as "complete." According to the adopted minutes from that meeting: *"Addressing Mr. Lang's earlier comments Traffic Engineer Jones stated the agreement between the City and Caltrans was in good faith as there were existing efficiencies and improvements were needed and added irregardless of Veterans Boulevard, or any other endeavor, near term improvements were needed, and stated the design was going to take some time so there will be plenty of time to modify any needs."*

There is no indication in the DEIR of an effort to create a circulation plan for El Paseo that is coordinated with other nearby County or City approved and proposed land uses such as the approved Public Aquarium project or even the proposed *Fountains at El Paseo* project directly across Bryan Avenue. While such coordination may exist internally within the City of Fresno's Traffic Division, the DEIR does not reference it. The interchange and intersection improvements proposed as mitigation in the DEIR at SR-99/Herndon, Golden State/Herndon and the UPRR/Herndon at-grade crossing do not take into account the cumulative traffic impacts of other City and County development



that has been approved or has occurred in the area since El Paseo's Traffic Impact Study was completed in 2008, the impact of population growth of the Fresno metropolitan area, nor the new and significant information under CEQA that the current Level Of Service (LOS) at the Golden State/Herndon/SR-99 interchange complex is far worse today than was previously projected in numerous preceding City project TISs.

Since the El Paseo site is in a unique location adjacent to the UPRR, the City of Fresno should require the applicant to dedicate the necessary property fronting Herndon Avenue between Bryan and the UPRR for the construction of the 6-lane grade-separation project (Herndon Avenue underpass at the UPRR tracks) just east of Golden State Boulevard as was described in detail in the City of Fresno's Project Study Report (PSR) for Veteran's Boulevard under the No-Build scenario.

Further, the City should commit the applicant's substantial RTMF and FMSI fees as well as Measure C "Flex Funds" the City has been accumulating over the last 2 years to construct the UPRR/Herndon undercrossing and, as the Lead Agency, identify the timing for this improvement for inclusion in the Final EIR for the El Paseo project. The Aquarium respectfully suggests that the construction of the undercrossing should be completed no later than the date a Certificate of Occupancy is granted by the City for all subphases of Phase 1 (1A - F) of El Paseo. The proposed driveway into the shopping center from Herndon Avenue, a designated expressway in the City's 2025 General Plan, should also not be permitted in accordance with Policy E-2-h and because it would interfere with the future construction of the grade separation project.

In Policy E-2-b of the City's 2025 General Plan, the City must "Minimize vehicular and vehicle-pedestrian conflicts on major streets and adjacent land uses through use of traffic design and control measures that reduce congestion and increase safety," yet there is no mitigation measure proposed in the DEIR that provides for safe pedestrian access from the west side of SR-99/Herndon to this regional Power Center. Certainly, the many families who live in the County homes just west of the freeway would want to walk or bicycle to the nearby Super Target, Toys R Us, Babies R Us, and other major national retailers if it was safe to do so. The applicant should be required to install sidewalks and safe crossings along Herndon Avenue connecting the project to the west side of the freeway.

In Policy E-2-k, the City is to "Require the design of local streets to provide efficient circulation and allow convenient access while protecting neighborhoods from intrusion of through traffic." However, the El Paseo DEIR does not propose adequate mitigation measures to provide convenient access from west of SR-99 at Herndon. An adequate mitigation measure would be for a portion of the applicant's fees to go toward its pro-rata share of Caltrans reconstruction of the SR-99/Herndon undercrossing to accommodate at least three through traffic lanes in each direction, a bike lane and a safe pedestrian walkway. The remaining portion of this new undercrossing could be funded through a



combination of the Measure C local transportation tax, the County's RTMF, State STIP and Proposition 1B funding designated for SR-99 improvements.

FHWA and Caltrans, in their final Mitigated Negative Declaration and Finding of No Significant Impact for the SR-99 Island Park Six-Lane Project (April 2010), state that this capacity-increasing freeway widening project "will have a minimal local traffic circulation impact when compared to land use decisions and subsequent development impacts to Herndon Avenue traffic" and is "independent of the proposed Herndon Avenue Ramp Project and the proposed Veterans Boulevard Projects." We disagree with these statements from the perspective of El Paseo since it is unlikely El Paseo would have considered locating their project in this area if improvements to the state facilities, including the new Veteran's Boulevard interchange were not planned. It may be unintended, but the reality is that as the freeway capacity is increased, the attraction to larger and larger developers is undeniable.

Since the Island Park Six-Lane Project is not funding improvements to Herndon or Shaw Avenue freeway interchanges, the responsibility falls to City development and local transportation taxes to fund necessary improvements to these prior to dedicating funds to new projects such as Veteran's Boulevard.

Thank you again for the opportunity comment on the El Paseo project DEIR. We respectfully request to be routed the final EIR when it is ready for circulation.

Sincerely,

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Executive Director
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Aquarius Aquarium Institute