

A new town in the hills above Fresno? Not without fixing air quality problems, judge says

By Danielle Bergstrom

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For nearly 50 years, Fresno County leaders have dreamed of building their own city on a hill, in the foothills above Fresno and Clovis next to Millerton Lake.

After nearly a decade of litigation over the impacts of urban sprawl on air quality, yet another one of the several projects in this new growth area — Friant Ranch — hit its latest snag.

On Nov. 24, the Fifth District Court of Appeal affirmed an opinion by Judge Kristi Culver Kapetan of the Fresno County Superior Court that the developers need to redo their environmental impact report and seek a new approval from the Fresno County Board of Supervisors. This judgment came after a unanimous opinion by the California Supreme Court that the project's air quality analysis was flawed.

The Friant Ranch project would eventually become a village of 9,000 people, with 2,500 homes and more than 250,000 square feet of commercial space. Most of the homes would be for seniors 55 years and older, with some homes set aside for workforce housing.

The ranch is owned by Assemblymember Frank Bigelow, R-O'Neals, and his family.

The water source for the new town of 9,000 people? Bigelow's development group, Friant Ranch, L.P., purchased 2,000 acre-feet per year of Central Valley Project water stored in Millerton Lake from the Lower Tule River Irrigation District, headquartered in Tipton, in 2008.

But the key legal issue at hand is air quality, not water. According to the California Supreme Court, the project's air quality analysis did not include data showing how — or at what concentration — the pollutants produced from the project would add to health issues for residents.

The pollutants from the project will come from expected car trips that residents of the development will make — southwest, down Friant Road, for about nine miles into Fresno — where hospitals, medical offices and other basic services are located. There is no public transit serving the Friant/Millerton area.

Residents in the San Joaquin Valley breathe some of the worst air in the country. A majority of the Valley's air pollution comes from vehicles — and trucks, in particular.

In 2011, shortly after the Fresno County Board of Supervisors approved the Friant Ranch project and its environmental impact report, nonprofit groups — the Sierra Club, League of Women Voters, and Revive the San Joaquin — brought the lawsuit forward.

"Fresno County officials have been put on notice; they need to do a better job evaluating air quality impacts of development," Radley Reep, a volunteer policy analyst with the League of Women Voters, said, applauding an opinion by Judge Donald R. Franson of the appellate court. "We'll see if they rise to the occasion."

The project's proponents say they are not deterred by the most recent decision.

"We are 100% committed to moving forward," Dennis Bacopulos, operations manager for Friant Ranch, L.P., said. "This [the Fifth District's opinion] is a procedural decision."

Bacopulos said that Friant Ranch, L.P. is working with Fresno County officials to develop a new air quality analysis, which, together with the rest of the environmental impact report, will be available for written public comments in early 2021. The Board of Supervisors could get the updated proposal by next summer.

The developer is paying about \$300,000 for a new environmental impact report and up to \$395,000 for Fresno County staff time and outside legal counsel to assist the project, according to Fresno County spokesperson Jordan Scott.

Air quality, housing goals in conflict

But environmental advocates say that not understanding how Friant Ranch's air quality impacts the lungs of Valley residents is only one part of a larger problem. They maintain that Fresno County has, for more

than a decade, been out of compliance with a state law requiring local governments to develop a clear strategy for addressing how air quality is impacted by new development and other land use decisions.

The rule, Assembly Bill 170, requires every city and county within the San Joaquin Valley to outline data, goals, policies and implementation strategies aimed at improving air quality in their general plans.

Fresno County, which hasn't formally updated its general plan — the blueprint for future growth and investment — since 2000, is in the middle of revising it.

The 2000 plan includes a section on air quality and acknowledges that the primary way the county can reduce emissions through land use planning is by directing development to existing population centers.

Assembly Bill 170 requires that the air quality element include feasible implementation strategies, as well as policies, that would improve air quality, and that those elements be submitted to the San Joaquin Valley Air Pollution Control District for review with every regional housing element completed, every five years.

"We don't tell the county — or any jurisdiction — whether or not they're in compliance," said Jaime Holt, public information officer for the San Joaquin Valley Air Pollution Control District, adding that her agency is not in a position to force a city or county to submit the required AB 170 air quality plans.

The current general plan calls for the vast majority of new growth to occur in incorporated cities and urban areas that already have the infrastructure to accommodate it. Very little infrastructure — wider roads, schools, transit, or water pipes — presently exists outside of the unincorporated town of Friant.

Urban planners have long called for growth to be concentrated in places that already have existing infrastructure and a tax base to support it. The more growth is spread out, the more researchers have found that it escalates air quality challenges, pulls resources from urban neighborhoods, and exacerbates racial and economic segregation.

But the region's affordable housing crisis is growing. Under state law, Fresno County officials are required to plan for some housing development outside of cities.

In the meantime, according to Fresno County spokesperson Jordan Scott, county officials are addressing AB 170 compliance and plan to release additional environmental documents and host a public meeting in early 2021.

Some are skeptical that new town growth is compatible with any strategy to reduce pollutants from car emissions.

"Friant Ranch is a quintessential sprawl project that will contribute to excessive car traffic," said Ashley Werner, senior attorney for Fresno-based Leadership Counsel for Justice and Accountability. "It doesn't include affordable housing. It's going to exacerbate regional air quality problems."

Opinion: How to Create an Easier Path to Climate Goals Through Electric Vehicles

By Amanda Myers

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California has led America's climate fight by pioneering solutions here at home like cap-and-trade and tailpipe pollution reduction targets that the federal government and other states have adopted.

We can once again play this role, paving the way for President-elect Joe Biden's goal of building 500,000 electric vehicle charging stations, by overcoming barriers preventing low-income and disadvantaged Californians from accessing chargers.

Electric vehicle charging access may not be considered climate policy, but it's incredibly important to cutting greenhouse gas emissions. Transportation is the largest source of California and U.S. emissions, and California's new goal of 100% zero-emission passenger vehicle sales by 2035 is arguably the world's strongest clean transportation target — but it cannot succeed without installing chargers in low-income communities and multi-unit dwellings.

We're America's largest electric vehicle market, but home charging access still determines whether or not someone will purchase or lease an electric vehicle. In single-family homes, charging is straightforward – even an extension cord works. But charging is complicated for the 50% of Californians who reside in multi-unit dwellings, where 20% of total vehicles are located statewide.

This is also an economic imperative because owning an electric vehicle can save drivers between \$6,000 and \$10,000. Failing to add enough charging infrastructure so drivers can buy electric instead of gas-powered vehicles risks missing our climate goals and exacerbating energy burdens on low-income and disadvantaged residents.

The California Energy Commission's \$384 million clean transportation plan, which dedicates half its funding to disadvantaged communities, is a step in the right direction. But ensuring everyone can access clean transportation requires robust funding and policy solutions.

These Policies Will Help Phase Out Internal Combustion Engines

We can expand multi-unit dwelling charging infrastructure through equity-centered policies: Smart utility planning, forward-looking building codes, streamlined charger permitting and updated parking minimums.

These policies will help phase out internal combustion engines while ensuring low-income and disadvantaged communities save money and breathe cleaner air by adding chargers at multi-unit dwellings instead of secondary alternatives like workplaces or public locations.

Electric utilities are key to transportation electrification. While California's electricity demand has been stagnant for a decade, demand will increase as we electrify our vehicles. Utilities can invest in charging infrastructure across underserved markets without raising electricity costs by applying their huge balance sheets and low cost of capital where the private market is unable or unwilling to step in.

Utilities can also strengthen the grid by shaping electric vehicle charging behavior through pricing and rebate programs, helping avoid events like August's power outages and cutting customer costs by charging with excess solar during the day or cheaper power at night. While our utilities have begun this effort, the California Public Utilities Commission should prioritize managed charging in its Transportation Electrification Framework, which will guide utility regulation.

California's green building code smartly requires new construction parking spots include equipment to support electric vehicle charging. State policymakers should strengthen this by requiring more "EV-ready" parking spots, while local jurisdictions should go above the state minimum to enable more charging, avoiding expensive post-construction retrofits and saving money on charging infrastructure.

Local governments can also cut costs by streamlining charger permit approvals, but many jurisdictions lag behind here. California passed legislation in 2015 to weave together our patchwork of permitting policies, and the Governor's Office of Business and Economic Development's plug-in readiness guidebook can help local governments expedite charging installations.

Zoning laws governing parking minimums dictate off-street parking availability at different buildings, but can force charging spaces to compete with – and often lose to – these requirements in areas with constrained and expensive land. As California's vehicles electrify, this problem will worsen as charging demand requires more charging spaces. Local governments can amend these policies, but the state Legislature should also pass legislation to overcome this growing barrier.

California faces challenges ensuring affordable clean transportation options for all residents, not just wealthier ones with an easier path to electric vehicles. While the state is directing investments toward communities that need it most, it must also enact policies to make going electric easier and more affordable.

President-elect Biden's electric vehicle charging goals may face many of these same barriers to equitable deployment. By overcoming challenges here, California can demonstrate smart policy ensures enough electric vehicle chargers are installed to slow climate change in the locations that enable access for all residents, not just a wealthy few.