

Exhibit J
West Area Neighborhoods Specific Plan
Findings of Fact / Statement of Overriding Considerations
(2025)



FINDING OF FACT / STATEMENT OF OVERRIDING CONSIDERATIONS

FOR THE

WEST AREA NEIGHBORHOODS SPECIFIC PLAN (SCH: 2019069117)

SEPTEMBER 2025

Prepared for:

City of Fresno
Planning and Development Department
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D e N o v o P l a n n i n g G r o u p

A Land Use Planning, Design, and Environmental Firm



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FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

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FINDINGS FOR THE WEST AREA NEIGHBORHOODS SPECIFIC PLAN

REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT
(Public Resources Code, § 21000 et seq.)

I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code, § 21000 et seq.) requires the City of Fresno (City), as the CEQA lead agency, to: 1) make written findings when it approves a project for which an environmental impact report (EIR) was certified, and 2) identify overriding considerations for significant and unavoidable impacts identified in the EIR. (Pub. Resources Code, § 21081.)

This document explains the City's findings regarding the significant and potentially significant impacts identified in the environmental impact report (EIR) prepared for the West Area Neighborhoods Specific Plan (Specific Plan or Project) and the City decision-makers' ultimate determinations of the feasibility of the project alternatives considered in the EIR. The statement of overriding considerations in Section VII, below, identifies the economic, social, technical, and other benefits of the Project that the City decision-makers have determined should override any significant environmental impacts that would result from the Project.

As required under CEQA, the Final EIR describes the Project, adverse environmental impacts of the Project, and mitigation measures and alternatives that would substantially reduce or avoid those impacts. The information and conclusions contained in the EIR reflect the City's independent judgment.

The Final EIR (which includes the Draft EIR, comments, responses to comments, and revisions to the Recirculated Draft EIR [RDEIR]) for the Project, examined the proposed Project and several alternatives to the Project including: (1) No Project (Existing General Plan) Alternative; (2) Regional Park Alternative; and Lower Density Alternative.

The Findings and Statement of Overriding Considerations are presented for adoption by the City Council, as the City's findings under CEQA and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis, substantial evidence, and conclusions of this City Council regarding the Project's environmental impacts, mitigation measures, and alternatives to the Project, as well as the overriding considerations, which in this City Council's view, justify approval of the Project, despite its environmental effects.

II. GENERAL FINDINGS AND OVERVIEW

Project Overview

The following provides a brief summary and overview of the proposed project. Chapter 2.0 of the RDEIR includes a detailed description of the proposed project, including maps and graphics. The reader is referred to Chapter 2.0 of the RDEIR for a more complete and thorough description of the components of the proposed project.

The proposed Specific Plan will establish the land use planning and regulatory guidance, including the land use and zoning designations and policies, for the approximately 7,077-acre Plan Area. The Specific Plan will serve as a bridge between the Fresno General Plan and individual development applications in the Plan Area.

The proposed Specific Plan refines the General Plan's land use vision for the Plan Area. The draft land use map proposes the relocation of higher density land uses away from the most western and southwestern portions of the Plan Area where they are distant from public transit and community amenities and transfers those higher density land use designations to major corridors. The West Area Neighborhoods Specific Plan land use plan utilizes the City's existing General Plan land use designations to maintain or re-designate some parcels in the Plan Area. See Table 2.0-1 for a summary of the existing and proposed land uses within the city limits, growth area, and Plan Area. See Figure 2.0-6 of Chapter 2.0 of the RDEIR for the proposed General Plan land use designations.

The parcels that are currently within the County will not be rezoned. Instead, upon a proposal to annex unincorporated land into the city limits, the City of Fresno would pre-zone the land to a zone that is consistent with the General Plan land use. Once annexation occurs, the County zoning would no longer apply to the parcel.

The Specific Plan land use plan would allow for the future development of up to 83,129 dwelling units (DU) (including 339 DU in the commercial category, 49,355 DU in the residential category and 33,436 DU in the mixed use category), and 59,777,271.15 square feet (SF) of non-residential uses. The proposed land use plan also designates public facility uses that are currently existing within the Plan Area, including schools, fire stations, and places of worship. Additionally, the proposed land use plan would allow for approximately 338.95 acres of park, open space, and ponding basin uses. The Specific Plan also includes circulation and utility improvements, some of which are planned in the City's current program for capital improvements.

Refer to RDEIR Chapter 2.0, Project Description, for a more complete description of the details of the proposed Specific Plan.

PROCEDURAL BACKGROUND

Notice of Preparation Public Circulation (2019): The City circulated a Notice of Preparation (NOP) of an EIR for the proposed project on June 28, 2019 to responsible and trustee agencies, the State Clearinghouse, and the public. A public scoping meeting was held on July 24, 2019 at 6:00 p.m., at the Glacier Point Middle School Cafeteria in Fresno to present the project description to the public

and interested agencies, and to receive comments from the public and interested agencies regarding the scope of the environmental analysis to be included in the Draft EIR. Concerns raised in response to the NOP were considered during preparation of the Draft EIR. The NOP and responses to the NOP by interested parties are presented in Appendix A of the Draft EIR. The commenting individuals and agencies are provided below.

1. April Henry (August 1, 2019)
2. California Department of Water Resources, Division of Safety of Dams (July 19, 2019)
3. California Governor's Office of Planning and Research, State Clearinghouse and Planning Unit (June 28, 2019)
4. Carl & Lydia Franklin (August 2, 2019)
5. Cathy Caples (August 1, 2019)
6. Central Grizzlies Youth Football & Cheer (August 2, 2019)
7. City of Fresno Transportation Department, Fresno Area Express (July 29, 2019)
8. Forgotten Fresno (July 17, 2019)
9. Fresno Metropolitan Floor Control District (August 1, 2019)
10. Fresno County Public Library (July 8, 2019)
11. Jeff Roberts (July 24, 2019)
12. Patricia and Clifford Upton (July 24, 2019)
13. San Joaquin Valley Air Pollution Control District (July 15, 2019)

Notice of Availability and Draft EIR (2022): The City published a public Notice of Availability (NOA) for the Draft EIR on February 10, 2022 inviting comment from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH # 2019069117) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The Draft EIR was available for public review and comment from February 10, 2022 through March 28, 2022.

The Draft EIR contains a description of the Project, description of the environmental setting, identification of Project impacts, and mitigation measures for impacts found to be significant, as well as an analysis of Project alternatives, identification of significant irreversible environmental changes, growth-inducing impacts, and cumulative impacts. The Draft EIR identifies issues determined to have no impact or a less-than-significant impact, and provides detailed analysis of potentially significant and significant impacts. Comments received in response to the NOP were considered in preparing the analysis in the Draft EIR.

Notice of Availability and Recirculated Draft EIR (2025): The City received nine written comments on the 2022 Draft EIR. Some of the comments included text clarifications and corrections, and requested changes to a mitigation measure proposed to address impacts to Important Farmlands. Additionally, City of Fresno staff initiated several changes to the Project Description and identified clarifications and/or corrections needed to the proposed Land Use Map. The Land Use Map and allowed land use densities were updated to have no net loss of housing capacity compared with the current General Plan housing capacity for the Plan Area.

In response to the comments, and due to the Project Description changes, City staff determined that the Draft EIR be revised to address the land use modifications and revised environmental analysis associated with the increase in residential development potential.

All sections of the original Draft EIR have been revised and are included in this Recirculated Draft EIR. Given the extent of the revisions made to the original Draft EIR, the City has elected to recirculate the entire document in order to provide the public and interested agencies with ample opportunity to review the updated and expanded analysis, including additional technical data related to circulation and vehicle miles travelled (VMT), air quality modeling, water demand estimations, and traffic noise modeling.

As noted previously, City of Fresno staff initiated several changes to the Project Description and identified clarifications and/or corrections needed to the proposed Land Use Map. The Land Use Map and allowed land use densities were updated to have no net loss of housing capacity compared with the current General Plan housing capacity for the Plan Area. The Specific Plan analyzed in the original (2022) Draft EIR allowed for the future development of up to 54,953 dwelling units (DU) (including 67 DU in the commercial category, 47,072 DU in the residential category and 7,814 DU in the mixed use category) and 60,621,006 square feet (SF) of non-residential uses. The Specific Plan analyzed in this (2024) Recirculated Draft EIR allows for the future development of up to 83,129 DU (including 339 DU in the commercial category, 49,355 DU in the residential category and 33,436 DU in the mixed use category) and 59,777,271 SF of non-residential uses.

The original (2022) Land Use Map did not have dual designations assigned erroneously; the dual designations have been assigned under the proposed (2024) Land Use Map. Future development would be allowed under the dual designation, and the dual designation would represent the capacity of the property. For instance, if a property has a dual designation of park-allowing uses, and the City cannot purchase it, the land owner is allowed to build under the dual designation instead (i.e., residential, commercial, etc.). The development projections provided assume the more intensive land use would be developed if a parcel has a dual designation.

Additionally, to accommodate the residential capacity needed, in Fall 2022, City staff removed maximum density limits for Neighborhood Mixed Use (NMX), Corridor/Center Mixed Use (CMX), Regional Mixed Use (RMX), and Commercial Regional (CR) land uses. In order to provide a practical maximum density, the development potential calculations use the following densities:

- NMX: 64 DU/AC;
- CMX: 75 DU/AC;
- RMX: 90 DU/AC; and
- CR: 80 DU/AC.

Further, since the original (2022) Draft EIR was published, Fire Station 18 in the Plan Area has opened on Shaw Avenue and is included in the updated Land Use Map.

Upon completion of the RDEIR, the City published a public NOA for the RDEIR on March 12, 2025 inviting comment from the general public, agencies, organizations, and other interested parties. The

NOA was filed with the State Clearinghouse (SCH # 2019069117) and the County Clerk, and was published in a local newspaper pursuant to the public noticing requirements of CEQA. The 47-day public review period for the RDEIR began on March 12, 2025 and ended on April 28, 2025 at 5:00 p.m.

During the 2025 RDEIR comment period, the City received eight comment letters regarding the RDEIR from public agencies and other parties. All of these comment letters are identified in Table 2.0-1 of the Final EIR document.

Final EIR: The City of Fresno received eight comment letters on the Draft EIR during the public review period. In accordance with CEQA Guidelines Section 15088, the Final EIR responds to the comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Chapter 3.0, Revisions.

The comments received did not provide evidence of any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

RECORD OF PROCEEDINGS AND CUSTODIAN OF RECORD

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City’s findings and determinations consists of the following documents and testimony, at a minimum:

- The NOP, comments received on the NOP, and all other public notices issued by the City in relation to the Project (e.g., NOA).
- The Draft EIR, RDEIR, and Final EIR, including comment letters, and technical materials cited in the documents.
- All non-draft and/or non-confidential reports and memoranda prepared by the City and consultants in relation to the EIR.
- Minutes and transcripts of the discussions regarding the Project and/or Project components at public hearings held by the City.
- Staff reports associated with City Council meetings on the Project.
- Those categories of materials identified in Public Resources Code § 21167.6(e).

The City Clerk is the custodian of the administrative record. The documents and materials that constitute the administrative record are available for review at the City of Fresno Planning & Development, 2600 Fresno St., Rm. 3043, Fresno, CA 93721 or online at: <https://www.fresno.gov/westareaplan>.

FINDINGS REQUIRED UNDER CEQA

Public Resources Code § 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” Further, the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation

measures which will avoid or substantially lessen such significant effects.” (*Id.*) Section 21002 also provides that “in the event specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles established by the Legislature in Public Resources Code § 21002 are implemented, in part, through the requirement in Public Resources Code § 21081 that agencies must adopt findings before approving projects for which an EIR is required.

CEQA Guidelines § 15091 provides the following direction regarding findings:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(See also Public Resources Code, § 21081, subd. (a)(1)-(3).)

As defined by CEQA, “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors. (Pub. Resources Code, § 21061.1; see also CEQA Guidelines, § 15126.6(f)(1) [determining the feasibility of alternatives].) The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (See *Association of Irrigated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1400 [court upholds findings rejecting a “reduced herd” alternative to a proposed dairy as infeasible because the alternative failed to meet the “fundamental objective” of the project to produce milk]; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1506-1508 [agency decision-makers, in rejecting alternatives as infeasible, appropriately relied on project objective articulated by project applicant].) Moreover, “‘feasibility’ under CEQA encompasses ‘desirability’ to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors.” (*City of Del Mar v. City of San Diego* (1982)

133 Cal.App.3d 410, 417; *see also California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.)

With respect to a project for which significant impacts cannot be feasibly avoided or substantially lessened, a public agency may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons that the project's benefits outweigh its significant unavoidable adverse environmental effects. (Pub. Resources Code, §§ 21001, 21002.1(c), 21081(b).)

CEQA Guidelines § 15093 provides the following direction regarding a statement of overriding considerations:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to § 15091.

MITIGATION MONITORING PROGRAM

A Mitigation Monitoring Program has been prepared for the Project and, if the Project is approved, will be adopted concurrently with these Findings. (See Pub. Resources Code, § 21081.6, subd. (a)(1).) The City will use the Mitigation Monitoring Program to track compliance with Project mitigation measures.

CONSIDERATION OF THE ENVIRONMENTAL IMPACT REPORT

In adopting these Findings, this City Council finds that the Final EIR was presented to this City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR prior to approving the Project. By these findings, this City Council ratifies, adopts, and incorporates the analysis, explanation, findings, responses to comments, and conclusions of the

Final EIR. The City Council finds that the Final EIR was completed in compliance with CEQA. The Final EIR represents the independent judgment of the City.

SEVERABILITY

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void, or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

III. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT AND UNAVOIDABLE IMPACTS

A. AESTHETICS AND VISUAL RESOURCES

1. IMPACT 3.1-3: SPECIFIC PLAN IMPLEMENTATION WOULD RESULT IN SUBSTANTIAL ADVERSE EFFECTS OR DEGRADATION OF VISUAL CHARACTER OR QUALITY OF THE SITE AND ITS SURROUNDINGS.

(a) Potential Impact. The potential for the Project to result in substantial adverse effects or degradation of visual character or quality of the site and its surroundings is discussed on pages 3.1-10 and 3.1-11 of the Draft EIR and determined to be significant.

(b) Mitigation Measures. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The western half of the Plan Area is generally more rural and less developed while more developed portions of the Plan Area are along SR 99 and the southeastern portion of the Plan Area. The proposed Plan would result in the conversion of undeveloped land to urban uses, which may contribute to changes in the regional landscape and visual character of the area. In order to reduce visual impacts, development within the Plan Area is required to be consistent with the General Plan, Fresno Zoning Ordinance, and the proposed Specific Plan, which includes development standards in order to ensure quality and cohesive design. These standards include specifications for building height, massing, and orientation; exterior lighting standards and specifications; and landscaping standards. Implementation of the design standards would ensure quality design throughout the Plan Area, and result in development that would be internally cohesive while maintaining an aesthetic quality similar to surrounding uses. Thus, development of an existing developed or urbanized site would not conflict with zoning or other regulations governing scenic quality. In addition, a majority of the parcels identified for change are already planned for development in the existing General Plan or contain existing urbanized land uses.

In addition to future development anticipated within the existing City Limits, the Specific Plan anticipates future development in areas outside the existing City limits, but within the City's SOI. These areas are primarily rural and agricultural lands. Thus, development of these areas with more urbanized uses would alter the visual character of the area from its current conditions. However, as noted above, development within these areas would be in compliance with the City's General Plan and Zoning Ordinance, along with the development standards and guidelines established by the Specific Plan to ensure compatible development and cohesive development that considers the visual character of the specific site and surrounding uses. Further, the Specific Plan anticipates less urbanized development within the outer portions of the Plan Area and approximately 357 acres of park, recreational, and open space uses which will provide visual relief within the Plan Area. The proposed Specific Plan would also include visual components that would assist in enhancing the appearance of the Plan Area following site development. These improvements may include landscaping improvements such as new street trees, open lawn area and other vegetation landscaping associated with residential and non-residential development. Although compliance with development regulations and guidelines would improve the aesthetic character of the area associated with more urbanized development, existing views provided to the public of vast open space lands would be replaced with more urbanized development. Additionally, public views of expansive rural and agricultural lands that occur to the west of the Plan Area would be limited within the Plan Area due to intervening development conditions.

Overall, the loss of the visual appearance of the existing vacant and open space land in the Plan Area will change the visual character of the area in perpetuity. Compliance with the City's General Plan and Municipal Code, and implementation of the proposed Specific Plan's development regulations would reduce visual impacts to the greatest extent feasible; however, the proposed Plan would permanently convert undeveloped rural, agricultural, and open space areas to urbanized uses. This is considered a significant and unavoidable impact. There is no feasible mitigation available that would reduce this impact to a less than significant level.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to degradation of visual character or quality of the

site and its surroundings, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. **IMPACT 4.1: SPECIFIC PLAN IMPLEMENTATION WILL CONTRIBUTE TO THE CUMULATIVE DEGRADATION OF THE EXISTING VISUAL CHARACTER OF THE REGION.**

- (a) **Potential Impact.** The potential for the Project to contribute to the cumulative degradation of the existing visual character of the region is discussed on pages 4.0-5 and 4.0-6 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures were identified.
- (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Remaining Impacts.** Under cumulative conditions, buildout of the Fresno General Plan would result in changes to the visual character of the Fresno General Plan Planning Area and result in impacts to localized views as new development occurs within the City and the General Plan Planning Area.

Implementation of the proposed Specific Plan would change the visual character of the Specific Plan Area by facilitating the development of urban uses within an area largely comprised of undeveloped sites. Regional growth has and will continue to result in a cumulative aesthetic effect by converting undeveloped land into developed and occupied areas and increasing overall levels of nighttime lighting. Cumulative development entails grading/landform alteration, the development of structures, and the installation of roadways and other infrastructure that has altered and will continue to permanently alter the region's existing visual character. As described in Section 3.1, compliance with the City's General Plan and Municipal Code, and implementation of the proposed Specific Plan's development regulations would reduce visual impacts to the greatest extent feasible; however, the proposed Plan would permanently convert undeveloped rural, agricultural, and open space areas to urbanized uses.

According to the General Plan EIR, buildout of the General Plan would result in the permanent alteration of the visual character of the City of Fresno's General Plan Planning Area from a more rural setting to a setting that is characterized by suburban or urban uses (i.e., streets, residences, and community commercial shopping centers). In addition, buildout of the General Plan would contribute to cumulatively considerable aesthetic impacts. Consequently, even with implementation of the policies and implementation programs identified in the City's General Plan, as well as adopted City regulations to enhance the City's current community character and preserve open space, development of the General Plan area was determined in the General Plan EIR to result in a significant and unavoidable cumulative impact to aesthetics. Although the proposed project would

comply with all applicable standards and regulations, impacts related to a substantial adverse effect on a scenic vista, degradation of the existing visual character and quality of the project site and surrounding area, and creation of new sources of light or glare would still occur. Therefore, consistent with the General Plan EIR conclusion, the proposed Specific Plan's incremental contribution towards cumulative aesthetic impacts would be cumulatively considerable and significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts related to cumulative degradation of the existing visual character of the region, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

B. AGRICULTURAL RESOURCES

1. IMPACT 3.2-1: SPECIFIC PLAN IMPLEMENTATION WOULD CONVERT IMPORTANT FARMLANDS TO NON-AGRICULTURAL LAND USES.

- (a) Potential Impact. The potential for the Project to convert Important Farmlands to non-agricultural land uses is discussed on pages 3.2-11 and 3.2-12 of the Draft EIR and determined to be significant.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. Within the city limits, the Plan Area is currently zoned for urban land uses (i.e., residential single family, multi-family, public and institutional, mixed use and commercial) and proposes zoning changes similar to the existing land uses. Land uses surrounding the Plan Area consist of light industrial, commercial general, commercial highway and auto, open space, single family residential, rural residential, single family residential agricultural, limited agriculture, exclusive agriculture and other similar land uses. The Plan Area is located adjacent to productive agricultural land or lands zoned for agricultural uses, primarily within the County of Fresno limits. Although the Specific Plan anticipates

and plans for future annexation and development of this land into the city, annexation is not currently proposed. The timing of future annexation proposals is not currently known. At the time of annexation proposals, the land proposed for annexation and development would be reviewed to determine if Important Farmland would be converted to non-agricultural land uses or result in a conflict with lands zoned for agricultural uses. If future annexation and development would involve the loss of important farmlands to non-agricultural uses, implementation of Mitigation Measure 3.2-1 would be required.

While implementation of Mitigation Measure 3.2-1 would reduce the above-identified impact through preservation of agricultural land at a 1:1 ratio, the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Consistent with the Fresno General Plan EIR, feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level. Therefore, the impact would remain significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
 - (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with conversion Important Farmlands to non-agricultural land uses, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. IMPACT 3.2-2: SPECIFIC PLAN IMPLEMENTATION WOULD CONFLICT WITH EXISTING ZONING FOR AGRICULTURAL USE, OR A WILLIAMSON ACT CONTRACT.
- (a) Potential Impact. The potential for the Project to conflict with existing zoning for agricultural use, or a Williamson Act Contract is discussed on page 3.2-12 of the Draft EIR and determined to be significant.
 - (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.2-1.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. According to the latest statewide data (2023), there are approximately 28.63 acres within the Plan Area under a

Williamson Act contract. These lands are located in the southwestern portion of the Plan Area near Roosevelt Elementary School. There are no immediately adjacent properties under a Williamson Act contract. The approximately 28.63 acres are currently designated for medium low density residential and Urban Neighborhood uses under the Fresno General Plan and are zoned rural residential by Fresno County. Agricultural uses are currently permitted in areas zoned as rural residential by the County.

Under the proposed Specific Plan, the approximately 28.63 acres of Williamson Act Contract land are proposed for Medium Low Density Residential where agricultural uses are intended to be transitioned to urban residential uses. The existing agricultural uses can continue to operate, but potentially as legal non-conforming land uses. However, future revisions to the zoning map related to agricultural uses would result in a significant impact on existing zoning for agricultural uses because non-agricultural uses, such as low, medium low density, and medium density residential would be allowed on the existing Contract land.

Although the proposed project includes measures to reduce impacts to the conversion of agricultural uses through the implementation of Mitigation Measure 3.2-1, adherence to General Plan policies, and the application of both the ANX Overlay (which allows certain rural uses, including crop cultivation, to persist as a permitted use) per Specific Plan Policy LUH 2.4 and legal non-conforming provisions per the Development Code, this would still be considered a potentially significant impact because agricultural zoning would still be replaced with non-agricultural zoning, which is required for implementation of the project. As such, there are no feasible mitigation measures and the impact would not be reduced to a less-than-significant level due to the fact that land zoned for agricultural uses would still be permanently converted to urban uses. Therefore, this would be considered a significant and unavoidable impact

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with conflicts with existing zoning for agricultural use, or a Williamson Act Contract, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. **IMPACT 4.2: SPECIFIC PLAN IMPLEMENTATION MAY CONTRIBUTE TO THE CUMULATIVE IMPACT ON AGRICULTURAL LAND AND USES.**

- (a) **Potential Impact.** The potential for the Project to have a cumulative impact on agricultural land and uses is discussed on page 4.0-6 of the Draft EIR.
- (b) **Mitigation Measures.** No feasible mitigation measures were identified.
- (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Remaining Impacts.** Cumulative development anticipated in the City and County of Fresno, including growth projected by adopted general plans and those being updated, will result in the permanent loss of agricultural land, including important farmlands, significant farmlands, land under Williamson Act contracts, and other farmlands.

As described in Section 3.2, Agricultural Resources, there are no forest lands or land designated or zoned as forest land within the Plan Area or surrounding area; therefore, cumulative development would not contribute to the conversion of some forest lands or timber lands. However, there are approximately 285.65 acres of Farmland of Statewide Importance, 509.39 acres of Unique Farmland, and 1,562.82 acres of Farmland of Local Importance within the proposed Specific Plan Area. Additionally, under the proposed Specific Plan, the approximately 28.63 acres of Williamson Act Contract land are proposed for Low Density, Medium Low Density, and Medium Density Residential development where agricultural uses are no longer a permitted use. Consequently, adoption of the proposed Specific Plan would result in revisions to the zoning ordinance resulting in a significant impact on existing zoning for agricultural uses because non-agricultural uses, such as low, medium low density, and medium density residential would be allowed on the existing Contract land.

Agricultural land is a limited resource and the cumulative loss of this land is considered significant. Buildout of the proposed Specific Plan would require the future annexation and development of land into the City. If future annexation and development would involve the loss of important farmlands to non-agricultural uses, implementation of Mitigation Measure 3.2-1 would be required. While implementation of Mitigation Measure 3.2-1 would reduce the above-identified impact through preservation of agricultural land at a 1:1 ratio, the impact would not be reduced to a less-than-significant level due to the fact that active agricultural land would still be permanently converted to urban uses. Therefore, impacts on Williamson Act contracts, and important or significant farmlands and forest resources remain cumulatively considerable and significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to agricultural land and uses, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

C. AIR QUALITY

1. IMPACT 3.3-1: SPECIFIC PLAN IMPLEMENTATION WOULD CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF THE APPLICABLE AIR QUALITY PLAN.

- (a) Potential Impact. The potential for the Project to conflict with or obstruct implementation of the applicable air quality plan is discussed on pages 3.3-35 through 3.3-38 of the Draft EIR and determined to be significant.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-1.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. The proposed Specific Plan would generate construction emissions of criteria air pollutants that would exceed San Joaquin Air Pollution Control District (SJVPACD)'s regional construction-phase significance thresholds, which were established to determine whether a project has the potential to cumulatively contribute to the San Joaquin Air Basin (SJVAB)'s nonattainment designations. In addition, the proposed Specific Plan would generate long-term emissions of criteria air pollutants that would exceed SJVAPCD's regional operation-phase significance thresholds, which were established to determine whether a project has the potential to cumulatively contribute to the SJVAB's nonattainment designations. Thus, implementation of the proposed Specific Plan would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the Ambient Air Quality Standards (AAQS).

As discussed above, while the proposed Specific Plan would result in a substantial increase in long-term criteria pollutant emissions compared to existing conditions, it would support a more sustainable development pattern for the Plan Area. As the improvements, objectives, and policies under the proposed Plan would support a

more sustainable development pattern in accommodating future growth for the Plan Area, they would contribute to minimizing long-term emissions of criteria air pollutants. Various policies of the proposed Plan would promote complete streets, mixed-use and transit-oriented neighborhoods, and increased capacity for alternative transportation modes, which would help reduce air pollutant emissions. For example, Specific Plan IPR Goal 1 promotes improved access, movement, and safety for all transportation modes in the Specific Plan, and Policy IPR 1.1 promotes implementation of the Active Transportation Plan and the General Plan to provide for complete, safe, and well-maintained sidewalk, bicycle, and trail networks that are compliant with the Americans with Disabilities Act.

The goals and policies in the Specific Plan would promote active transit and support the reduction in average vehicle trip distances, which would contribute to reducing overall vehicle trips and vehicle-miles-traveled (VMT). However, despite furthering the regional transportation and planning objectives, as stated, buildout of the proposed Plan would represent a substantial increase in emissions compared to existing conditions and would exceed SJVAPCD's regional operational and construction-related significance thresholds. As a result, the proposed Specific Plan could potentially exceed the assumptions in the Air Quality Management Plans (AQMPs) and would not be considered consistent with the AQMPs. Therefore, impacts are considered significant.

Implementation of the proposed Specific Plan would result in the generation of substantial long-term criteria air pollutant emissions that would exceed the SJVAPCD regional significance thresholds and would therefore not be considered consistent with the existing AQMPs. Future development projects within the Plan Area would be required to implement Mitigation Measure 3.3-1. No further measures to reduce criteria air pollutant emissions are available beyond the applicable SJVAPCD rules and regulations, the proposed Specific Plan goals and policies, and the additional mitigation measures provided under Impact 3.3-2 and Impact 3.3-3. The various goals and policies of the proposed Specific Plan, such as those outlined above, would contribute to reducing long-term criteria air pollutant emissions to the extent feasible. However, due to the magnitude and intensity of development accommodated by the proposed Plan, this impact would have a significant and unavoidable impact relative to this topic.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with conflicts with or obstruction of implementation of the applicable air quality plan, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 3.3-2: SPECIFIC PLAN IMPLEMENTATION DURING PROJECT CONSTRUCTION WOULD EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS OR RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NONATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD.

- (a) Potential Impact. The potential for Specific Plan implementation during project construction would expose sensitive receptors to substantial pollutant concentrations or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard is discussed on pages 3.3-38 through 3.3-41 of the Draft EIR and determined to be significant.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-2 through 3.3-5.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. As shown in Table 3.3-8 in Section 3.3 of the Draft EIR, construction activities associated with implementation of the proposed Specific Plan could potentially exceed the SJVAPCD regional thresholds for carbon monoxide (CO), nitrogen oxides (NOx), reactive organic compounds (ROG), respirable particulate matter (PM₁₀), and fine particulate matter (PM_{2.5}). NOx is a precursor to the formation of both ozone and particulate matter (PM₁₀ and PM_{2.5}). ROG is a precursor to the formation of ozone. Project-related emission of NOx would contribute to the ozone, PM₁₀, and PM_{2.5} nonattainment designations of the SJVAB. As part of the development process, individual, site-specific projects accommodated under the proposed Specific Plan that meet the criteria of Rule 9510 would be required to prepare a detailed air quality impact assessment (AIA). To the extent applicable under Rule 9510 for each such individual development, SJVAPCD would require calculation of the construction emissions from the development. The purpose of the AIA is to confirm a development's construction exhaust emissions, and therefore be able to identify appropriate mitigation, either through implementation of specific mitigation measures (e.g., use of construction equipment with Tier 4-rated engines) or payment of applicable off-site fees. As stated, under Rule 9510, each project that is subject to this Rule would be required to reduce construction exhaust emissions by 20 percent for NOx or pay offset

mitigation fees for emissions that do not achieve the mitigation requirements. While adherence to Rule 9510 would contribute to reducing exhaust NOx emissions, it would not be applicable to reducing ROG emissions generated operation of equipment and from off-gassing from asphalt and paints, or other criteria pollutant emissions. Therefore, project-related construction activities would result in significant regional air quality impacts.

Future development projects in the Plan Area would be required to comply with pre-existing requisite federal, State, SJVAPCD, and other local regulations and requirements. For example, application of SJVAPCD Rules 9510 and Regulation VIII would reduce criteria air pollutant emissions from construction-related activities to the extent feasible and may result in reducing construction-related regional air quality impacts of individual projects. However, due to the programmatic nature of the proposed Specific Plan, construction time frames and equipment for individual site specific projects are not available and there is a potential for multiple developments to be constructed at any one time, resulting in significant construction-related emissions. Therefore, the proposed project would exceed the construction-related criteria pollutant thresholds as promulgated by the SJVAPCD. Future development projects in the Plan Area would be required to implement all of the mitigation measures provided below for construction-related emission.

However, even with implementation of the mitigation measures, the proposed Specific Plan would cause a violation of an air quality standard or contribute substantially to an existing or projected air quality violation, with respect to the construction of the proposed project. Therefore, construction of the Specific Plan would have a significant and unavoidable impact relative to this topic.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact associated with exposure of sensitive receptors to substantial pollutant concentrations or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard during construction, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 3.3-3: SPECIFIC PLAN IMPLEMENTATION DURING PROJECT OPERATION WOULD EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS OR RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF ANY CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS IN NONATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD.

- (a) Potential Impact. The potential for Specific Plan implementation during project operation would expose sensitive receptors to substantial pollutant concentrations or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard is discussed on pages 3.3-42 through 3.3-48 of the Draft EIR and determined to be significant.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-6 through 3.3-8.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Effects of Mitigation and Remaining Impacts. As shown in Table 3.3-9 in Section 3.3, operation of future projects at buildout would generate air pollutant emissions that exceed SJVAPCD's regional significance thresholds for ROG, NOx, CO, PM₁₀, and PM_{2.5} at buildout. Emissions of ROG and NOx that exceed the SJVAPCD regional threshold would cumulatively contribute to the ozone nonattainment designation of the SJVAB. Emissions of NOx that exceed SJVAB's regional significance thresholds would cumulatively contribute to the ozone and particulate matter (PM₁₀ and PM_{2.5}) nonattainment designations of the SJVAB. Emissions of PM₁₀ and PM_{2.5} would contribute to the PM₁₀ and PM_{2.5} nonattainment designations.

Application of State and SJVAPCD rules and regulations, such as Rules 9510 and 9410, implementation of the proposed Specific Plan's roadway, bicycle, and trail improvements, policies, and complete streets design guidelines, and implementation of applicable General Plan policies would reduce operation-related criteria air pollutants generated from energy, stationary, and mobile sources to the extent feasible.

As stated, the aforementioned improvements, goals, and policies could contribute to reducing operation-phase regional air quality impacts of future individual projects. Individual projects would also be required to undergo CEQA review. However, despite implementation of the Specific Plan goals and policies, this impact would remain significant and unavoidable due to the magnitude of the overall land use development associated with the proposed Specific Plan. As such, operation of the Specific Plan would have a significant and unavoidable impact relative to this topic.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
 - (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact related to exposure of sensitive receptors to substantial pollutant concentrations or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard during operation, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
4. **IMPACT 4.3: SPECIFIC PLAN IMPLEMENTATION WOULD CONTRIBUTE TO CUMULATIVE IMPACTS ON THE REGION'S AIR QUALITY.**
 - (a) **Potential Impact.** The potential for the Project to have a cumulative impact on the region's air quality is discussed on pages 4.0-7 and 4.0-8 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-8.
 - (c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) **Effects of Mitigation and Remaining Impacts.** In accordance with SJVAPCD's methodology, any project that produces a significant project-level regional air quality impact in an area that is in nonattainment contributes to the cumulative impact. Cumulative projects within the local area include new development and general growth within the Plan Area. The greatest source of emissions within the SJVAB is mobile sources. Due to the extent of the area potentially impacted from cumulative project emissions (i.e., the SJVAB); SJVAPCD considers a project cumulatively significant when project-related emissions exceed the SJVAPCD's regional emissions thresholds. No significant cumulative impacts were identified with regard to CO hotspots.

As shown in Table 3.3-7 in Section 3.3, construction emissions associated with the proposed Plan would exceed the SJVAPCD's regional construction emissions thresholds for CO, NOx, ROG, PM10, and PM2.5. Thus, the project's contribution to cumulative air quality impacts would be cumulatively considerable and therefore significant.

For operational air quality emissions, any project that does not exceed or can be mitigated to less than the daily regional threshold values is not considered by the SJVAPCD to be a substantial source of air pollution and does not add significantly to a cumulative impact. As discussed, SJVAPCD Rules 9510 and 9410 would contribute to reducing emissions of NO_x and particulate matter associated with future individual projects accommodated under the proposed Specific Plan and may reduce impacts for these individual development projects to a less than significant level. In addition, the planned improvements, and goals and policies under the proposed Specific Plan, would generally support a more sustainable development pattern for the Plan Area. Creation of more complete neighborhoods in addition to improving the public transit, pedestrian, and bicycle networks and infrastructure would contribute to the overall reduction in vehicle trips and VMT, which would reduce mobile-source emissions. However, as shown in Table 3.3-9, operation of future projects at buildout would generate air pollutant emissions that exceed SJVAPCD's regional significance thresholds for ROG, NO_x, CO, PM₁₀, and PM_{2.5} at buildout. Thus, the proposed Specific Plan's air pollutant emissions would be cumulatively considerable and therefore significant.

The mitigation measures provided within the air quality discussion (refer to Section 3.3) have been designed to be consistent with the guidance as promulgated by the SJVAPCD, where applicable. As is currently proposed, the Specific Plan is expected to be built out under a staged approach, and all mitigation would be applicable to each stage. However, even with the application of mitigation measures, operational and constructions emissions levels for the aforementioned criteria pollutants would remain above the defined thresholds of significance. Exceedance of the threshold within an area designated as nonattainment would be a cumulatively considerable impact. As such, implementation of the Specific Plan would have a cumulatively considerable contribution and a significant and unavoidable cumulative impact on the region's air quality.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts to the region's air quality, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

D. PUBLIC SERVICES AND RECREATION

1. IMPACT 3.13-3: THE PROPOSED SPECIFIC PLAN MAY RESULT IN, OR HAVE THE POTENTIAL TO REQUIRE THE CONSTRUCTION OF SCHOOL FACILITIES WHICH MAY CAUSE SUBSTANTIAL ADVERSE PHYSICAL ENVIRONMENTAL IMPACTS.

(a) Potential Impact. The potential for the Project to result in, or have the potential to require the construction of school facilities which may cause substantial adverse physical environmental impacts is discussed on pages 3.13-33 and 3.13-34 of the Draft EIR.

(b) Mitigation Measure. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. As shown in Table 2.0-3 in Section 2.0, Project Description, of this EIR, the Specific Plan land use would allow for the future development of up to 83,129 DU (including 339 DU in the commercial category, 49,355 DU in the residential category and 33,436 DU in the mixed use category), and 59,777,271.15 SF of non-residential uses. The increase in population would result in the introduction of additional students to the CUSD.

According to the CUSD Facilities Master Plan (2021), 0.725 students are generated from each residential unit. Using this factor, future buildout of the Specific Plan is expected to generate approximately 60,269 additional students for the CUSD. It is also important to understand that special legal principles apply to impacts to school facilities. According to Government Code Section 65996, the development fees authorized by Senate Bill 50 (1998) (described earlier) are deemed to be “full and complete school facilities mitigation” for impact caused by new development. The legislation also recognized the need for the fee to be adjusted periodically to keep pace with inflation. The legislation indicated that in January 2000, and every two years thereafter, the State Allocation Board would increase the maximum fees according to the adjustment for inflation in the statewide index for school construction. However, even where applicants have agreed to pay school impact mitigation fees, if the proposed development requires the construction or expansion of additional facilities that would cause other physical environmental impacts, then those physical impacts to non-school resources may be analyzed under CEQA (Gov. Code § 65995(i)).

Currently, as shown in Figure 3.13-1, seven schools are located within the Plan Area, including four elementary schools, one middle school, and two high schools. The proposed land use map includes an additional 10.0 acres of Elementary School land uses from what is shown in the Fresno General Plan Planned Land Use Map. This additional 10.0 acres for future development of an elementary school is located at

the northwestern corner of the N. Brawley Avenue and W. Shields Avenue intersection. This elementary school would be part of the CUSD. In addition to this 10.0-acre elementary school site, there are also proposed and not yet built school sites in the Plan Area, including the following: an elementary school off Shields Avenue and west of Hayes Avenue, an elementary school at the northwest corner of Grantland and Dakota Avenues, and an elementary school off Dakota Avenue and east of Hayes Avenue.

Physical impacts from future construction of this 10.0-acre elementary school site within the Plan Area is addressed within this EIR. A discussion of relevant operational and construction impacts can be found in each respective section of this EIR. Impacts associated with development of the Plan Area, as proposed, would result in significant and unavoidable impacts related to aesthetics (Impact 3.1-3), agricultural resources (Impact 3.2-1 and Impact 3.2-2), air quality (Impacts 3.3-1 through 3.3-3), and utilities (Impacts 3.15-1 through 3.15-3). Furthermore, site-specific environmental review would be required for this future school by the CUSD prior to approval of a design for the facility and would consider any site-specific impacts unknown at this time.

It is noted that future development of residential uses would be required to pay the applicable school fees mandated by SB 50 to the CUSD and provide documentation of said payment to the City.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
 - (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to school facilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
2. IMPACT 3.13-4: THE PROPOSED SPECIFIC PLAN MAY RESULT IN, OR HAVE THE POTENTIAL TO REQUIRE THE CONSTRUCTION OF PARK FACILITIES WHICH MAY CAUSE SUBSTANTIAL ADVERSE PHYSICAL ENVIRONMENTAL IMPACTS.
- (a) Potential Impact. The potential for the Project to result in, or have the potential to require the construction of park facilities which may cause substantial adverse physical environmental impacts is discussed on pages 3.13-34 and 3.13-35 of the Draft EIR.
 - (b) Mitigation Measure. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. The proposed Specific Plan land use map includes a total of 214.44 acres of park and open space uses, including parks (8.94 acres), neighborhood parks (76.9 acres), community parks (66.3 acres), and open spaces (62.3 acres). The proposed project would increase the demand for parks and other recreational facilities based on the future maximum population growth, and the amount of parkland and open space provided within the Plan Area does not meet the City's General Plan parkland dedication standard outlined in Policy POSS-1-a. Future development within the Plan Area would be subject to the Park Facilities Fee outlined in Article 4.7 of the City's Municipal Code.

The City collects Development Impact Fees from new development based upon projected impacts from the development. The City also reviews the adequacy of impact fees on an annual basis to ensure that the fee is commensurate with anticipated future facilities demands, assessed on a fair share basis for new development. Payment of the applicable impact fees by future project applicants, and ongoing revenues that would come from, property taxes, sales taxes, and other revenues generated by future buildout of the Plan Area, would ensure that project impacts to park facilities are reduced to the extent feasible.

Specific Plan implementation may result in effects on parks, or has the potential to require the construction of park facilities which may cause substantial adverse physical environmental impact. Potential environmental impacts associated with the future construction of park and other recreational facilities within the Plan Area are addressed throughout this EIR. This EIR analyzes the physical environmental effects that may occur as a result of future development and introduction of new urban land uses within the Plan Area. Each future park, if constructed, would fall within the range of environmental impacts disclosed in this EIR, and would be subject to relevant mitigation measures included in this EIR. Further, as detailed plans for future parks and recreational facilities in the Plan Area are submitted to the City, environmental review of proposed facilities would be completed to meet the requirements of CEQA. Typical impacts from park facilities include air quality/greenhouse gas emissions, noise, traffic, and lighting. It is noted, however, that future development of 214.44 acres of park space within the Plan Area would contribute to significant and unavoidable impacts related to aesthetics (Impact 3.1-3), agricultural resources (Impact 3.2-1 and Impact 3.2-2), air quality (Impacts 3.3-1 through 3.3-3), and utilities (Impacts 3.15-1 through 3.15-3). Therefore, consistent with the analysis included in this Draft EIR, impacts related to constructing new park facilities to serve the Plan Area are considered significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as

identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to park facilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 3.13-5: THE PROPOSED SPECIFIC PLAN MAY RESULT IN, OR HAVE THE POTENTIAL TO REQUIRE THE CONSTRUCTION OF OTHER PUBLIC FACILITIES WHICH MAY CAUSE SUBSTANTIAL ADVERSE PHYSICAL ENVIRONMENTAL IMPACTS.

- (a) Potential Impact. The potential for the Project to result in, or have the potential to require the construction of other public facilities which may cause substantial adverse physical environmental impacts is discussed on pages 3.13-35 and 3.13-36 of the Draft EIR.
- (b) Mitigation Measure. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
- (1) Remaining Impacts. Future buildout of the Plan Area in accordance with the proposed land use map would increase demand for other public facilities within the city of Fresno, such as libraries, and community/recreation buildings. The proposed land use map includes two land use designations that could be developed with other public facilities: Public Facilities – Public Facilities, and Public Facilities – Church. Future buildout of the Specific Plan may include construction and/or expansion of existing places of worship (currently ~68.55 acres), ponding basins (currently ~124.5 acres), and other public facility uses (currently ~22.84 acres) in the Plan Area, which has the potential to cause substantial adverse physical environmental impacts. Potential environmental impacts associated with the future buildout of the proposed land use map, including the places of worship, ponding basins, and other public facility uses, are addressed throughout this EIR. This EIR analyzes the physical environmental effects that may occur as a result of development and introduction of new urban land uses within the Plan Area. These future places of worship and public facility use, if constructed, would fall within the range of environmental impacts disclosed in this EIR, and would be subject to relevant mitigation measures included in this EIR. Further, as detailed plans for other public facilities in the Plan Area are submitted to the City, environmental review of proposed facilities would be completed to meet the requirements of CEQA.

Project implementation may result in effects on other public facilities. The Specific Plan would result in new demand for other public facilities, including library facilities, ponding basins, and recreational facilities. Although a specific public facility use is not currently proposed by the Specific Plan, the future development of public facility uses are anticipated by the proposed Plan. Future development would be responsible for paying the applicable impact fees, and ongoing revenues from the Specific Plan would be generated from property taxes, sales taxes, and other appropriate fees/payments.

Future development of public facility uses within the Plan Area would contribute to significant and unavoidable impacts related to aesthetics (Impact 3.1-3), agricultural resources (Impact 3.2-1 and Impact 3.2-2), air quality (Impacts 3.3-1 through 3.3-3), and utilities (Impacts 3.15-1 through 3.15-3). Therefore, consistent with the analysis included in this Draft EIR, impacts related to constructing other public facilities to serve the Plan Area are considered significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
 - (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impacts of the Project associated with impacts related to other public facilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below.
4. IMPACT 4.13: SPECIFIC PLAN IMPLEMENTATION MAY CONTRIBUTE TO CUMULATIVE IMPACTS ON PUBLIC SERVICES.
 - (a) Potential Impact. The potential for the Project to have a cumulative impact on public services is discussed on pages 4.0-22 and 4.0-23 of the Draft EIR.
 - (b) Mitigation Measures. No feasible mitigation measures were identified.
 - (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:
 - (1) Remaining Impacts. The cumulative setting would include all areas covered in the service areas of the City of Fresno Police Department, Fresno Fire Department (FFD), City of Fresno Parks, After School, Recreation, and Community Services (PARCS) Department, the CUSD, and the Fresno County Public Library System. This geographic area was chosen because these service providers would be required to serve the Plan Area as well as the entire service area. Therefore, future development within the Plan Area along with past, present, and probably future

projects within the service area, has the potential to result in a cumulative impact associated with implementation of the proposed Specific Plan.

Under cumulative conditions future local and regional growth will result in increased demand for schools, police protection, fire protection, parks/recreation, and library services. The City and its associated service providers must continue to evaluate the levels of service desired and the funding sources available to meet increases in demand.

Under cumulative conditions, future development of the Plan Area in accordance with the proposed Specific Plan land use map may result in the construction of public facilities, which may cause substantial adverse physical environmental impacts. The impact fees developed and reviewed by the City will recover future development's proportionate share of City-related capital asset costs. Fees, as applied only to new development, represent future development's proportionate share of public services and facilities capital costs.

The construction and operation of future public facilities required to serve cumulative development (including the Plan Area) could potentially cause significant impacts. Cumulative development including additional parks and schools within the city and service area would contribute to significant and unavoidable cumulative impacts that have been identified within this EIR related to: aesthetics and visual resources (Section 3.1), agricultural resources (Section 3.2), air quality (Section 3.3), noise (Section 3.11), public services and recreation (Section 3.13), and utilities (Section 3.15). Therefore, consistent with the analysis included in the Draft EIR, cumulative impacts related to the construction of public facilities needed to meet future demand are considered significant and unavoidable and cumulatively considerable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with cumulative impacts related to public services, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

E. UTILITIES AND SERVICE SYSTEMS

1. **IMPACT 3.15-1: THE PROPOSED SPECIFIC PLAN WOULD REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW OR EXPANDED WASTEWATER FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.**

(a) **Potential Impact.** The potential for proposed Specific Plan to require or result in the relocation or construction of new or expanded wastewater facilities, the construction of which could cause significant environmental effects, is discussed on page 3.15-8 of the Draft EIR.

(b) **Mitigation Measure.** No feasible mitigation measures were identified.

(c) **Findings.** Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) **Remaining Impacts.** The Specific Plan does not trigger a need to expand the Regional Facility. There would be a network of sewer collection infrastructure installed throughout the Plan Area to serve the uses identified in the Specific Plan. The Specific Plan wastewater collection system will include future construction of sewer improvements and replacements of existing lines, some of which are now over 75 years old. Approximately 11.25 miles of public and privately-owned (i.e., homeowner's responsibility) sewer system drainage lines are proposed to serve the Plan Area at buildout.

Physical impacts from future construction of the wastewater infrastructure within the Plan Area is addressed within this EIR. A discussion of relevant operational and construction impacts can be found in each respective section of this EIR. Impacts associated with development of the Plan Area, as proposed, would result in significant and unavoidable impacts related to aesthetics (Impact 3.1-3), agricultural resources (Impact 3.2-1 and Impact 3.2-2), air quality (Impacts 3.3-1 through 3.3-3), public services and recreation (Impacts 3.13-3 through 3.13-5).

The construction of the new wastewater facilities, which are associated with future buildout of the Plan Area, has the potential to cause environmental impacts. The potential for environmental impacts associated with the installation of the wastewater system, and all construction activities within the Plan Area, are addressed throughout the EIR. In some cases, the direct and indirect impacts are potentially significant and warrant mitigation measures, while in other cases there are significant and unavoidable impacts. The future wastewater infrastructure would fall within the range of environmental impacts disclosed in the EIR, and would be subject to relevant mitigation measures included in the EIR.

It is noted, however, that future development of wastewater infrastructure within the proposed Plan Area would contribute to significant and unavoidable impacts related to aesthetics (Impact 3.1-3), agricultural resources (Impact 3.2-1 and Impact

3.2-2), air quality (Impacts 3.3-1 through 3.3-3), public services and recreation (Impacts 3.13-3 through 3.13-5). Therefore, consistent with the analysis included in the Draft EIR, impacts related to construction of new or expanded stormwater drainage facilities to serve the Plan Area are considered significant and unavoidable.

(2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

(3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to relocation or construction of new or expanded wastewater facilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

2. IMPACT 3.15-3: THE PROPOSED SPECIFIC PLAN WOULD REQUIRE OR RESULT IN CONSTRUCTION OF NEW OR EXPANDED WATER FACILITIES, THE CONSTRUCTION OR RELOCATION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

(a) Potential Impact. The potential for proposed Specific Plan to require or result in the relocation or construction of new or expanded water facilities, the construction of which could cause significant environmental effects, is discussed on pages 3.15-25 and 3.15-26 of the Draft EIR.

(b) Mitigation Measure. No feasible mitigation measures were identified.

(c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

(1) Remaining Impacts. The provision of public services and the construction of onsite and offsite infrastructure improvements will be required to accommodate future development consistent with the Specific Plan land use map. The Specific Plan would likely require extension of offsite water infrastructure to the undeveloped and underdeveloped portions of the Plan Area for water service. All offsite water piping improvements would be in or adjacent to existing roadways, thereby limiting new environmental impacts.

More than 15 percent (42 wells out of 270) of the City's wells were constructed prior to 1960 (over 60 years ago) and almost 40 percent (98 of 270) were constructed prior to 1970 (over 50 years ago). According to the Utility Background Summary completed for the Specific Plan, it has been recommended that the wells be replaced after 45 to 50 years; thus, about 40 percent of the City's wells are overdue for replacement. Also, mechanical and electrical well component upgrades are

required about every 20 to 25 years. Therefore, it is anticipated that significant well installations, replacements, and upgrades may be needed to these systems in the near future to maintain existing groundwater supply capacity and meet increased water demands.

One of the greatest challenges facing the City's water distribution system is conveying water from areas of high-water production to areas of high-water demand. The water production and distribution system historically has been a distributed system whereby groundwater wells would be constructed on an as-needed basis in the area where the water was needed. This distributed water system does not require large diameter transmission mains to convey water from one portion of the City to another.

Physical impacts from future construction of the water infrastructure within the Plan Area is addressed within this EIR. A discussion of relevant operational and construction impacts can be found in each respective section of this EIR. Impacts associated with development of the Plan Area, as proposed, would result in significant and unavoidable impacts related to aesthetics (Impact 3.1-3), agricultural resources (Impact 3.2-1 and Impact 3.2-2), air quality (Impacts 3.3-1 through 3.3-3), public services and recreation (Impacts 3.13-3 through 3.13-5).

The construction of the new water facilities, which are associated with future buildout of the Plan Area, has the potential to cause environmental impacts. The potential for environmental impacts associated with the installation of the water system, and all construction activities within the Plan Area, are addressed throughout this EIR. In some cases, the direct and indirect impacts are potentially significant and warrant mitigation measures, while in other cases there are significant and unavoidable impacts. The future water infrastructure would fall within the range of environmental impacts disclosed in this EIR, and would be subject to relevant mitigation measures included in this EIR.

It is noted, however, that future development of water infrastructure within the proposed Plan Area would contribute to significant and unavoidable impacts related to aesthetics (Impact 3.1-3), agricultural resources (Impact 3.2-1 and Impact 3.2-2), air quality (Impacts 3.3-1 through 3.3-3), public services and recreation (Impacts 3.13-3 through 3.13-5). Therefore, consistent with the analysis included in the Draft EIR, impacts related to construction of new or expanded stormwater drainage facilities to serve the Plan Area are considered significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.

- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to relocation or construction of new or expanded water facilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

3. IMPACT 3.15-5: THE PROPOSED SPECIFIC PLAN WOULD REQUIRE OR RESULT IN THE CONSTRUCTION OF NEW OR EXPANDED STORMWATER DRAINAGE FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

- (a) Potential Impact. The potential for proposed Specific Plan to require or result in the relocation or construction of new or expanded stormwater drainage facilities, the construction of which could cause significant environmental effects, is discussed on pages 3.15-36 and 3.15-37 of the Draft EIR.
- (b) Mitigation Measure. No feasible mitigation measures were identified.
- (c) Findings. Based upon the EIR and the entire record before this City Council, this City Council finds that:

- (1) Remaining Impacts. Stormwater represents a water supply opportunity that the City is currently leveraging with its extensive recharge basin system. Infiltration of captured stormwater allows groundwater to be recharged, improves overall water quality, and reduces the need for additional other water supplies.

Since the system is designed to handle approximately a two-year event within the underground drainage system, a significant amount of drainage is conveyed in the streets or through “major storm breakover” conveyances to detention/retention flood basins. This tends to result in shallow flooding over significant areas during larger events, but coupled with large regional flood control projects, the system can handle up to a 200-year, 30-day event.

Installation of storm drainage infrastructure would occur during the construction phases of individual future projects within the Plan Area. There is significant storm drainage infrastructure remaining to be constructed to serve the Plan Area. About 32 miles of additional drainage pipelines is anticipated to be constructed to meet buildout needs.

Physical impacts from future construction of the storm drainage infrastructure within the Plan Area is addressed within this EIR. A discussion of relevant operational and construction impacts can be found in each respective section of this EIR. Impacts associated with development of the Plan Area, as proposed, would result in significant and unavoidable impacts related to aesthetics (Impact 3.1-3), agricultural resources (Impact 3.2-1 and Impact 3.2-2), air quality (Impacts 3.3-1 through 3.3-3), public services and recreation (Impacts 3.13-3 through 3.13-5).

The construction of the new on-site stormwater drainage facilities, which are associated with future buildout of the Plan Area, has the potential to cause environmental impacts. The potential for environmental impacts associated with the installation of the stormwater system, and all construction activities within the Plan Area, are addressed throughout this EIR. In some cases, the direct and indirect impacts are potentially significant and warrant mitigation measures, while in other cases there are significant and unavoidable impacts. The future storm drainage infrastructure would fall within the range of environmental impacts disclosed in this EIR, and would be subject to relevant mitigation measures included in this EIR.

It is noted, however, that future development of storm drainage infrastructure within the proposed Plan Area would contribute to significant and unavoidable impacts related to aesthetics (Impact 3.1-3), agricultural resources (Impact 3.2-1 and Impact 3.2-2), air quality (Impacts 3.3-1 through 3.3-3), public services and recreation (Impacts 3.13-3 through 3.13-5). Therefore, consistent with the analysis included in the Draft EIR, impacts related to construction of new or expanded stormwater drainage facilities to serve the Plan Area are considered significant and unavoidable.

- (2) Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect, as identified in the Final EIR. To the extent that this significant adverse impact will not be substantially lessened or avoided, the City Council finds that specific economic, social, policy-based, and other considerations identified in the Statement of Overriding Considerations support approval of the project.
- (3) Overriding Considerations. The environmental, economic, social and other benefits of the Project override any remaining significant adverse impact of the Project associated with impacts related to relocation or construction of new or expanded stormwater drainage facilities, as more fully stated in the Statement of Overriding Considerations in Section VII, below.

IV. FINDINGS AND RECOMMENDATIONS REGARDING SIGNIFICANT IMPACTS WHICH ARE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

A. AESTHETICS AND VISUAL RESOURCES

1. IMPACT 3.1-4: SPECIFIC PLAN IMPLEMENTATION HAS THE POTENTIAL TO RESULT IN LIGHT AND GLARE IMPACTS.
 - (a) Potential Impact. The potential for the Project to cause substantial adverse health effects on human beings from elevated pollutant concentrations, either directly or indirectly is discussed on page 3.1-12 through 3.1-14 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.1-1 through 3.1-2.
- (c) Findings. Implementation of the proposed Specific Plan would introduce new sources of light and glare into the Plan Area. Increases in lighting and the introduction of new light sources would occur with new development in the Plan Area. Development within the Plan Area will include new roads, some of which will include lighting systems along the rights-of-way. Residential development will include interior and exterior light sources. Non-residential development will include lighting systems for parking areas, building, and signs, including security lighting. Some park and recreation facilities may include sports lighting to illuminate play areas for evening activities. Other public facility uses, such as schools and fire stations, will also involve lighting for parking, buildings, and security. Additionally, with the increase in development in the Plan Area, there will be increases in nighttime traffic that will increase lighting from car headlights. Although lighting would be reviewed on a project-by-project basis, for the purposes of this analysis, it has been conservatively assumed that exterior lighting would be located throughout most of the outdoor areas of the Plan Area. This includes, but is not necessarily limited to, street lighting in the residential areas; exterior lighting on the buildings; courtyard lighting; and parking lot lighting.

The introduction of new light sources and intensification of lighting within the Plan Area would be most notable in areas that are not currently developed or have minimal development within the western and southern portions of the Plan Area. Development in the westernmost portion of the Plan Area could result in lighting within the Plan Area being visible from uses adjacent to and outside of the Plan Area. The City's Outdoor Lighting and Illumination Ordinance would reduce the impact of lighting impacts onto adjacent properties. However, although direct impacts associated with new lighting would be reduced with compliance with General Plan policies and adherence to the City's Outdoor Lighting and Illumination Ordinance, the overall increase in lighting that would occur within the area would create a new source of substantial light which could adversely affect nighttime views in the area, specifically the nighttime sky.

Development in accordance with the Specific Plan will increase the amount of structures that could create new sources of glare within the Planning Area and directly adjacent to the Planning Area. These new sources of glare could be from materials used on building facades, parking lots, signs, and motor vehicles. Within the City limits, there are currently many sources of glare, and future development will add to the existing sources. Within the rural and agricultural areas, there are limited sources of glare. The primary sources of glare that will be added within the Planning Area will occur from vertical structures such as building facades. Parking lots, roadway surfaces and motor vehicles do not create substantial amount of glare. Due to the substantial amount of new building square footage planned for the Plan Area, new buildings may have the potential, to result in a substantial increase in glare. This increase could result in a

potentially significant glare impact. However, glare impacts would be reduced with compliance of General Plan policies, design review, municipal code requirements, and implementation of Mitigation Measure 3.1-1 that will require reflective building materials, visible from sensitive receptors, be prohibited from future project sites within the Plan Area.

There is the potential for reflective building materials and windows to result in increases in daytime glare within the Plan Area. The use of reflective building materials, including polished steel and reflective glass, could increase daytime glare for sensitive receptors in the vicinity of the project area. However, Mitigation Measure 3.1-1 would ensure that the potential for glare from proposed project buildings and structures would be minimized. With implementation of this mitigation measure, this is considered less than significant impact.

Light sources from the proposed development may have a significant adverse impact on the surrounding areas, by introducing nuisance light into the area and decreasing the visibility of nighttime skies. Additionally, on-site light sources may create light spillover impacts on surrounding land uses in the absence of mitigation. However, the proposed project will be required to comply with the City of Fresno outdoor lighting and illumination standards and specifications, and would be required to incorporate design features to minimize the effects of light and glare. However, without a detailed lighting plan, increase of nighttime lighting is a potentially significant impact. Implementation of Mitigation Measure 3.1-2 would reduce potential impacts associated with nighttime lighting and light spillage onto adjacent properties to a less than significant level.

In accordance with Public Resources Code, § 21081, Measures 3.1-1 through 3.1-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to cause substantial adverse health effects on human beings from elevated pollutant concentrations, either directly or indirectly will be mitigated to a less than significant level.

B. AIR QUALITY

1. IMPACT 3.3-4: SPECIFIC PLAN IMPLEMENTATION HAS THE POTENTIAL TO RESULT IN OTHER EMISSIONS (SUCH AS THOSE LEADING TO ODORS) AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE.
 - (a) Potential Impact. The potential for the Project to result in other emissions (such as those leading to odors) affecting a substantial number of people is discussed on page 3.3-48 through 3.3-53 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.3-9.
- (c) Findings. During construction activities, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent in nature. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern. Furthermore, short-term construction-related odors are expected to cease upon the drying or hardening of the odor-producing materials. Nevertheless, the proposed project would be required to implement Mitigation Measure 3.3-9, as applicable. Therefore, with implementation of Mitigation Measure 3.3-9, impacts associated with construction-generated odors are considered less than significant.

In general, land uses that would require a permit from SJVAPCD for emissions of TACs include chemical processing facilities, chrome-plating facilities, dry cleaners, and gasoline-dispensing facilities. As the proposed Specific Plan is a program-level document, it is currently unknown which types of stationary sources may be installed, if any. However, the proposed Specific Plan would generally prohibit the development of heavy industrial-type land uses. While development of land uses may result in stationary source emissions such as dry cleaners and restaurants with charbroilers or buildings with emergency generators, these types of land uses would not be large emitters. Additionally, they would be controlled by SJVAPCD through permitting and would be subject to further study and health risk assessment prior to the issuance of any necessary air quality permits under Regulation II. According to SJVAPCD's GAMAQI, Regulation II ensures that stationary source emissions (permitted sources) would be reduced or mitigated below SJVAPCD significance thresholds of ten in one million cancer risk and one for acute risk at the maximally exposed individual. Though these sources would incrementally contribute to the project's inventory individually, they would be mitigated to the standards identified above. Moreover, future development projects in the Plan Area would be required to implement Mitigation Measure 3.3-7, which requires project applicants for individual projects to conduct health risk assessments (where warranted by land use and proposal). In addition, Mitigation Measure 3.3-8 requires sensitive land uses to avoid incompatibilities with recommended buffer distances identified in the most current version of the CARB Air Quality and Land Use Handbook: A Community Health Perspective (CARB Handbook). Sensitive land uses that are within the recommended buffer distances listed in the CARB Handbook are required to provide enhanced filtration units or submit a Health Risk Assessment (HRA) to the City. If the HRA shows that the project would exceed the applicable SJVAPCD thresholds, mitigation measures capable of reducing potential impacts to an acceptable level must be identified and approved by the City.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.3-9 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to result in other emissions (such as those leading to odors) affecting a substantial number of people will be mitigated to a less than significant level.

2. IMPACT 3.3-5: SPECIFIC PLAN IMPLEMENTATION HAS THE POTENTIAL TO CAUSE SUBSTANTIAL ADVERSE EFFECTS ON HUMAN BEINGS, EITHER DIRECTLY OR INDIRECTLY.

- (a) **Potential Impact.** The potential for the Project to cause substantial adverse effects on human beings, either directly or indirectly is discussed on page 3.3-53 through 3.3-57 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.3-1 through 3.3-9.
- (c) **Findings.** Future development projects in the Plan Area would generate emissions of PM during project operational activities, as shown in Table 3.3-9 in Section 3.3. Although the exact effects of such emissions on local health are not known, it is likely that the increases in PM generated by the proposed project would especially affect people with impaired respiratory systems, but also healthy adults and children located in the immediate vicinity of the Specific Plan Area. However, the increases of these pollutants generated by the proposed project are not on their own likely to generate an increase in the number of days exceeding the NAAQS or CAAQS standards, based on the size of the project in comparison the Fresno County and the wider region as a whole. Instead, the increases in PM generated by the proposed project when combined with the existing PM emitted regionally, would affect people, especially those with impaired respiratory systems located in the immediate vicinity of the Specific Plan Area. Nevertheless, if a health risk assessment is warranted for a specific facility within the Specific Plan Area, it would be prepared in accordance with Mitigation Measures 3.3-7 and 3.3-8.

The increases in criteria pollutants generated by the proposed Specific Plan when combined with the existing criteria pollutants emitted regionally, would affect people, especially those with impaired respiratory systems located in the immediate vicinity of the Specific Plan Area. Construction emissions would be temporary in nature, while the operational activities of a project would be most likely to cause substantial adverse effects on human beings, since ongoing, chronic, and lifetime exposure to criteria pollutants are key in the level of health impact. However, the increases of these pollutants generated by the proposed project are not on their own likely to generate an increase in the number of days exceeding the health-based NAAQS or CAAQS standards, based on the size of the Plan Area in comparison the Fresno County and the wider region as a whole. For these reasons, with implementation of the mitigation measures

contained under the previous impacts (i.e. Mitigation Measures 3.3-1 through 3.3-9, the Specific Plan would have a less than significant impact related to this topic.

In accordance with Public Resources Code, § 21081, Measures 3.3-1 through 3.3-9 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to cause substantial adverse effects on human beings, either directly or indirectly, will be mitigated to a less than significant level.

C. BIOLOGICAL RESOURCES

1. **IMPACT 3.4-1: SPECIFIC PLAN IMPLEMENTATION COULD DIRECTLY OR INDIRECTLY HAVE A SUBSTANTIAL ADVERSE EFFECT THROUGH HABITAT MODIFICATIONS OR REDUCTIONS, CAUSE POPULATIONS TO DROP BELOW SELF-SUSTAINING LEVELS, SUBSTANTIALLY ELIMINATE A COMMUNITY, OR SUBSTANTIALLY REDUCE THE NUMBER OF, OR RESTRICT THE RANGE OF, AN ENDANGERED, RARE OR THREATENED SPECIES, INCLUDING THOSE CONSIDERED CANDIDATE, SENSITIVE, OR SPECIAL STATUS IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS, OR BY THE CDFW OR USFWS.**
 - (a) **Potential Impact.** The potential for the Project to directly or indirectly have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS, is discussed on pages 3.4-28 through 3.4-37 of the Draft EIR.
 - (b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-1 through 3.4-9.
 - (c) **Findings.** A background search was completed for the Plan Area vicinity using the California Natural Diversity Database (CNDDDB), the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants, and the U.S. Fish and Wildlife Service's (USFWS) endangered and threatened species lists. The background search was regional in scope and focused on the documented occurrences within a 12-quadrangle area (including the following U.S. Geological Survey [USGS] 7.5-minute quadrangle maps: Madera, Gregg, Lanes Bridge, Friant, Biola, Herndon, Fresno North, Clovis, Kerman, Kearney Park, Fresno South, and Malaga). Table 3.4-3 in Section 3.4 provides a list of special-status plants and Table 3.4-4 provides a list of special-status animals that are found in the regional vicinity. Figure 3.4-2 in Section 3.4 shows all occurrences within the 12-quadrangle area.

Approval of the proposed Specific Plan would not directly approve or entitle any development or infrastructure projects. However, implementation of the Specific Plan and Land Use Map would allow and facilitate future development in the Plan Area, which could result in adverse impacts to special-status plant and wildlife species, as well as sensitive natural habitat or wildlife movement corridors. Potentially significant impacts would result related to invertebrates, amphibians, reptiles, birds, mammals, and plants.

Subsequent development projects will be required to comply with the City's General Plan and adopted Federal, State, and local regulations for the protection of special-status plants and animals, including habitat. The Specific Plan includes numerous policies intended to protect special-status plants and animals, including habitat, from adverse effects associated with future development and improvement projects. While future development of the Plan Area has the potential to result in significant impacts to protected special-status plants and animals, including habitat, the implementation of the policies listed below, as well as Federal and State regulations, would reduce impacts to these resources. The implementation of Mitigation Measures 3.4-1 through 3.4-9 would ensure that this potential impact is reduced to a less than significant level. The measures pertain to special-status invertebrates, amphibians, reptiles, birds, mammals, and plants. Preconstruction surveys and avoidance measures would be required.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-1 through 3.4-9 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to directly or indirectly have a substantial adverse effect through habitat modifications or reductions, cause populations to drop below self-sustaining levels, substantially eliminate a community, or substantially reduce the number of, or restrict the range of, an endangered, rare or threatened species, including those considered candidate, sensitive, or special status in local or regional plans, policies, regulations, or by the CDFW or USFWS, will be mitigated to a less than significant level.

2. **IMPACT 3.4-2: SPECIFIC PLAN IMPLEMENTATION HAS THE POTENTIAL TO HAVE SUBSTANTIAL ADVERSE EFFECT ON FEDERALLY- OR STATE-PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS.**
 - (a) **Potential Impact.** The potential for the Project to have substantial adverse effect on federally- or state-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means is discussed on pages 3.4-37 through 3.4-39 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-10 and 3.4-11.
- (c) Findings. The Plan Area does not contain any natural hydrologic features. The Plan Area contains an internal network of agricultural ditches along the margins of the farm fields. The ditches in proximity to active agricultural areas of the Plan Area are regularly maintained to control/collect irrigation runoff from the fields. These features are manmade and are fed only by local irrigation water during the irrigation season or rainfall during the winter/spring season.

Because the proposed Specific Plan is a planning document and thus, no physical changes will occur to the environment, adoption of the Specific Plan would not directly impact the environment. There is a reasonable chance that water features could be impacted throughout the buildout of the individual projects. The implementation of an individual project would require a detailed and site-specific review of the site to determine the presence or absence of water features. If water features are present and disturbance is required, Federal and State laws require measures to reduce, avoid, or compensate for impacts to these resources. The requirements of these Federal and State laws are implemented through the permit process. These requirements are also included in Mitigation Measures 3.4-10 and 3.4-11.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-10 and 3.4-11 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to have substantial adverse effect on federally- or state-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means will be mitigated to a less than significant level.

3. IMPACT 3.4-3: SPECIFIC PLAN IMPLEMENTATION WOULD NOT HAVE SUBSTANTIAL ADVERSE EFFECTS ON RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE.

- (a) Potential Impact. The potential for the Project to have substantial adverse effects on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service is discussed on pages 3.4-39 and 3.4-40 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.4-12 through 3.4-14.

- (c) Findings. The records search revealed the presence of the following sensitive natural communities within the 12-quadrangle region for the Specific Plan Area: Great Valley Mixed Riparian Forest, Northern Claypan Vernal Pool, Northern Hardpan Vernal Pool, Sycamore Alluvial Woodland. None of these community types are found in the Plan Area. Riparian habitat is located northwest of the northwestern corner of the Plan Area along the San Joaquin River; however, this riparian habitat is not found within the Plan Area. The rectangular parcel located closest to the River and associated riparian habitat is the site of the future Fresno Aquarium.

Subsequent development projects will be required to comply with the City's General Plan and adopted Federal, State, and local regulations for the protection of sensitive natural communities, including riparian habitat. The Specific Plan includes policies intended to protect sensitive natural communities, including riparian habitat, from adverse effects associated with future development and improvement projects. While future development has the potential to result in significant impacts to protected habitats, implementation of Specific Plan Policies IPR 3.5 and IPR 3.6 and Mitigation Measures 3.4-12 through 3.4-14 would ensure that this impact is less than significant.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.4-12 through 3.4-14 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to have substantial adverse effects on riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service will be mitigated to a less than significant level.

D. CULTURAL AND TRIBAL RESOURCES

1. IMPACT 3.5-1: SPECIFIC PLAN IMPLEMENTATION MAY CAUSE A SUBSTANTIAL ADVERSE CHANGE TO A SIGNIFICANT HISTORICAL OR ARCHAEOLOGICAL RESOURCE, AS DEFINED IN CEQA GUIDELINES §15064.5, OR A SIGNIFICANT TRIBAL CULTURAL RESOURCE, AS DEFINED IN PUBLIC RESOURCES CODE §21074.
 - (a) Potential Impact. The potential for the Project to cause a substantial adverse change to a significant historical or archaeological resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074 is discussed on pages 3.5-17 and 3.5-19 of the Draft EIR.
 - (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.5-1 and 3.5-2.

- (c) Findings. The majority of the historic built resources within the Plan Area are historic residences clustered around North Polk Avenue and West Acacia Avenue. However, as full buildout of the Specific Plan would occur over several years, there is the potential for other buildings to reach 45 years old during implementation of the Specific Plan. Any future development within the Plan Area with the potential to impact a historic resource or potentially historic resource would be required to comply with the City's Historic Preservation Ordinance, CEQA Guidelines Section 15064.5 regarding determining significant impacts to historic resources, and Mitigation Measure 3.5-1. Project specific mitigation measures would be required to mitigate significant adverse changes in the significance of an historical resource. It is not anticipated that future ground disturbing activities associated with future development projects within the Plan Area would result in impacts to historical resources. However, future development in proximity to a historic resource or potentially historic resource would be reviewed for the potential to generate vibration that could result in damage to a historic resource pursuant to CEQA. Potential impacts to historic resources would be reduced to a less than significant level.

Although no prehistoric archaeological sites have been recorded within the Plan Area, unknown resources may be present. Four historical archaeological sites have been recorded in the Plan Area. Three of the historic archaeological sites are in the vicinity of the Teague School and one historic archaeological site, the San Joaquin River Quarry, is located just south of SR 99 in the northern portion of the Plan Area. No other archaeological resources have been identified in the Plan Area. Ground disturbing activities associated with future development projects within the Plan Area could result in impacts to currently unknown archaeological resources. The implementation of Mitigation Measures 3.5-2 requiring ground disturbance activities to be halted, a qualified archaeologist to be retained, and mitigation measures for the handling of any resource to be implemented, would ensure that this potential impact is reduced to a less than significant level.

While no specific tribal cultural resources have been identified through consultation with affiliated tribes, it is possible that unknown tribal cultural resources may be present within the Plan Area. Site-specific development projects would be reviewed on a project-by-project basis pursuant to CEQA, which would include Assembly Bill (AB) 52 consultation that could lead to the identification of potential site specific tribal resources. All future development projects would be required to comply with local policies, ordinances, and applicable permitting procedures related to protection of tribal resources. These include policies included in the proposed Specific Plan that consider State Office of Historic Preservation guidelines when establishing CEQA mitigation measures for archaeological resources; and require a project site and its Area of Potential Effects (APE), without benefit of a prior historic survey, to be evaluated and reviewed for the potential for historic and/or cultural resources by a professional who meets the Secretary of Interior's Qualifications. Impacts would be reduced to a less-than-significant level with implementation of Mitigation Measure 3.5-2.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.5-1 and 3.5-2 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to cause a substantial adverse change to a significant historical or archaeological resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074 will be mitigated to a less than significant level.

2. IMPACT 3.5-2: SPECIFIC PLAN IMPLEMENTATION MAY DISTURB HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES.

- (a) **Potential Impact.** The potential for the Project to disturb human remains, including those interred outside of formal cemeteries, is discussed on pages 3.5-19 and 3.5-20 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.5-3.
- (c) **Findings.** There are no human remains or known burial sites identified in the Plan Area. Additionally, there are no human remains or known burial sites that have been identified in the Plan Area on maps and files maintained by the SSJVIC. There have been 36 previous cultural resource studies that examined portions of the Plan Area and no human remains or known burial sites were documented. In addition to the SSJVIC records search, a variety of sources (e.g., NRHP, CRHR, CHRI, CHL, and CPHI) were consulted to obtain information regarding the cultural context of the Plan Area, and no human remains or known burial sites were identified within the Plan Area.

It is not anticipated that future ground disturbing activities associated with future development projects within the Plan Area would result in impacts to human remains or known burial sites given that none are believed to be present. If during ground disturbance activities human remains are discovered, activities would be halted in accordance with Mitigation Measure 3.5-3 and appropriate steps taken to identify the remains and proper treatment.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.5-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to disturb human remains, including those interred outside of formal cemeteries will be mitigated to a less than significant level.

E. GEOLOGY, SOILS AND SEISMICITY

1. IMPACT 3.6-2: SPECIFIC PLAN CONSTRUCTION AND IMPLEMENTATION HAS THE POTENTIAL TO RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL.

- (a) Potential Impact. The potential for the Project to result in substantial soil erosion or the loss of topsoil is discussed on pages 3.6-15 and 3.6-16 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-1.
- (c) Findings. The future construction activities that would occur as part of Specific Plan implementation would be governed by the General Permit 2009-0009-DWQ (amended by 2010-0014-DWQ & 2012-0006-DWQ). Construction activities associated with implementation of the Specific Plan, would be required to comply with all requirements set forth in the National Pollutant Discharge Elimination System (NPDES) permit for construction activities, including preparation of a Storm Water Pollution Prevention Plan (SWPPP) containing Best Management Practices (BMPs) to reduce erosion and sediments to meet water quality standards. Such BMPs may include: temporary erosion control measures such as silt fences, staked straw bales/wattles, silt/sediment basins and traps, check dams, geofabric, sandbag dikes, and temporary revegetation or other ground cover. The BMPs and overall SWPPP is reviewed by the Regional Water Quality Control Board as part of the permitting process. The SWPPP, once approved, is kept on site and implemented during construction activities and must be made available upon request to representatives of the RWQCB and/or the lead agency.

Mitigation Measure 3.6-1 requires an approved SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The RWQCB has stated that these erosion control measures are only examples of what should be considered and should not preclude new or innovative approaches currently available or being developed. The specific controls are subject to the review and approval by the RWQCB and are existing regulatory requirements. Additionally, as discussed in Section 3.3, Air Quality, construction activities would be subject to the San Joaquin Valley Air Pollution Control District rules and regulations pertaining to dust control. Specifically, Under Rule 8021, a Dust Control Plan is required for any residential project that will include 10 or more acres of disturbed surface area, a nonresidential project with 5 or more acres of disturbed surface area, or a project that relocates 2,500 cubic yards per day of bulk materials for at least three days. The Dust Control Plan is required to be submitted to SJVAPCD prior to the start of any construction activity. The Dust Control Plan must also describe fugitive dust control measure to be implemented before, during, and after any dust-generating activity. For sites smaller than those listed above, the project is still required to notify SJVAPCD a minimum of 48 hours prior to commencing earthmoving activities.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to result in substantial soil erosion or the loss of topsoil will be mitigated to a less than significant level.

2. **IMPACT 3.6-3: SPECIFIC PLAN IMPLEMENTATION HAS THE POTENTIAL TO BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF SPECIFIC PLAN IMPLEMENTATION, AND POTENTIALLY RESULT IN LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE.**

- (a) **Potential Impact.** The potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Specific Plan implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse is discussed on pages 3.6-17 and 3.6-18 of the Draft EIR.
- (b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-2.
- (c) **Findings.** The Plan Area does not have a significant risk of becoming unstable as a result landslide, subsidence, or soil collapse. There is a potential for liquefaction, liquefaction induced settlement, and lateral spreading. Nevertheless, Mitigation Measure 3.6-2 requires that future project proponents in the Plan Area complete and submit a final geotechnical evaluation of the soils at a design-level, as required by the requirements of the California Building Code Title 24, Part 2, Chapter 18, Section 1803.1.1.2.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to be located on a geologic unit or soil that is unstable, or that would become unstable as a result of Specific Plan implementation, and potentially result in landslide, lateral spreading, subsidence, liquefaction or collapse will be mitigated to a less than significant level.

3. **IMPACT 3.6-5: PROJECT IMPLEMENTATION HAS THE POTENTIAL TO DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE.**

- (a) **Potential Impact.** The potential to directly or indirectly destroy a unique paleontological resource is discussed on page 3.6-19 of the Draft EIR.

- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.6-3.
- (c) Findings. Although no paleontological resources have been recorded within the Plan Area, unknown resources may be present. It is possible that undiscovered paleontological resources could be encountered during ground-disturbing activities.

Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, State, or federal criteria. Implementation of Mitigation Measure 3.6-3 would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered during construction.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.6-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to directly or indirectly destroy a unique paleontological resource will be mitigated to a less than significant level.

F. HAZARDS AND HAZARDOUS MATERIALS

1. IMPACT 3.8-1: SPECIFIC PLAN IMPLEMENTATION HAS THE POTENTIAL TO CREATE A SIGNIFICANT HAZARD THROUGH THE ROUTINE TRANSPORT, USE, OR DISPOSAL OF HAZARDOUS MATERIALS OR THROUGH THE REASONABLY FORESEEABLE UPSET AND ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT.

- (a) Potential Impact. The potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment is discussed on pages 3.8-21 through 3.8-26 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measures 3.8-1 through 3.8-10.
- (c) Findings. Implementation of the Specific Plan could involve the transport, use, or disposal of hazardous materials associated with future construction and/or remediation activities. The transport of hazardous materials and any potential remediation activities would be subject to existing federal, State, and local regulations. Additionally, the proposed project would also be required to implement Mitigation Measures 3.8-1 through 3.8-10, which provide requirements for any ground disturbance activities within 50 feet of a well; require Phase I and Phase II site assessments, and other remediation activities including surveys and assessments, cleanup plans, programs, and activities, as applicable; and requires actions to ensure that developing a property within the Plan Area does not present an unacceptable risk to human health, if

applicable, through the use of an Environmental Site Management Plan (ESMP). Therefore, the potential for existing or new hazards within the Plan Area or generated by the proposed project is limited. Additional requirements include those related to evaluation of potential asbestos and lead prior to planned renovation or demolition of residential and/or commercial structures in the Plan Area, and soil sampling for hazardous materials. Implementation of Mitigation Measures 3.8-1 through 3.8-10 would reduce potential impacts that could occur due to the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment associated with construction activities

Implementation of the Specific Plan will allow for the development of a wide variety of land uses, including Low Density Residential, Medium Low Density Residential, Medium Density Residential, Medium High Density Residential, Urban Neighborhood Residential, High Density Residential, Community Commercial, Recreation Commercial, General Commercial, Regional Commercial, Office, Business Park, Light Industrial, Corridor/Center Mixed Use, Regional Mixed Use, Pocket Park, Neighborhood Park, Community Park, Open Space, Ponding Basin, Public Facility, Church, Special School, Elementary School, Elementary, Middle & High School, High School, and Fire Station uses, as well as the required transportation and utility improvements.

Each of these uses will likely use a variety of hazardous materials commonly found in urban areas including: paints, cleaners, and cleaning solvents. There could be a risk of release of these materials into the environment if they are not stored and handled in accordance with best management practices approved by Fresno County Environmental Health Division and the FFD. In addition, Mitigation Measure 3.8-1 requires that, prior to bringing hazardous materials onsite, the applicant shall submit a Hazardous Materials Business Plan (HMBP) to Fresno County Environmental Health Division (CUPA) for review and approval. This would further reduce the potential for a significant impact to this topic.

Implementation of the mitigation measures in Section 3.8 will ensure that these potential impacts are reduced to a less than significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measures 3.8-1 through 3.8-10 are appropriate changes or alterations that have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential to create a significant hazard through the routine transport, use, or disposal of hazardous materials or through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment will be mitigated to a less than significant level.

G. NOISE

1. IMPACT 3.11-1: SPECIFIC PLAN IMPLEMENTATION COULD POTENTIALLY SUBSTANTIALLY INCREASE MOBILE NOISE LEVELS AT EXISTING AND PROPOSED RECEPTORS.

- (a) Potential Impact. The potential for the Project to substantially increase mobile noise levels at existing and proposed receptors is discussed on pages 3.11-20 through 3.11-28 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-1.
- (c) Findings. Vehicle traffic generated noise associated with SR 99 will continue to be the dominant noise source in the eastern portion of the Plan Area with ADTs ranging between 77,000 and 107,000 adjacent to the Plan Area. Although most noise sensitive land uses adjacent to SR 99 are shielded by existing sound walls, topography or buildings, there are still some noise sensitive land uses where existing plus project plus cumulative noise levels will exceed the City's 60 dBA L_{dn} noise standard.

As shown in Table 3.11-10 in Section 3.11, existing plus project plus cumulative traffic conditions will result in significant increases in ambient noise levels along the following road segments:

- Traffic noise levels along **W. Shaw Avenue** are expected to range between 69 to 82 dBA CNEL at a distance of 50 feet from the centerline of the road, resulting in increases ranging between 4 to 10 dBA CNEL.
- Traffic noise levels along **W. Ashlan Avenue** are expected to range between 63 and 74 dBA CNEL at a distance of 100 feet from the centerline of the road, resulting in increases ranging between 3 and 13 dBA CNEL.
- Traffic noise levels along **W. Shields Avenue** are expected to range between 65 to 71 dBA CNEL at a distance of 50 feet from the centerline of the road, resulting in increases ranging between 3 to 7 dBA CNEL.
- Traffic noise levels along **W. Clinton Avenue** are expected to range between 61 and 79 dBA CNEL at a distance of 50 feet from the centerline of the road, resulting in increases ranging between 3 to 11 dBA CNEL.
- Traffic noise levels along **N. Grantland Avenue** are expected to range between 67 and 76 dBA CNEL at a distance of 50 feet from the centerline of the road, resulting in increases ranging between 2 to 11 dBA CNEL.
- Traffic noise levels along **N. Bryan Avenue** are expected to range between 64 to 72 dBA CNEL at a distance of 50 feet from the centerline of the road, resulting in increases ranging between 8 to 11 dBA CNEL.

- Traffic noise levels along **N. Hayes Avenue** are expected to range between 64 to 72 dBA CNEL at a distance of 50 feet from the centerline of the road, resulting in increases ranging between 9 to 12 dBA CNEL.
- Traffic noise levels along **N. Polk Avenue** are expected to range between 71 to 75 dBA CNEL at a distance of 50 feet from the centerline of the road, resulting in increases ranging between 6 to 9 dBA CNEL.
- Traffic noise levels along **N. Cornelia Avenue** are expected to range between 66 to 71 dBA CNEL at a distance of 50 feet from the centerline of the road, resulting in increases ranging between 2 to 5 dBA CNEL.

For these reasons, future development projects within the Plan Area would be required to implement mitigation measures that are specifically intended to ensure compliance with the City of Fresno noise standards and minimize the impact associated with the substantial increase in ambient noise levels. Mitigation Measure 3.11-1 would require the implementation of performance standards based on project-specific acoustical analysis for new residential and noise sensitive uses exposed to significant exterior community noise levels from transportation, which may include noise walls and/or berms, or setbacks. Mitigation Measure 3.11-1 would reduce traffic noise levels to a less-than-significant level.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-1 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoids or substantially lessens the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to substantially increase mobile noise levels at existing and proposed receptors will be mitigated to a less than significant level.

2. IMPACT 3.11-2: SPECIFIC PLAN IMPLEMENTATION WOULD NOT SUBSTANTIALLY INCREASE NOISE LEVELS ASSOCIATED WITH CONSTRUCTION AND DEMOLITION ACTIVITIES.

- (a) Potential Impact. The potential for the Project to substantially increase noise levels associated with construction and demolition activities is discussed on pages 3.11-28 through 3.11-31 of the Draft EIR.
- (b) Mitigation Measures. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-2.
- (c) Findings. Future development projects in the Plan Area are expected to require the use of scrapers, bulldozers, motor grader, and water and pickup trucks. Noise associated with the use of construction equipment is estimated to reach between 79 and 89 dBA L_{max} at a distance of 50 feet from the active construction area for the grading phase. The maximum noise level generated by each scraper is assumed to be approximately 87 dBA

L_{max} at 50 feet from the scraper in operation. Each bulldozer would also generate approximately 85 dBA L_{max} at 50 feet. The maximum noise level generated by the sound sources with equal strength increases the noise level by 3 dBA. The worst-case combined noise level during this phase of construction would be 91 dBA L_{max} at a distance of 50 feet from an active construction area. Noise reduction potential will be project and site specific.

Typical operating cycles for these types of construction equipment may involve one or two minutes of full power operation followed by three to four minutes at lower power settings. Noise levels will be loudest during grading phase. A likely worst-case construction noise scenario during grading assumes the use of a grader, a dozer, and two (2) excavators, two (2) backhoes and a scraper operating at 50 feet from the nearest sensitive receptor.

Assuming a usage factor of 40 percent for each piece of equipment, unmitigated noise levels at 50 feet have the potential to reach 90 dBA L_{eq} and 92 dBA L_{max} at the nearest sensitive receptors during grading. Noise levels for the other construction phases would be lower and range between 85 to 90 dBA. For this reason, the *West Area Specific Plan Noise Impact Study* identifies Mitigation Measure 3.11-2 to minimize construction noise impacts associated with the buildout of the Specific Plan, which has been incorporated as a mitigation measure. It is also noted that construction within the Plan Area would be subject to the City's Municipal Noise Code. Implementation of Mitigation Measure 3.11-2 would ensure that the nearby sensitive receptors to the Plan Area would not be subject to construction noise levels in excess of the City's standards.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-2 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to substantially increase noise levels associated with construction and demolition activities will be mitigated to a less than significant level.

3. IMPACT 3.11-3: SPECIFIC PLAN IMPLEMENTATION WOULD NOT SUBSTANTIALLY INCREASE NOISE VIBRATION ASSOCIATION WITH CONSTRUCTION ACTIVITIES.
 - (b) Potential Impact. The potential for the Project to substantially increase noise vibration association with construction activities is discussed on pages 3.11-31 and 3.11-32 of the Draft EIR.
 - (b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-3.

- (c) Findings. Construction activities can produce vibration that may be felt by adjacent land uses. Typical development projects in the Plan Area would not likely require the use of equipment such as pile drivers, which are known to generate substantial construction vibration levels. For example, the primary vibration source during most future construction may be from a bulldozer. A large bulldozer has a vibration impact of 0.089 inches per second PPV at 25 feet, which is perceptible but below any risk to architectural damage. As shown in Table 3.11-9, a PPV of 0.20 is the threshold at which there is a risk to “architectural” damage to normal dwellings. It also the level at which ground-borne vibration are annoying to people in buildings. Impacts would be significant if construction activities result in ground-borne vibration of 0.20 inches per second PPV or higher at sensitive receptors.

For buildout of the proposed Specific Plan, the distance of the construction equipment would likely be at least 10 feet or more from any existing structure. At a distance of 10 feet, a large bulldozer would yield a worst-case 0.244 inches per second PPV which may be perceptible for short periods of time during site preparation of the southeastern corner of the project site, but no damage is expected. In addition, implementation of Mitigation Measure 3.11-3 would further reduce construction related groundborne vibration.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-3 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to substantially increase noise vibration association with construction activities will be mitigated to a less than significant level.

4. IMPACT 3.11-4: SPECIFIC PLAN IMPLEMENTATION WOULD NOT SUBSTANTIALLY INCREASE STATIONARY NOISE AT SENSITIVE RECEPTORS.

- (c) Potential Impact. The potential for the Project to substantially increase stationary noise at sensitive receptors is discussed on pages 3.11-32 and 3.11-33 of the Draft EIR.
- (b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-4.
- (c) Findings. Due to the suburban/rural nature of the Plan Area, future development of the Plan Area will result in a substantial increase in existing ambient noise conditions. Increases in ambient noise levels associated with existing and future stationary noise impacts may result in potentially significant impacts. However, enforcement of the Sections 10-105 through 10-109 of the City’s Noise Ordinance and analysis of noise producing projects, along with implementation of Mitigation Measure 3.11-4, would

ensure that the nearby sensitive receptors to the Plan Area would not be subject to stationary noise levels in excess of the City's standards.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-4 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to substantially increase stationary noise at sensitive receptors will be mitigated to a less than significant level.

5. IMPACT 3.11-5: SPECIFIC PLAN IMPLEMENTATION WOULD NOT SUBSTANTIALLY INCREASE AMBIENT INTERIOR NOISE AT FUTURE SENSITIVE RECEPTORS.

- (d) Potential Impact. The potential for the Project to substantially increase ambient interior noise at future sensitive receptors is discussed on pages 3.11-37 and 3.11-38 of the Draft EIR.
- (b) Mitigation Measure. The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Mitigation Measure 3.11-6.
- (c) Findings. As discussed in Impact 3.11-1, the existing and future traffic noise levels anticipated from implementation of proposed Specific Plan would result in exterior noise levels exceeding 65 dBA, which could result in the interior noise levels at future land uses exceeding the City's interior noise level standards of 45dBA, as presented in 3.11-5. To reduce the interior noise impacts, site-specific noise analyses will be required for future development projects under the proposed Specific Plan, as required by Mitigation Measure 3.11-5. The site-specific noise analyses will be required to fine-tune and finalize noise reduction features and must demonstrate the interior noise level will not exceed the City's 45 dBA CNEL noise limit. Potential noise reduction features may include a "windows closed" condition and possibly upgraded windows with increased STC ratings for doors and windows.

Implementation of Mitigation Measure 3.11-5 would ensure that the future land uses within the Specific Plan would not be subject to interior noise levels in excess of the City's standards.

In accordance with Public Resources Code, § 21081, Mitigation Measure 3.11-5 is an appropriate change or alteration that has been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Based upon the EIR and the entire record before this City Council, this City Council finds that the potential for the Project to substantially increase ambient interior noise at future sensitive receptors will be mitigated to a less than significant level.

V. FINDINGS AND RECOMMENDATIONS REGARDING THOSE IMPACTS WHICH ARE LESS THAN SIGNIFICANT OR LESS THAN CUMULATIVELY CONSIDERABLE

Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Draft EIR.

Aesthetics and Visual Resources: The following specific impacts were found to be less than significant: 3.1-1 and 3.1-2.

Agricultural Resources: The following specific impacts were found to be less than significant: 3.2-3 and 3.2-4.

Biological Resources: The following specific impacts were found to be less than significant: 3.4-4, 3.4-5, and 3.4-6.

Geology, Soils and Seismicity: The following specific impacts were found to be less than significant: 3.6-1 and 3.6-6.

Greenhouse Gases, Climate Change, and Energy: The following specific impact was found to be less than significant: 3.7-2.

Hazards and Hazardous Materials: The following specific impacts were found to be less than significant: 3.8-2, 3.8-3, 3.8-4, 3.8-5 and 3.8-6.

Hydrology and Water Quality: The following specific impacts were found to be less than significant: 3.9-1, 3.9-2, 3.9-3, 3.9-4, 3.9-5 and 3.9-6.

Land Use: The following specific impacts were found to be less than significant: 3.10-1 and 3.10-2.

Noise: The following specific impact was found to be less than significant: 3.11-6.

Population and Housing: The following specific impacts were found to be less than significant: 3.12-1 and 3.12-2.

Public Services and Recreation: The following specific impacts were found to be less than significant: 3.13-1 and 3.13-2.

Transportation and Circulation: The following specific impacts were found to be less than significant: 3.14-1, 3.14-2, 3.14-4, and 3.14-5.

Utilities: The following specific impacts were found to be less than significant: 3.15-2, 3.15-4, and 3.15-6.

The Project was found to have a less than cumulatively considerable contribution to specific impacts within the following categories of environmental effects as set forth in more detail in the Draft EIR.

Biological Resources: The following specific impact was found to be less than cumulatively considerable: 4.4.

Cultural and Tribal Resources: The following specific impact was found to be less than cumulatively considerable: 4.5.

Geology, Soils and Seismicity: The following specific impact was found to be less than cumulatively considerable: 4.6.

Greenhouse Gases, Climate Change, and Energy: The following specific impact was found to be less than cumulatively considerable: 4.7.

Hazards and Hazardous Materials: The following specific impact was found to be less than cumulatively considerable: 4.8.

Hydrology and Water Quality: The following specific impact was found to be less than cumulatively considerable: 4.9.

Land Use and Population: The following specific impact was found to be less than cumulatively considerable: 4.10.

Noise: The following specific impact was found to be less than cumulatively considerable: 4.11.

Population and Housing: The following specific impact was found to be less than cumulatively considerable: 4.12.

Utilities: The following specific impact was found to be less than cumulatively considerable: 4.15.

The above impacts are less than significant or less than cumulatively considerable for one of the following reasons:

- The EIR determined that the impact is less than significant for the Project;
- The EIR determined that the Project would have a less than cumulatively considerable contribution to the cumulative impact; or
- The EIR determined that the impact is beneficial (would be reduced) for the Project.

VI. PROJECT ALTERNATIVES

A. IDENTIFICATION OF PROJECT OBJECTIVES

An EIR is required to identify a range of reasonable alternatives to the project. The “range of potential alternatives to the project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects.” (CEQA Guidelines Section 15126.6(c).) “Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional

boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent).” (CEQA Guidelines Section 15126.6(f)(1).)

The quantifiable objective of the proposed Specific Plan includes the future development of up to 83,129 DU (including 339 DU in the commercial category, 49,355 DU in the residential category and 33,436 DU in the mixed use category) and 59,777,271 SF of non-residential uses.

The Specific Plan’s guiding principles are designed to form the direction of the Specific Plan, and how the Plan can best benefit the future of the Plan Area. The guiding principles incorporate input received from community members and formal recommendations of the Steering Committee. The guiding principles of the Specific Plan are summarized as follows:

Transportation

- Accommodate and improve roadway access, connectivity and mobility among all modes of transportation, and prioritize roadway widening where bottlenecking exists.
- Accommodate planned transit services in the West Area by locating routes near or adjacent to the community centers, schools, parks, and retail centers.
- Provide a complete, safe, and well-maintained sidewalk network from residential neighborhoods to commercial centers, schools, parks, and community centers.
- Provide a complete, safe, and well-maintained roadway network that allows for efficient and smooth access from the West Area to other sections of the city and region.

Parks and Trails

- Create parks that are within existing and planned neighborhoods that are easily accessed by community members using pedestrian and bicycle pathways, transit services, or motor vehicles, consistent with the City of Fresno’s Parks Master Plan.
- Provide for the location of a flagship regional park in the Plan Area that has components of the Plan Area’s agricultural history through the planting of drought-resistant vegetation or trees, and the creation of public art that exhibits the Plan Area’s contribution to the agricultural industry.
- Increase the tree canopy to improve air quality and health outcomes while enhancing neighborhood streetscapes.

Agriculture

- Incorporate elements of agriculture in future parks by planting a mixture of native drought tolerant vegetation, shrubs, and trees that can serve to provide shade and enhance the streetscape.
- Encourage and provide land use opportunities for agritourism ventures to occur in the West Area.
- Encourage the development of harvest-producing community gardens.

Retail

- Attract desired and needed local retail establishments to serve the needs of the West Area community. Such establishments include grocery stores, bakeries, restaurants (other than fast food), and boutiques.
- Discourage the expansion of undesirable retail establishments such as liquor stores, tobacco and vapor stores, short-term loan and pawn shops, and adult stores.
- Encourage the development of retail establishments along commercial corridors.

Housing

- Encourage a variety of housing types and styles.
- Encourage the development of housing to accommodate an aging population including multi-generational houses and other elder housing options.
- Reaffirm the City's commitment and obligation to affirmatively furthering access to fair and affordable housing opportunities by strongly encouraging equitable and fair housing opportunities to be located in strategic proximity to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

Catalytic Corridors

- Encourage the orderly and consistent development of civic, parkland, retail and commercial, mixed-use, and multi-family uses along West Shaw Avenue, West Ashlan Avenue, Veterans Boulevard, West Shields Avenue, West Clinton Avenue, and Brawley Avenue.

Education

- Attract much needed educational opportunities for the residents of the West Area, especially for post-secondary education, and access to programs for life-long learners.

Public Safety

- Provide for safe routes to schools for children, with the City and County working together with residents, to provide sidewalks in neighborhoods that have sporadic access.
- Work to promote Neighborhood Watch in all neighborhoods, and further assess the need for the location of emergency response facilities west of Highway 99.

These Specific Plan guiding principles functionally represent project objectives as required by CEQA Guidelines section 15124, subdivision (b).

B. ALTERNATIVES ANALYSIS IN EIR

The alternatives analysis provides a summary of the relative impact levels of significance associated with each alternative for each of the environmental issue areas analyzed in the Draft EIR. The environmental analysis for each of the alternatives is included in Chapter 5.0.

1. NO PROJECT (EXISTING GENERAL PLAN) ALTERNATIVE:

The **No Project (Existing General Plan) Alternative** is discussed on pages 5.0-6, and 5.0-8 through 5.0-16 of the Draft EIR. The No Project (Existing General Plan) Alternative assumes that future development of the Plan Area would occur as allowed under the existing General Plan. It is noted that the No Project (Existing General Plan) Alternative would fail to meet the project objectives identified for the Specific Plan.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction or slight reduction of impacts to air quality, geology and soils, greenhouse gases, climate change and energy, noise, population and housing, public services and recreation, transportation, and utilities. The remaining resources areas would have equal or similar impacts to the Project.

The No Project (Existing General Plan) Alternative would not fully satisfy the project objectives because this alternative would not fully implement the community's refined vision for the future growth, development, and conservation of open space and resources within the Specific Plan in a manner consistent with the quality of life desired by residents and businesses. An 11-member Steering Committee, established in March 2018 by the Fresno City Council, held regular public meetings to provide recommendations to the draft land use map and guiding principles based on input received from community members. The proposed Specific Plan seeks to provide for the orderly and consistent development that promotes and establishes complete neighborhoods within the West Area with enhanced transportation infrastructure, development of core commercial centers, creation of additional parkland, and encouraging the development of a diverse housing stock. The No Project (Existing General Plan) Alternative would not be consistent with the revisions to the core goals provided in the General Plan for the West Area, which calls for the development of the West Shaw Avenue Town Center and Catalytic Corridors in the West Area. While the No Project Alternative would generally meet the project objectives and specific plan guiding principles, it would not be as effective as the proposed Specific Plan.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

2. COMMUNITY PARKS ALTERNATIVE:

The **Community Parks Alternative** is discussed on pages 5.0-6, 5.0-7, and 5.0-16 through 5.0-25 of the Draft EIR. Under the Community Parks Alternative, future development in the Plan Area would occur similar to what would be allowed under the proposed land use map. However, this alternative would provide 59.48-acres of additional Community Parks within the Plan Area near the intersection of Shaw Avenue and Hayes Avenue, including an 18.36-acre Community Park on the north side of Shaw Avenue and a 41.12-acre Community Park on the south side of Shaw Avenue. These Community Parks would include components of the Plan Area's agricultural history through the planting of drought-resistant vegetation and trees, and would include public art that exhibits the

Plan Area's contribution to the agricultural industry. The park areas would not be designated by the City for dual land uses. The proposed land use for these park areas would be Open Space (Community Park).

Findings: Environmental benefits of this alternative over the proposed Project include the slight reduction of impacts to air quality, geology and soils, greenhouse gases, climate change and energy, public services and recreation, and utilities. The remaining resources areas would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not lessen the overall environmental impacts nor provide the same level of benefits as the proposed Project. While the City recognizes the environmental benefits of this alternative, this alternative would not achieve all of the Project objectives. The Community Parks Alternative would meet the primary project objectives and would satisfy the policy guidance outlined in the City's General Plan for West Area; however, it would not meet the quantifiable objective future development of up to 83,129 DU (including 339 DU in the commercial category, 49,355 DU in the residential category and 33,436 DU in the mixed use category) and 59,777,271 SF of non-residential uses in the Plan Area. Therefore, the Community Parks Alternative would satisfy the project objectives, but to a lesser extent than the proposed Specific Plan.

On balance, the minor environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

3. LOWER DENSITY ALTERNATIVE:

The **Lower Density Alternative** is discussed on pages 5.0-7, and 5.0-25 through 5.0-33 of the Draft EIR. Under the Lower Density Alternative, future development in the Plan Area would occur similar to what would be allowed under the proposed land use map, but at lower densities. This alternative would include lower densities throughout the Plan Area and would preserve rural residential and agricultural land along the southern and western boundaries of the Plan Area. Additionally, this alternative would focus the medium and higher density residential uses and commercial uses at available sites on major street corridors. A mixed use town center would be provided along Shaw Avenue.

Findings: Environmental benefits of this alternative over the proposed Project include the reduction or slight reduction of impacts to aesthetics and visual resources, agricultural resources, air quality, biological resources, cultural and tribal resources, geology, soils and seismicity, greenhouse gas, climate change, and energy, hazards and hazardous materials, hydrology and water quality, noise, public services and recreation,

transportation and circulation, and utilities. The remaining resources areas (land use, and population and housing) would have equal or similar impacts to the Project.

On balance, the alternative is less desirable than the Project and does not provide the same level of benefits as the proposed Project. This alternative would not achieve all of the Project objectives. Under the Lower Density Alternative, future development in the Plan Area would occur similar to what would be allowed under the proposed land use map, but at lower densities. This alternative would include lower densities throughout the Plan Area and would preserve rural residential and agricultural land along the southern and western boundaries of the Plan Area. Additionally, this alternative would focus the medium and higher density residential uses and commercial uses at available sites on major street corridors. A mixed use town center would be provided along Shaw Avenue. The land use mix under the Lower Density Alternative would not encourage a variety of housing styles and types and would not encourage the development of housing to accommodate an aging population including, multi-generational houses and other elder housing options. Instead, this alternative would encourage the development of lower density single-family homes and ranch style homes. As such, this alternative would cause an overall reduction in housing stock in the Plan Area. Therefore, this alternative would satisfy the project objectives related to housing to a lesser extent than the proposed Specific Plan. Additionally, although this alternative would encourage development of retail along commercial corridors, the amount of retail and job-generating uses would decrease compared to the proposed Specific Plan. As such, the proposed Specific Plan is more effective than the Lower Density Alternative in implementing the retail-related project objectives.

The Lower Density Alternative would accommodate and improve roadways and transit in the area, and would provide a complete roadway network. This alternative would achieve all of the transportation related objectives. This alternative would also result in creation of parks and trails in the Plan Area, and would incorporate elements of agriculture and agri-tourism ventures. Overall, the proposed Specific Plan is more effective than the Lower Density Alternative in implementing the project objectives.

On balance, the minor environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the reasons described above, and the failure of this alternative to provide the same level of benefits as the Project.

For all of these foregoing reasons and any one of them individually, this alternative is determined to be infeasible and rejected.

6. ENVIRONMENTALLY SUPERIOR ALTERNATIVE:

CEQA requires that an environmentally superior alternative be identified among the alternatives that are analyzed in the EIR. If the No Project Alternative is the environmentally superior alternative, an EIR must also identify an environmentally superior alternative among the other alternatives

(CEQA Guidelines Section 15126.6(e)(2)). The environmentally superior alternative is that alternative with the least adverse environmental impacts when compared to the proposed project.

As shown on Table 5.0-1 of the Draft EIR (on page 5.0-34), the Lower Density Alternative is the environmentally superior alternative because it results in the least adverse environmental impacts when compared to the proposed project. The Lower Density Alternative would decrease or slightly decrease impacts to 13 of the 15 environmental issues. This is mostly due to the preservation of the existing farmland and rural residential areas along the southern and western boundaries of the Plan Area, and the decrease in development associated with the reduced densities. It is noted that none of the project alternatives would fully eliminate any of the significant and unavoidable impacts that would occur under the proposed Specific Plan; however, the significant and unavoidable impacts that would result under the proposed Specific Plan would occur to a lesser extent under the Lower Density Alternative. The Community Parks Alternative is the next best alternative as it would decrease or slightly decrease impacts to five of the 15 environmental issues. It should be noted that none of alternatives meet all of the project objectives.

The Lower Density Alternative does not meet all of the Project objectives. This alternative would provide fewer residential units, which would result in fewer opportunities for Fresno residents to buy or rent. This would also reduce the property tax and sales tax revenue generation as compared to the Project. While the City recognizes the environmental benefits of the Lower Density Alternative, this alternative would not result in the mix of residential and non-residential uses that are identified in the Project objectives under full buildout of the Project site.

For the reasons provided above, this alternative is determined to be infeasible and rejected.

VII. STATEMENTS OF OVERRIDING CONSIDERATIONS RELATED TO THE WEST AREA NEIGHBORHOODS SPECIFIC PLAN FINDINGS

As described in detail in Section III of these Findings, the following significant and unavoidable impacts could occur with implementation of the Project:

- **Impact 3.1-3:** Specific Plan implementation would result in substantial adverse effects or degradation of visual character or quality of the site and its surroundings.
- **Impact 3.2-1:** Specific Plan implementation would convert Important Farmlands to non-agricultural land uses.
- **Impact 3.2-2:** Specific Plan implementation would conflict with existing zoning for agricultural use, or a Williamson Act Contract.
- **Impact 3.3-1:** Specific Plan implementation would conflict with or obstruct implementation of the applicable air quality plan.
- **Impact 3.3-2:** Specific Plan implementation during project construction would expose sensitive receptors to substantial pollutant concentrations or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.
- **Impact 3.3-3:** Specific Plan implementation during project operation would expose sensitive receptors to substantial pollutant concentrations or result in a cumulatively considerable

net increase of any criteria pollutant for which the project region is in nonattainment under an applicable federal or state ambient air quality standard.

- **Impact 3.13-3:** The proposed Specific Plan may result in, or have the potential to require the construction of school facilities which may cause substantial adverse physical environmental impacts.
- **Impact 3.13-4:** The proposed Specific Plan may result in, or have the potential to require the construction of park facilities which may cause substantial adverse physical environmental impacts.
- **Impact 3.13-5:** The proposed Specific Plan may result in, or have the potential to require the construction of other public facilities which may cause substantial adverse physical environmental impacts.
- **Impact 3.14-3:** Implementation of the Specific Plan would not conflict with or be inconsistent with CEQA Guideline section 15064.3, subdivision (b) – VMT per employee for non-residential uses.
- **Impact 3.15-1:** The proposed Specific Plan would require or result in the relocation or construction of new or expanded wastewater facilities, the construction of which could cause significant environmental effects.
- **Impact 3.15-3:** The proposed Specific Plan would require or result in construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects.
- **Impact 3.15-5:** The proposed Specific Plan would require or result in the construction of new or expanded stormwater drainage facilities, the construction of which could cause significant environmental effects.
- **Impact 4.1:** Specific Plan implementation may contribute to the cumulative degradation of the existing visual character of the region.
- **Impact 4.2:** Specific Plan implementation may contribute to the cumulative impact on agricultural land and uses.
- **Impact 4.3:** Specific Plan implementation would contribute to cumulative impacts on the region's air quality
- **Impact 4.13:** Specific Plan implementation may contribute to cumulative impacts on public services.
- **Impact 4.14:** Specific Plan implementation may contribute to cumulative impacts to the regional transportation network.

The adverse effects listed above, and described in detail in Section III, are substantive issues of concern to the City. However, the City finds that the Project would have the following economic, social, technological, and environmental benefits:

1. **Consistency with the General Plan.** The City of Fresno has a General Plan that provides for an array of land uses throughout the City that are intended to accommodate the City's needs for growth over the foreseeable future. The proposed Specific Plan refines the General Plan's land use vision for the Plan Area, per the General Plan's direction (see Chapter 3, Section 3.4). The proposed Specific Plan would continue to carry forward and implement

policies and objectives from the City's existing General Plan that were intended for environmental protection and would not remove or conflict with City plans, policies, or regulations adopted for environmental protection. The proposed Specific Plan is consistent with the adopted General Plan and has been designed to encourage implementation of the General Plan's primary objectives, including the sequencing of development as directed by Figure IM-2. The General Plan's overarching land use objective for the Growth Areas includes Objective UF-13 that calls for the City to locate roughly one-half of future residential development in the Growth Areas (including the West Development Area), which are to be developed with Complete Neighborhoods that include housing, services, and recreation; mixed-use centers; or along future BRT corridors. As discussed throughout the proposed Specific Plan, the West Area Neighborhoods Specific Plan holds firm to the goal of achieving Complete Neighborhoods.

The West Area Neighborhoods Specific Plan will serve as an implementation tool to support the General Plan's goals and objectives as well as a vital instrument for much needed comprehensive planning, to improve area-wide connectivity, housing opportunities, recreation, services and infrastructure improvements.

2. Consistency with the City's Zoning Ordinance. The Specific Plan includes certain development regulations and standards that are intended to be specific to the Specific Plan Area. Where there is a matter or issue not specifically covered by the Specific Plan development regulations and design standards, the Fresno Zoning Code would apply. Where there is a conflict between the Specific Plan and the Zoning Code, the Zoning Code would prevail.

The Specific Plan is intended to be adopted by the City Council and to serve as a tool for the City of Fresno to implement. The Specific Plan is to be used by designers, developers, builders, and planners, to guide development of the Plan Area. The land use, development standards, and design guidelines are provided to ensure that all proposed developments remain consistent with the vision established by the Specific Plan as the Project is built over time. The Specific Plan development concepts, design guidelines, and standards are in accordance with the City's General Plan, Municipal Ordinances, and City Specifications. The Specific Plan shall be used to review, process, and approve development proposals for the Project site including but not limited to site specific development applications and site improvement plans.

The City of Fresno Zoning Map designates the Plan Area as: RE, RS-1, RS-2, RS-3, RS-4, RS-5, RM-1, RM-2, RM-3, RM-MH, CC, CG, CR, CRC, IL, CMX, NMX, RMX, BP, O, OS, and PR. The Fresno County Zoning Map designates the portions of the Plan Area outside the city limits as: RCC, C4, C6, M1, AE20, AL20, RR, RA, R1B, and TP. In conjunction with the approval of the Specific Plan, the parcels in the City which would have a changed land use designation as a result of the Specific Plan would be rezoned to the corresponding City zoning designation. Zoning designations are generally consistent with the existing General Plan land uses. The proposed Specific Plan would require modifications to the City's Zoning Map to provide consistency between the General Plan and zoning; however, these modifications

will not remove or adversely modify portions of the Fresno Municipal Code that were adopted to mitigate an environmental effect.

The parcels that are currently within the County will not be rezoned. Instead, upon a proposal to annex unincorporated land into the city limits, the City of Fresno would prezone the land to a zone that is consistent with the General Plan land use. Once annexation occurs, the County zoning would not apply to the parcel.

3. **Consistency with the General Plan EIR.** The General Plan EIR contemplates environmental impacts of developing land throughout the General Plan planning area. Where the General Plan EIR identifies impacts, mitigation measures were adopted to reduce the impacts. In some cases, the impacts of development were anticipated to be significant and unavoidable and the City adopted a statements of overriding consideration. There are Project specific impacts associated with the proposed Project that are the same as those that were anticipated under the General Plan, and there are others that vary from what was anticipated. For instance, the physical environmental impacts associated with converting the Project site from vacant undeveloped property to an urban developed property is not unique or different with the proposed General Plan amendment. Instead, the physical environmental impacts from this land conversion is the same under the proposed Project and the General Plan EIR. However, as it relates to environmental topics such as air quality, greenhouse gas emissions, noise, traffic, etc., the environmental impacts are more closely related to the actual use, density, and intensity of development as opposed to the environmental footprint of the site. Under these environmental topics, the impacts would vary from what was anticipated under the General Plan EIR, and are very specific to the Project characteristics. Nevertheless, each environmental topic was analyzed in light of the anticipated impacts under the General Plan, and the actual environmental impacts caused by the General Plan amendment, the project characteristics, and the physical characteristics of the Project site. The DEIR for this Project, and these Findings, incorporate, either expressly or by reference, such impacts, mitigation measures and statements of overriding consideration that are applicable to the Project.
4. **General Plan Policies.** The proposed Specific Plan would be consistent with the relevant General Plan policies, including:
 - **Future Planning to Require Design Principles.** Require future planning, such as Specific Plans, neighborhood plans or Concept Plans, for Development Areas and BRT Corridors designated by the General Plan to include urban design principles and standards consistent with the Urban Form, Land Use, and Design Element. (UF-13-1)
 - **Provision of Public Facilities and Services.** Promote orderly land use development in pace with public facilities and services needed to serve development. (LU-1-c)
 - **Scale and Character of New development.** Allow new development in or adjacent to established neighborhoods that is compatible in scale and character with the surrounding area by promoting a transition in scale and architectural character between

new buildings and established neighborhoods, as well as integrating pedestrian circulation and vehicular routes. (LU-5-g)

- Circulation Plan Diagram Implementation. Design and construct planned streets and highways that complement and enhance the existing network, as well as future improvements to the network consistent with the goals, objectives and policies of the General Plan, as shown on the Circulation Diagram (Figure MT-1), to ensure that each new and existing roadway continues to function as intended. (MT-1-b)
- Integrate Land Use and Transportation Planning. Plan for and maintain a coordinated and well integrated land use pattern, local circulation network and transportation system that accommodates planned growth, reduces impacts on adjacent land uses, and preserves the integrity of established neighborhoods. (MT-1-d)
- Bicycle Safety, Awareness, and Education. Promote bicycle ridership by providing secure bicycle facilities, promoting traffic safety awareness for both bicyclists and motorists, promoting the air quality benefits, promoting non-renewable energy savings, and promoting the public health benefits of physical activity. (MT-4-k)
- Sidewalk Requirements. Assure adequate access for pedestrians and people with disabilities in new residential developments per adopted City policies, consistent with the California Building Code and the Americans with Disabilities Act. (MT-5-b)
- Path and Trail Design Standards. Designate and design paths and trails in accordance with design standards established by the City that give consideration to all path and trail users (consistent with design, terrain and habitat limitations) and provide for appropriate widths, surfacing, drainage, design speed, barriers, fences, signage, visibility, intersections, bridges, and street cleaning. (MT-6-i)
- Path and Trail Buffers. Use landscaping with appropriate and adequate physical and visual barriers (e.g., masonry walls, wrought iron, or square-tube fencing) to screen path and trail rights-of ways and separate paths and trails from mining operations, drainage facilities, and similar locations as warranted. (MT-6-k)
- Environmentally Sensitive Path and Trail Design. Develop paths and trails with minimum environmental impact by taking the following actions: (MT-6-m)
 - Surface paths and trails with materials that are conducive to maintenance and safe travel, choosing materials that blend in with the surrounding area;
 - Design paths and trails to follow contour lines where the least amount of grading (fewest cuts and fills) and least disturbance of the surrounding habitat will occur;
 - Beautify path and trail rights-of-way in a manner consistent with intended use, safety, and maintenance;
 - Use landscaping to stabilize slopes, create physical or visual barriers, and provide shaded areas; and
 - Preserve and incorporate native plant species into the landscaping.
- Emergency Vehicle Access along Paths and Trails. Provide points of emergency vehicle access within the path and trail corridors, via parking areas, service roads, emergency access gates in fencing, and firebreaks. (MT-6-n)

- Adequate Infrastructure. Continue to pursue the provision of adequate water supplies, hydrants, and appropriate property access to allow for adequate fire suppression throughout the City. (PU-3-f)
- System Extension and Cost Recovery. Pursue enlargement or extension of the sewage collection system where necessary to serve planned urban development, with the capital costs and benefits allocated equitably and fairly between the existing users and new users. (PU-4-c)
- Review Project Impact on Supply. Mitigate the effects of development and capital improvement projects on the long-range water budget to ensure an adequate water supply for current and future uses. (PU-8-g)
- Link Land Use to Transportation. Promote mixed-use, higher density infill development in multi-modal corridors. Support land use patterns that make more efficient use of the transportation system and plan future transportation investments in areas of higher-intensity development. Discourage investment in infrastructure that would not meet these criteria. (RC-2-a)
- Evaluate Impacts with Models. Continue to require the use of computer models used by SJVAPCD to evaluate the air quality impacts of plans and projects that require such environmental review by the City. (RC-4-c)
- Forward Information. Forward information regarding proposed General Plan amendments, community plans, Specific Plans, neighborhood plans, Concept Plans, and development proposals that require air quality evaluation, and amendments to development regulations to the SJVAPCD for their review of potential air quality and health impacts. (RC-4-d)
- SCS and CAP Conformity Analysis. Ensure that the City includes analysis of a project's conformity to an adopted regional Sustainable Community Strategy or Alternative Planning Strategy (APS), an adopted Climate Action Plan (CAP), and any other applicable City and regional greenhouse gas reduction strategies in effect at the time of project review. (RC-5-d)
- Ensure Compliance. Ensure ongoing compliance with GHG emissions reduction plans and programs by requiring that air quality measures are incorporated into projects' design, conditions of approval, and mitigation measures. (RC-5-e)
- Evaluate Impacts with Models. Continue to use computer models such as those used by SJVAPCD to evaluate greenhouse gas impacts of plans and projects that require such review. (RC-5-g)
- Land Use and Development Compliance. Ensure that land use and development projects adhere to the objective of the Fresno Metropolitan Water Resources Management Plan to provide sustainable and reliable water supplies to meet the demand of existing and future customers through 2025. (RC-6-c)
- Protect Recharge Areas. Continue to protect areas of beneficial natural groundwater recharge by preventing uses that can contaminate soil or groundwater. (RC-6-g)
- Project Development. Prior to project approval, continue to require a project site and its Area of Potential Effects (APE), without benefit of a prior historic survey, to be evaluated and reviewed for the potential for historic and/or cultural resources by a

professional who meets the Secretary of Interior's Qualifications. Survey costs shall be the responsibility of the project developer. Council may, but is not required, to adopt an ordinance to implement this policy. (HCR-2-c)

- Archaeological Resources. Consider State Office of Historic Preservation guidelines when establishing CEQA mitigation measures for archaeological resources. (HCR-2-f)
- Mitigation by New Development. Require an acoustical analysis where new development of industrial, commercial or other noise generating land uses (including transportation facilities such as roadways, railroads, and airports) may result in noise levels that exceed the noise level exposure criteria established by Tables 9-2 and 9-3 to determine impacts, and require developers to mitigate these impacts in conformance with Tables 9-2 and 9-3 as a condition of permit approval through appropriate means. Noise mitigation measures may include:
 - The screening of noise sources such as parking and loading facilities, outdoor activities, and mechanical equipment;
 - Providing increased setbacks for noise sources from adjacent dwellings;
 - Installation of walls and landscaping that serve as noise buffers;
 - Installation of soundproofing materials and double-glazed windows; and
 - Regulating operations, such as hours of operation, including deliveries and trash pickup.

Alternative acoustical designs that achieve the prescribed noise level reduction may be approved by the City, provided a qualified Acoustical Consultant submits information demonstrating that the alternative designs will achieve and maintain the specific targets for outdoor activity areas and interior spaces. As a last resort, developers may propose to construct noise walls along roadways when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility, with no City funding. (NS-1-i)

- Significance Threshold. Establish, as a threshold of significance for the City's environmental review process, that a significant increase in ambient noise levels is assumed if the project would increase noise levels in the immediate vicinity by 3 dB LDN or CNEL or more above the ambient noise limits established in this General Plan Update. (NS-1-j)
- Proposal Review. Review all new public and private development proposals that may potentially be affected by or cause a significant increase in noise levels, per Policy NS-1-i, to determine conformance with the policies of this Noise Element. Require developers to reduce the noise impacts of new development on adjacent properties through appropriate means. (NS-1-k)
- Transportation Related Noise Impacts. For projects subject to City approval, require that the project sponsor mitigate noise created by new transportation and transportation-related stationary noise sources, including roadway improvement projects, so that resulting noise levels do not exceed the City's adopted standards for noise sensitive land uses. (NS-1-m)
- Soil Analysis Requirement. Identify areas with potential geologic and/or soils hazards, and require development in these areas to conduct a soil analysis and mitigation plan

- by a registered civil engineer (or engineering geologist specializing in soil geology) prior to allowing on-site drainage or disposal for wastewater, stormwater runoff, or swimming pool/spa water. (NS-2-b)
- **New Development Must Mitigate Impact.** Require new development to not significantly impact the existing storm drainage and flood control system by imposing conditions of approval as project mitigation, as authorized by law. As part of this process, closely coordinate and consult with the FMFCD to identify appropriate conditions that will result in mitigation acceptable and preferred by FMFCD for each project. (NS-3-i)
 - **Soil and Groundwater Contamination Reports.** Require an investigation of potential soil or groundwater contamination whenever justified by past site uses. Require appropriate mitigation as a condition of project approval in the event soil or groundwater contamination is identified or could be encountered during site development. (NS-4-c)
 - **Compliance with County Program.** Require that the production, use, storage, disposal, and transport of hazardous materials conform to the standards and procedures established by the County Division of Environmental Health. Require compliance with the County's Hazardous Waste Generator Program, including the submittal and implementation of a Hazardous Materials Business Plan, when applicable. (NS-4-e)
 - **Emergency Vehicle Access.** Require adequate access for emergency vehicles in all new development, including adequate widths, turning radii, hard standing areas, and vertical clearance. (NS-6-f)
5. **Consistency with Smart Growth Principles.** The Specific Plan is generally consistent with commonly accepted principles of Smart Growth supporting the development of mixed-income communities; supporting a range of housing types as well as social diversity; promoting the use of existing infrastructure investments, and encouraging efficient land development and proximity to activity centers. The Plan Area is located in an area with existing community streets, and the Specific Plan includes a proposed layout for new public streets to serve the Plan Area as buildout occurs. The proximity of the Project to retail uses, schools and employment centers will encourage and accommodate the use of alternative modes of transportation, including bicycle and pedestrian modes, and encourage the reduced reliance on the automobile as a travel mode. (American Planning Association (APA), US Environmental Protection Agency (USEPA).)
6. **Create Employment Opportunities for Local Residents.** The proposed Project has been designated with land uses that are intended to generate jobs and tax revenue for the City, while providing public and recreational facilities, retail opportunities, and housing opportunities. The proposed Project would provide an increase in local jobs that could be filled by the citizens of Fresno, which could reduce the number of citizens commuting to areas outside of the City. Implementation of the proposed Project would provide job growth to the area. It is anticipated that local employment would be increased to provide administrative, management, visitor-serving areas, and retail services. The proposed Project is expected to require both full-time and part-time employees. Additionally, future development consistent with the Specific Plan would provide short-term employment

opportunities within the construction, engineering, and design field, among others. The actual number of jobs would vary by the actual businesses and types of businesses that locate within the Project site.

7. Contribute to and Fund Needed Infrastructure Improvements. Future development of the Plan Area will be required to contribute to needed transportation infrastructure improvements by paying its fair share towards infrastructure improvements. The Project will also construct or contribute to funding other infrastructure improvements that will benefit additional development projects and City residents and visitors.
8. Generate Economic Benefits from Taxes. Future development of the Plan Area will provide increased sales tax and property tax revenue to the City, local schools and other agencies. These revenues will benefit the City and other local governmental agencies, and their residents and constituencies, by providing needed revenue for the provision of required services and amenities.
9. Expansion of the City's Housing Stock. The Project would provide housing opportunities for current and future residents. Implementation of the Project would increase and diversify the housing supply in the City, which could spur development, economic growth, and tax generation within the area.

Based on the entire record and the EIR, the City Council has determined that the economic and social benefits of the Project in Fresno outweigh and override the significant unavoidable environmental effects that would result from future Project implementation as more fully described in Section III, Findings and Recommendations Regarding Significant and Unavoidable Impacts. The City finds that the Project has been carefully reviewed and that the goals, objectives, and policies included in the Project along with the mitigation measures identified in the Final EIR have avoided or substantially lessened several environmental impacts, to the extent feasible. Nonetheless, the Project may have certain environmental effects which cannot be avoided or substantially lessened. The City has carefully considered all of the environmental impacts which have not been mitigated to an insignificant level. The City has carefully considered the economic, legal, social, and technological benefits of the Project, as well as other considerations. The City has balanced the benefits of the Project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects.

The City finds that any one or more of these overriding considerations would have been sufficient to outweigh adverse impacts. As the CEQA Lead Agency for the proposed action, the City of Fresno has carefully reviewed the Project and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this City Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony.

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