Exhibit M-5

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

VESTING TENTATIVE TRACT MAP NO. 6360

FRESNO, CALIFORNIA

LSA

May 2024

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VESTING TENTATIVE TRACT MAP NO. 6360
FRESNO, CALIFORNIA

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INTRODUCTION

The following Findings of Fact and Statement of Overriding Considerations are based in part on the information contained in the Vesting Tentative Tract Map No. 6360 Draft and Final Environmental Impact Report (State Clearinghouse # 2022080152) that was prepared by the City of Fresno (City) acting as lead agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notices of Availability and Completion (NOA/NOC), Draft Environmental Impact Report (Draft EIR), Appendices, Technical Studies, Final Environmental Impact Report containing Responses to Comments and textual revisions to the Draft EIR (in the Final Environmental Impact Report), and Mitigation Monitoring and Reporting Program (MMRP) will be referred to collectively as the "EIR." These Findings are based on the entire record before the Planning Commission, including the EIR. The EIR is hereby incorporated by reference and is available for review at the City of Fresno, 2600 Fresno Street, Fresno, California, and electronically at: https://www.fresno.gov/planning/plans-projects-under-review/.

The purpose of these Findings of Fact and Statement of Overriding Considerations is to satisfy the requirements of Sections 15091, 15092, and 15093 of the CEQA Guidelines, associated with approval of proposed Vesting Tentative Tract Map No. 6360 (herein referred to as the proposed project).

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PROJECT DESCRIPTION

PROJECT LOCATION

The project site is located in the City of Fresno, on Assessor's Parcel Number (APNs) 574-140-04 and -05, on the northeast corner of the future intersection between North Armstrong Avenue and East McKinley Avenue, and located approximately 0.35 mile south of the existing intersection of North Armstrong Avenue and East Clinton Avenue. The project site is bounded by North Armstrong Avenue to the west, by Mill No. 36 Canal and TM 6201 to the south, by rural residential uses to the east, and by residential development to the north.

PROJECT OBJECTIVES

The following is a list of objectives for the proposed project:

- Address the City's current and projected housing needs by providing a range of single-family residences.
- Provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Fresno.
- Establish a mixture of housing types, sizes and densities that collectively provide for local and regional housing demand.
- Provide infrastructure that meets the City standards and is integrated with existing and planned facilities and connections.
- Develop a project that meets City standards by implementing a logical phasing plan for development of public infrastructure improvements.

PROJECT CHARACTERISTICS

The proposed project would consist of the development of 326 residential lots ranging in sizes between 1,979 and 8,474 square feet, with the average lot size being 2,365 square feet. The proposed lots would be developed into single-family residences over time. The project would also include 39 outlot spaces for private landscaping, private pool, private road, private park, private parking, public pedestrian, and public utility uses. The proposed project would rezone the project site from Single Family Residential, Low Density (RS-3) to Single Family Residential, Medium Density (RS-5) and require a General Plan Amendment (GPA) to change land use designation of the project site from Low Density Residential to Medium Density Residential.

The proposed project would be constructed in two phases, as described below.

Phase 1 of the proposed project would include the development of 110 single-family residential units with an average size of 1,514 square feet per unit. Phase 1 would be on the northeast corner of North Armstrong Avenue and East McKinley Avenue and would be accessed through the two

ingress and egress streets on North Armstrong Avenue and East McKinley Avenue. Phase 1 would include the construction of a 15,207-square-foot pool and recreation area, and construction of a two-lane, 64-foot-wide eastern extension of McKinley Avenue and the expansion of the North Armstrong Avenue right-of-way along the project frontage. The proposed project would remove five existing power poles along North Armstrong Avenue and two existing power poles along the project site's northern boundary under this phase.

Phase 2 of the proposed project would include the development of 216 single-family residential units with an average size of 1,514 square feet per unit. Phase 2 would be east of Phase 1 and north of East McKinley Avenue and to the west, by Mill No. 36 Canal. Phase 2 would include the construction of the on-site, 11,777-square-foot park and removal of the two existing power poles at the northeast corner of the project site.

The proposed project would also include a 26,032-square-foot area across East McKinley Avenue parallel to the project site that would be deeded to the City of Fresno for future trail and open space uses. In addition, development of the project site would include infrastructure improvements for stormwater, water and wastewater services along the project frontage with North Armstrong Avenue and the future extension of East McKinley Avenue.

PROCEDURAL FINDINGS

On August 8, 2022, the City circulated an NOP notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. The NOP was sent to the State Clearinghouse, responsible agencies, interested parties, and organizations likely to be interested in the potential impacts of the proposed project. A public scoping meeting was held on August 17, 2022 to solicit feedback regarding the scope of the analysis and content of the EIR. Comments received by the City on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on February 23, 2024, and was distributed to local and State responsible and trustee agencies. The NOA for the Draft EIR was submitted to the State Clearinghouse, provided to all individuals and organizations who made a written request for notice, and filed with the Fresno County Clerk.

The CEQA-mandated public comment period for the Draft EIR ended on April 8, 2024. The City accepted and responded to all comments received during the 46-day public comment period for the Draft EIR, between February 23, 2024, and April 8, 2024.

Following public review of the Draft EIR, a Final EIR was prepared. The Final EIR was made available in May 2024 and consists of the following items:

- The Draft EIR released on February 23, 2024.
- Responses to Comments; and
- Text revisions to the Draft EIR.

As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Draft EIR were provided at least 10 days to review the proposed responses contained in the Final EIR prior to the date for consideration of the Final EIR for certification.

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RECORD OF PROCEEDINGS

In accordance with Public Resources Code (PRC) Section 21167.6(e), the record of proceedings for the City's decision on the project includes the following documents, which are incorporated by reference and made part of the record supporting these Findings:

- City staff reports and all attachments;
- The Draft EIR and all appendices to the Draft EIR;
- The Final EIR and all appendices to the Final EIR;
- All notices required by CEQA and presentation materials related to the project;
- All comments submitted by agencies or members of the public during the comment period on the NOP and the Draft EIR;
- All studies conducted for the project and contained or referenced in the Draft EIR and the Final EIR;
- All documents cited or referenced in the Draft EIR and the Final EIR;
- All public reports and documents related to the project prepared for the City and other agencies;
- All other documents related to the project;
- The MMRP for the project; and
- Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City's offices at 2600 Fresno Street, Fresno, California.

The Draft EIR and Final EIR are incorporated into these Findings in their entirety, unless and only to the extent that these Findings expressly do not incorporate by reference the Draft EIR and Final EIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

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FINDINGS REQUIRED UNDER CEQA

The Draft EIR identified a number of less-than-significant impacts associated with the proposed project that do not require mitigation. The Draft EIR also identified a number of significant and potentially significant environmental effects (or impacts) that may be caused in whole or in part by the project. Some of these significant effects can be fully avoided or substantially lessened through the adoption of feasible mitigation measures. Other effects cannot be mitigated, and thus may be significant and unavoidable. For reasons set forth in Section 7, "Statement of Overriding Considerations," the City has determined that overriding economic, social, and other considerations outweigh the significant, unavoidable effects of the project.

The findings of the City with respect to the project's significant effects and mitigation measures are set forth in the EIR and these Findings of Fact. The Summary of Findings does not attempt to replicate or restate the full analysis of each environmental impact contained in the EIR. Please refer to the Draft EIR and Final EIR for more detail.

The following provides a summary description of each potentially significant impact, describes the applicable mitigation measures identified in the EIR and adopted by the City, and states the findings of the City regarding the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR and Final EIR and associated record (described herein), both of which are incorporated by reference. The City hereby ratifies, adopts, and incorporates the analysis and explanation in the record into these Findings, and ratifies, adopts, and incorporates into these Findings the determinations and conclusions of the EIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these Findings.

To the extent any of the mitigation measures are within the jurisdiction of other agencies, the City finds those agencies can and should implement those measures within their jurisdiction and control (CEQA Guidelines, Section 15091[a][2]).

AESTHETICS

Environmental Effects of the Project Found to Have No Impact on the Environment or to Have a Less Than Significant Impact on the Environment

- *The proposed project would not have a substantial adverse effect on a scenic vista.*

- *The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.*

- *The proposed project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from a publicly accessible vantage point). Due to the location of the project in an urbanized area, the project would not conflict with applicable zoning and other regulations governing scenic quality.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- *The project would create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: The proposed project would introduce new sources of light and glare into the project site, which is currently undeveloped and used to grow agricultural crops. Although the new sources of light and glare introduced by the proposed project (e.g., building interior lighting, exterior lighting fixtures, and reflective surfaces such as windows) would be comparable to the existing light and glare emitted by residential and rural residential uses directly north and east of the project site, implementation of Mitigation Measure AES-1 through Mitigation Measure AES-4 , which require the project to provide shielding mechanisms to direct light away from nearby uses, provide lighting systems that do not surpass the average intensity of existing systems nearby, and use non-reflective materials on building facades, would ensure that the proposed project would result in a less than significant impact related to the generation of substantial light and glare that would adversely affect day or nighttime views.

Mitigation Measure AES-1: Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences.

Mitigation Measure AES-2: Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.

Mitigation Measure AES-3: Lighting systems for freestanding signs shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets which have an average light intensity of 2.0 horizontal footcandles or greater.

Mitigation Measure AES-4: Materials used on building facades shall be non-reflective.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

AGRICULTURE AND FORESTRY RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.*

- *The project would not conflict with existing zoning for agricultural use or a Williamson Act contract.*

- *The project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).*

- *The project would not result in the loss of forest land or conversion of forest land to non-forest use.*

- *The project would not Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

AIR QUALITY

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- ***Impact AIR-4:*** *The project would not result in significant odors that could adversely affect a substantial number of people.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- ***Impact AIR-1:*** *The project would conflict with or obstruct implementation of the applicable air quality plan.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: CEQA requires that certain proposed projects be analyzed for consistency with the applicable air quality plan as it relates to a region's non-attainment status. The air quality plan describes air pollution control strategies to be implemented in a non-attainment area. The main purpose of the air quality plan is to bring the area into compliance with the requirements of the federal and State air quality standards. The project is located within the San Joaquin Valley Air Basin (SJVAB), which is designated as non-attainment for O_3 and $PM_{2.5}$ for federal standards and non-attainment for O_3, PM_{10}, and $PM_{2.5}$ for State standards. The San Joaquin Valley Air Pollution Control District (SJVAPCD) is the agency that oversees the SJVAB. For a project to be consistent with SJVAPCD air quality plans, the pollutants emitted from a project should not exceed the SJVAPCD emission thresholds or cause a significant impact on air quality. In addition, emission reductions achieved through implementation of offset requirements are a major component of the SJVAPCD air quality plans. The proposed project would not result in emissions during construction or operation that would exceed SJVAPCD project emission thresholds. However, the proposed project would still be required to implement SJVAPCD requirements to further offset potential air quality impacts. Implementation of Mitigation Measure AIR-2, described below, which requires the implementation of measures required under SJVAPCD's Regulation VIII, would further reduce construction dust impacts and ensure compliance with SJVAPCD air quality plans. Therefore, impacts related to the proposed project's potential to conflict with or obstruct implementation of the applicable air quality plan would be less than significant with implementation of Mitigation Measure AIR-2.

- ***Impact AIR-2:*** *Implementation of the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or State ambient air quality standard.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: By its very nature, air pollution is largely a cumulative impact. No single project is sufficient in size to, by itself, result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. If a project's contribution to the cumulative impact is considerable, then the project's impact on air quality would be considered significant. In developing thresholds of significance for air pollutants, the SJVAPCD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

Construction emissions for the proposed project were analyzed using CalEEMod. As shown in Table 4.1.H within Section 4.1, Air Quality, of the Draft EIR, construction emissions for the proposed project would not exceed the SJVAPCD annual threshold for construction emissions. Further, the project would be required to implement Mitigation Measure AIR-2, which requires the implementation of construction dust measures required under SJVAPCD's Regulation VIII. Implementation of the fugitive dust control measures outlined in Mitigation Measure AIR-2, would ensure that the proposed project complies with Regulation VIII, and further reduces the short-term construction period air quality impacts.

As shown in Table 4.1.I within Section 4.1, Air Quality, of the Draft EIR, the proposed project's operational emissions would not exceed the significance criteria for annual criteria pollutant emissions. As such, with implementation of Mitigation Measure AIR-2, the proposed project would result in a less-than-significant impact related to a cumulatively considerable net increase of any criteria pollutant for which the proposed project region is in nonattainment under an applicable federal or State ambient air quality standard.

Mitigation Measure AIR-2: Consistent with San Joaquin Vally Air Pollution Control District (SJVAPCD) Regulation VIII (Fugitive PM_{10} Prohibitions), the following controls are required to be included as specifications for the proposed project and implemented at the construction site:

- All disturbed areas, including storage piles, which are not being actively utilized for construction purposes, shall be effectively stabilized of dust emissions using water, chemical stabilizer/ suppressant, covered with a tarp or other suitable cover or vegetative ground cover.

- All on-site unpaved roads and off-site unpaved access roads shall be effectively stabilized of dust emissions using water or chemical stabilizer/suppressant.

- All land clearing, grubbing, scraping, excavation, land leveling, grading, cut and fill, and demolition activities shall be effectively controlled of fugitive dust emissions utilizing application of water or by presoaking.

- When materials are transported off-site, all material shall be covered, or effectively wetted to limit visible dust emissions, and at least 6 inches of freeboard space from the top of the container shall be maintained.

- All operations shall limit or expeditiously remove the accumulation of mud or dirt from adjacent public streets at the end of each workday. (The use of dry rotary brushes is expressly prohibited except where preceded or accompanied by sufficient wetting to limit the visible dust emissions. Use of blower devices is expressly forbidden.)

- Following the addition of materials to, or the removal of materials from, the surface of out-door storage piles, said piles shall be effectively stabilized of fugitive dust emission utilizing sufficient water or chemical stabilizer/suppressant.

- ***Impact AIR-3:*** *Implementation of the proposed project would expose sensitive receptors to substantial pollutant concentrations.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: A construction health risk assessment (HRA) was prepared for the project to evaluate construction-period health risk to off-site receptors associated with the project. To estimate the potential cancer risk associated with equipment exhaust (including DPM) released during construction of the proposed project, EPA dispersion model AERMOD to obtain detailed estimates of exhaust concentrations from the project site. As shown in Table 4.1.J within Section 4.1, Air Quality, of the Draft EIR, the maximum cancer risk for the sensitive receptor maximally exposed individual (MEI) would be 28.98 in 1 million, which would exceed the SJVAPCD cancer risk threshold of 20 in 1 million. Therefore, since cancer risk concentrations would exceed the SJVAPCD's threshold at the sensitive receptor MEI, the project would result in the exposure of sensitive receptors to substantial pollutant concentrations. Implementation of Mitigation Measure AIR-3, which would require off-road diesel-powered construction equipment of 50 horsepower or more to meet the CARB Tier 3 emissions standards and be equipped with Level 3 diesel particulate filters or equivalent, would mitigate cancer risk at the MEI to 5.40 in 1 million, which would not exceed the SJVAPCD cancer risk threshold of 20 in 1 million. Therefore, with implementation of Mitigation Measure AIR-3, construction of the proposed project would not exceed SJVAPCD thresholds and would not expose nearby sensitive receptors to substantial pollutant concentrations. This impact would be less than significant with mitigation incorporated

Mitigation Measure AIR-3: During construction of the proposed project, the project contractor shall ensure all off-road diesel-powered construction equipment of 50 horsepower or more used for the project construction at a minimum meets the California Air Resources Board Tier 3 emissions standards equipped with Level 3 diesel particulate filters or equivalent.

- ***Impact AIR-5:*** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to air quality.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: As previously discussed, according to the SJVAPCD, regional air pollution is largely a cumulative impact. In developing thresholds of significance for air pollutants, the SJVAPCD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project exceeds the identified significance thresholds, its emissions would be cumulatively considerable, resulting in significant adverse air quality impacts to the region's existing air quality conditions.

Therefore, if the proposed project's annual emissions of construction- or operational-related criteria air pollutants exceed any applicable threshold established by the SJVAPCD, the proposed project would result in a considerable contribution to a cumulatively significant impact. As shown in Table 4.1.H and Table 4.1.I, with implementation of Mitigation Measure AIR-2, the proposed project

would not generate significant construction and operational emissions. As shown in the project-specific air quality impacts discussion above, the proposed project would not result in individually significant impacts and therefore the proposed project would not result in a cumulatively considerable contribution to regional air quality impacts. Cumulative impacts would be considered less than significant.

In addition, with implementation of Mitigation Measure AIR-3, the health risk levels to nearby residents from project construction-related emissions of toxic air contaminants would be well below the SJVAPCD's HRA thresholds. Once operational, the proposed project would not be a source of substantial emissions. Therefore, the proposed project would not result in any individual health risk in excess of the thresholds considered to be prudent risk management levels.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less than Significant

- None.

BIOLOGICAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*

- *The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community.*

- *The project would not have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*

- *The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.*

- *The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.*

- *The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- *None.*

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

CULTURAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- None.

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- *The project would cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: No historical resources were identified within the project site. However, the City has determined that impacts to historical resources could occur as a result of development within the City, and that unknown historical resources may be present in undeveloped parcels. In the event that unknown resources are discovered during project construction, existing federal, State, and local laws and regulations would require construction activities to cease until such artifacts are properly examined and determined to not be of significance by a qualified professional. Implementation of Mitigation Measure CUL-1 would require consultation with a historical resources specialist to assess whether the discovered resource qualifies as a historical resource and to identify appropriate mitigation measures, if applicable. Therefore, potential impacts related to a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 would be less than significant with mitigation.

Mitigation Measure CUL-1: If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City's Historic Preservation Ordinance. If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include

avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

- *The project would cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: No archaeological resources were identified in the project site. However, there is a potential for unknown archaeological resources to be discovered during construction of the proposed project. Mitigation Measure CUL-2 requires that if unknown archaeological resources are discovered during construction, work in the area would halt and a qualified archaeologist would be contacted and consulted regarding how to appropriately address the situation. This would minimize or eliminate any potential for an adverse change to the significance of any discovered archaeological resources. Therefore, adherence to the requirements of Mitigation Measure CUL-2, described above, would reduce potential impacts from a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 to less than significant with mitigation.

Mitigation Measure CUL-2: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for prehistoric archaeological resources shall be conducted. The following procedures shall be followed:

- If prehistoric resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that buried prehistoric archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with CEQA Guidelines Section 15064.5. If the resources are determined to be unique prehistoric

archaeological resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the City of Fresno. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the City of Fresno approves the measures to protect these resources. Any prehistoric archaeological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

- If prehistoric resources are found during the field survey or literature review, the resources shall be inventoried using appropriate State record forms and submit the forms to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for significance. If the resources are found to be significant, measures shall be identified by the qualified archaeologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional prehistoric archaeological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

- *The project would disturb human remains, including those interred outside of formal cemeteries.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: Disturbance of human remains interred outside of formal cemeteries would result in a significant impact. If human remains are identified during project construction, Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98 shall apply, as appropriate. Mitigation Measure CUL-3 requires adherence to Section 7050.5 of the California Health and Safety Code and PRC Section 5097.98. With implementation of Mitigation Measure CUL-3, potential impacts related to disturbance of any human remains, including those interred outside of formal cemeteries, would be less than significant with mitigation.

Mitigation Measure CUL-3: In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

ENERGY

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.*

- *The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

GEOLOGY AND SOILS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*
    - *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.*
    - *Strong seismic ground shaking.*
    - *Seismic-related ground failure, including liquefaction.*
    - *Landslides.*
- *The project would not result in substantial soil erosion or the loss of topsoil.*
- *The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.*
- *The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.*
- *The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- *The project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: No paleontological resources or unique geological features are known to exist within or near the project site, and the proposed project is not expected to alter or destroy a paleontological resource, site, or unique geologic feature. However, as required by Mitigation Measure GEO-1, in the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further

study. Mitigation Measure GEO-1 would reduce potential impacts related to the project's potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature to a less-than-significant level with mitigation.

Mitigation Measure GEO-1: Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed:

- If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

- If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found

during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

GREENHOUSE GAS EMISSIONS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- None.

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- ***Impact GHG-1:*** *The project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

Rationale for the Finding: The proposed project's potential impacts related to the release of GHG emissions for both construction and project operation were assessed. As shown in Table 4.2.E within Section 4.2, Greenhouse Gas Emissions, of the Draft EIR, construction of the proposed project would generate 1,487.4 metric tons of carbon dioxide equivalent (MT CO_2e). Even though the City of Fresno does not have any adopted GHG emission thresholds, the emission results shown in Table 4.2.E would be temporary in nature and would only occur for the duration construction.

Long-term, operational GHG emissions for the project were assessed by determining project compliance with standards of the City of Fresno's GHG Reduction Plan Update, consistent with the *State CEQA Guidelines*, Section 15183.5. The City of Fresno's GHG Reduction Plan was adopted in December 2014 to reduce local community GHG emissions to 1990 levels by 2020, consistent with the State objectives set forth in AB 32. The City of Fresno updated its 2014 GHG Reduction Plan in 2021 to conform with existing applicable State climate change policies and regulations to reduce local community GHG emissions to 40 percent below 1990 levels by 2030, consistent with the State objectives set by SB 32. The GHG Reduction Plan Update includes a Consistency Checklist to help the City provide a streamlined review process for new development projects that are subject to

discretionary review pursuant to CEQA. The project's Consistency Checklist is included in Appendix E of the Draft EIR. As shown in the Consistency Checklist and as described further in Section 4.3, Transportation, Impact TRA-2, of the Draft EIR, the proposed project would have a significant and unavoidable impact related to vehicle miles traveled (VMT) as the proposed project would result in 15.3 VMT per capita, 9.1 percent higher than the City's 14.0 VMT per capita threshold. The proposed project would be consistent with the other applicable GHG Reduction Plan Update strategies; however, since annual GHG emissions associated with the proposed project would be higher than the estimated emissions associated with maximum buildout of the existing designation and because the proposed project would not be consistent with all applicable strategies, the proposed project would conflict with the GHG Reduction Plan Update. The impact related to GHG emissions would be significant and unavoidable.

- ***Impact GHG-2:*** *The project would conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases.*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

Rationale for the Finding: The proposed project was assessed for consistency with the goals of EO B-30-15, SB 32, AB 197, and the 2022 Scoping Plan.

EO B-30-15 added the immediate target of reducing GHG emissions to 40 percent below 1990 levels by 2030. SB 32 affirms the importance of addressing climate change by codifying into statute the GHG emissions reductions target of at least 40 percent below 1990 levels by 2030 contained in EO B-30-15. CARB released the 2017 Scoping Plan to reflect the 2030 target set by EO B-30-15 and codified by SB 32. SB 32 keeps the State on the path toward achieving the 2050 objective of reducing emissions to 80 percent below 1990 levels. The companion bill to SB 32, AB 197, provides additional direction to the CARB related to the adoption of strategies to reduce GHG emissions. Additional direction in AB 197 intended to provide easier public access to air emissions data that are collected by CARB was posted in December 2016.

The 2022 Scoping Plan assesses progress toward the statutory 2030 GHG emissions target, while laying out a path to achieving carbon neutrality no later than 2045. The 2022 Scoping Plan focuses on building clean energy production and distribution infrastructure for a carbon-neutral future, including transitioning existing energy production and transmission infrastructure to produce zero-carbon electricity and hydrogen, and utilizing biogas resulting from wildfire management or landfill and dairy operations, among other substitutes. As discussed in Section 4.2, Greenhouse Gas Emissions, of the Draft EIR, the proposed project would be all electric, comply with all applicable energy conservation and green building standards of Title 24 of the California Code of Regulations, and would incorporate additional project energy reduction strategies. As such, the project would comply with applicable energy efficiency requirements in the Scoping Plan. Additionally, the proposed project would comply with applicable wastewater and water use reduction measures outlined in Title 24 of the CCR, and would implement project-specific water and wastewater conservation measures that would comply with water conservation and efficiency requirements of the Scoping Plan.

Additionally, as previously discussed, the proposed project was evaluated pursuant to the project review process of the City's GHG Reduction Plan Update. As shown in the Consistency Checklist, included in Appendix E of the Draft EIR, the proposed project would result in a significant and unavoidable impact related to VMT. As discussed in Section 4.3, Transportation, of the Draft EIR, under Impact TRA-2, implementation of Mitigation Measure TRA-2, which consists of implementation of all applicable and feasible California Air Pollution Control Officers Association (CAPCOA) design features, would reduce the proposed project's VMT and contribute to a reduction in some of the VMT impacts of the project. However, it cannot be demonstrated that the project would reach the threshold of 14.0 VMT per capita that would be required to reduce the impact to a less than significant level. Therefore, the proposed project would not be consistent with all applicable strategies of the Scoping Plan, and the proposed project would be inconsistent with the GHG Reduction Plan Update. Therefore, the proposed project would have the potential to conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. This impact would be considered significant and unavoidable.

- ***Impact GHG-3:*** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to greenhouse gas emissions.*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

Rationale for the Finding: GHG impacts are by their nature cumulative impacts. . Localized impacts of climate change are the result of the cumulative impact of global emissions. In the absence of comprehensive international agreements on appropriate levels of reductions achieved by each country, another measure of cumulative contribution is required. Therefore, a cumulative threshold based on consistency with State targets and actions to reduce GHGs is an appropriate standard of comparison for significance determinations.

As discussed above, the City of Fresno adopted the first GHG Reduction Plan in December 2014 to reduce local community GHG emissions to 1990 levels by the year 2020, consistent with the State objectives set forth in AB 32. In 2020, the City updated its 2014 GHG Reduction Plan (GHG Reduction Plan Update) to conform with existing applicable State climate change policies and regulations to reduce local community GHG emissions to 40 percent below 1990 levels by the year 2030.

The GHG Reduction Plan Update includes a Consistency Checklist to help the City provide a streamlined review process for new development projects that are subject to discretionary review pursuant to CEQA. As discussed above, the proposed project would result in a significant and unavoidable impact related to VMT. Although implementation of Mitigation Measure TRA-2, as described in Section 4.3, Transportation, of the Draft EIR under Impact TRA-2, would offset some of the project's VMT impacts, it would not reduce VMT below the required threshold of 14.0 VMT per capita and thus would not reduce the impact to a less than significant level. Therefore, the proposed project would not be consistent with all applicable GHG emission reduction strategies, and the proposed project would conflict with the GHG Reduction Plan Update. Therefore, the proposed project's incremental contribution to cumulative GHG emissions would be cumulatively considerable, and cumulative impacts would be considered significant and unavoidable.

HAZARDS AND HAZARDOUS MATERIALS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*
- *The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.*
- *The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.*
- *The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.*
- *The project would not be located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area.*
- *The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.*
- *The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

HYDROLOGY AND WATER QUALITY

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.*

- *The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.*

- *The project would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.*

- *The project would not release of pollutants due to project inundation in a flood hazard, tsunami, or seiche zone.*

- *The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (SGMA).*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

LAND USE AND PLANNING

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not physically divide an established community.*

- *The project would not cause significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

MINERAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environmental or Have a Less Than Significant Impact on the Environment

- *The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State.*

- *The project would not result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

NOISE

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The proposed project would not generate excessive groundborne vibration or groundborne noise levels.*

- *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, the proposed project would not expose people residing or working in the project area to excessive noise levels.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- *The proposed project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, State, or federal standards.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Project construction would result in short-term noise impacts on the nearby sensitive receptors. An evaluation of construction noise levels at nearby sensitive receptors determined that the closest sensitive receptor may be subject to short-term maximum construction noise reaching 88 dBA L_{max} at 50 feet during project construction. The closest sensitive receptors to the project site include single-family residential uses located directly adjacent to the project site's northern and eastern boundaries. Based on building setbacks, the closest sensitive receptors include the adjacent single-

family residential uses north of the project site, which are approximately 35 feet from project construction activities. Based on a reduction in noise of 6 dBA per doubling of distance, there would be in increase of approximately 3 dBA from the active construction area to the nearest residence. In addition, these residences have a solid wood fence, which would reduce noise levels by approximately 5 dBA. Therefore, the closest off-site sensitive receptor may be subject to short-term construction noise reaching 86 dBA L_{max} (88 dBA L_{max} + 3 dBA – 5 dBA) when construction is occurring.

Although construction equipment would operate at various locations within the 31.29-acre project site and would only generate maximum noise levels when operations occur closest to the receptor, Mitigation Measure NOI-1, which requires the project to equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards, would be implemented to reduce the potential impacts associated with construction equipment. Additionally, Mitigation Measure NOI-1 requires the project to designate a "disturbance coordinator" at the City who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem. As such, with implementation of Mitigation Measure NOI-1, the project's potential construction-related noise impacts are mitigated to less-than-significant levels.

The main operational noise from the proposed project would be associated with the traffic volume introduced by the project into the vicinity. As described in Appendix B, Initial Study, of the Draft EIR, and Appendix F, Traffic Impact Study, of the Draft EIR, the proposed project would generate approximately 3,074 daily trips. The adjacent Armstrong Avenue carries approximately 10,580 average daily trips. Project trips would represent a small increase in noise level, up to approximately 1.1 dBA CNEL along Armstrong Avenue. In general, noise level changes of less than 3 dBA are not perceptible in an outdoor environment. Therefore, since project trips would not result in a doubling of traffic volumes along any roadway segment in the project vicinity, project trips would not result in a perceptible (3 dBA) increase in traffic noise levels at receptors in the project vicinity. Additionally, noise resulting from increased activity within the project site after project implementation is expected to be similar to the existing surrounding residential uses and would generally include noise from vehicles, air conditioner units, and other similar equipment. Operation of the proposed project would result in similar noise levels as existing conditions and, therefore, it is not expected that the proposed project would substantially increase noise levels over existing conditions.

As such, noise impacts resulting from the project would be less than significant with mitigation.

Mitigation Measure NOI-1: The project contractor shall implement the following measures during construction of the project:

- Equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.

- Place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the active project site.

- Locate equipment staging in areas that would create the greatest possible distance between construction-related noise sources and noise-sensitive receptors nearest the active project site during all construction activities.

- Ensure that all general construction-related activities are restricted to between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturday. No construction shall occur on Sunday.

- Designate a "disturbance coordinator" at the City who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaint (e.g., starting too early, bad muffler) and would determine and implement reasonable measures warranted to correct the problem.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

POPULATION AND HOUSING

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).*

- *The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

PUBLIC SERVICES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:*
    - *Fire protection*
    - *Police protection*
    - *Schools*
    - *Parks*
    - *Other public facilities*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

RECREATION

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.*

- *The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

TRANSPORTATION

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- ***Impact TRA-1:*** *The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.*

- ***Impact TRA-3:*** *The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).*

- ***Impact TRA-4:*** *The project would not result in inadequate emergency access.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- ***Impact TRA-2:*** *The proposed project would conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b).*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

The Traffic Impact Study (TIS) for the proposed project, included as Appendix F of the Draft EIR, includes a detailed VMT analysis that follows VMT analysis methodology of the City's VMT Guidelines.

The VMT Guidelines provides multiple screening criteria for land use projects. As shown in Section 4.3, Transportation, of the Draft EIR, the project was compared with the screening criteria established in the "Project Screening" section of the VMT Guidelines to check if the project can be screened out. However, it was determined that the proposed project would not be screened out from detailed VMT analysis.

As such, as recommended by the VMT Guidelines, the VMT analysis for the project was conducted using the Fresno Council of Government (Fresno COG) Activity Based Model (ABM). The model database was updated with the project land use to calculate project VMT. The project VMT per capita was determined to be 15.3, 9.1 percent higher than the City's VMT per capita threshold. Therefore, based on the VMT Guidelines, the project would have a significant VMT impact.

When a lead agency identifies a significant CEQA impact, the agency must identify feasible mitigation measures in order to avoid or substantially reduce that impact. These measures can be incorporated as a part of plans, policies, regulations, or project designs. Project design features that encourage mode shift from automobiles to transit or nonmotorized modes can therefore help reduce project VMT. Typically, VMT reduction and benefits from these project design features are

not accounted in the project VMT calculations conducted using the regional travel demand model. Therefore, VMT reduction credit can be accounted for these design features, similar to VMT mitigation measures to help reduce or eliminate the project's VMT impact. Enforcement of mitigation measures will be subject to the mitigation monitoring requirements under CEQA, as well as the regular police powers of the lead agency.

As per information provided by the Project Applicant, the project intends to implement project design features that would help reduce project VMT, and VMT reduction that can be achieved by the project's design features was estimated using the most recent CAPCOA's "*Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity – Designed for Local Governments, Communities, and Project Developers*" (Handbook) dated December 2021[1]. These design features include pedestrian infrastructure both internal to the project site and along the project frontage, internal circulation improvements for increased street connectivity, bicycle infrastructure and improvements, implementation of a School Bus Program, and EV parking and charging infrastructure. The project would implement Mitigation Measure TRA-2, which would require implementation of project design features discussed above, pursuant to CAPCOA's "Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity". Implementation of the above project design features may possibly reduce the project's VMT by approximately up to 1.69 percent. However, due to the nature of the project (i.e., single family residential development) and its location, which necessitates travelling off-site to access a variety of services, the project design features identified could potentially help offset some of the VMT impacts of the project but will not reduce the impact to a less than significant level. Therefore, the project will have a significant and unavoidable impact.

Mitigation Measure TRA-2: Pursuant to the California Air Pollution Control Officers Association (CAPCOA) "Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity," the following design elements shall be implemented:

- The project would provide an internal circulation network in the project site to increase street connectivity.
- The project would provide pedestrian improvements like sidewalks both internally in the project site and along the project frontage to improve pedestrian access to the site.
- The project would provide a 25-foot-wide easement for bicycle and pedestrian infrastructure for the construction of a Class I

[1] California Air Pollution Control Officers Association's (CAPCOA). 2021. *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity – Designed for Local Governments, Communities, and Project Developers*. December.

Bike Path on East McKinley Avenue, pursuant to the City of Fresno's Active Transportation Plan (ATP).

- In coordination with the Clovis Unified School District (CUSD), the Project Applicant would aid the establishment of a Community Funded Bus Run program in the project site per Clovis Unified Board Policy and Administrative Regulation #8301.

- ***Impact TRA-5:*** *The proposed project, in combination with past, present, and reasonably foreseeable projects, would contribute to a significant cumulative impact with respect to transportation.*

Finding: No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impact is considered significant and unavoidable.

The proposed project would be consistent with applicable regulations, including the City's General Plan policies and Active Transportation Plan (ATP) guidelines as it relates to transit, bicycles, and pedestrian facilities. The proposed project would not conflict with existing and planned transit facilities in the City, and would construct pedestrian facilities that would increase the connectivity of the City and further implement the City's General Plan policies and meet ATP multi-modal transportation goals. The proposed project would also not include the construction of hazardous or incompatible design features in the project site. The proposed project's plans would be subject to review and approval by the Fresno Fire Department (FFD) and the City's Engineering Division to ensure the project includes adequate emergency access.

The proposed project's VMT per capita was determined to be 15.3, 9.1 percent higher than the City's VMT per capita threshold 14.0. Although the project would implement design features through Mitigation Measure TRA-2 that would reduce project's VMT by up to 1.69 percent, this potential reduction would not help the project meet the required threshold of 14.0 VMT per capita. As a result, a significant and unavoidable VMT impact would occur. The project would contribute to cumulative VMT impacts.

TRIBAL CULTURAL RESOURCES

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- None.

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- *The project would result in a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe.*

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (14 CCR § 15091(a)(1)).

Rationale for the Finding: While there is no evidence to suggest the presence of tribal cultural resources, if any artifacts are inadvertently discovered during ground-disturbing activities, existing federal, State, and local laws and regulations would require construction activities to cease until such artifacts are properly examined and determined not to be of significance by a qualified cultural resource professional. Additionally, Mitigation Measure CUL-1 requires that if unknown potentially significant historical resources are discovered during construction, work in the area would halt and a qualified historical resources specialist would be contacted to assess the resource and provide mitigation measures if applicable. Mitigation Measure CUL-2 requires that if unknown archaeological resources are discovered during construction, work in the area would halt and a qualified archaeologist would be contacted. Further, Mitigation Measure CUL-3 would require compliance with applicable federal, State, and local laws and regulations if human remains of tribal origin are found during construction of the proposed project. Therefore, adherence to the requirements of Mitigation Measures CUL-1, CUL-2, and CUL-3 would reduce potential impacts related to the substantial adverse change in the significance of a tribal cultural resource to less than significant.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

UTILITIES AND SERVICE SYSTEMS

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.*

- *The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.*

- *The project would not result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.*

- *The project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.*

- *The project would comply with federal, State, and local management and reduction statutes and regulations related to solid waste.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

WILDFIRE

Environmental Effects of the Project Found to Have No Impact on the Environment or Have a Less Than Significant Impact on the Environment

- *The project would not substantially impair an adopted emergency response plan or emergency evacuation plan.*
- *The project would not, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.*
- *The project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.*
- *The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.*

Environmental Effects of the Project That Are Potentially Significant, but That Can Be Mitigated to a Less Than Significant Level

- None.

Environmental Effects of the Project That Cannot Be Mitigated to a Level Less Than Significant

- None.

MITIGATION MONITORING

An MMRP was prepared for the project and approved by the City (PRC Section 21081.6, Subd. [a][1]; CEQA Guidelines Section 15097). The City will use the MMRP to track compliance with the project mitigation measures. The MMRP will remain available for public review during the compliance period.

SIGNIFICANT IRREVERSIBLE ENVIRONMENT EFFECTS

The State CEQA Guidelines (Section 15126) require a discussion of the significant irreversible environmental changes that would be involved in a project should it be implemented. The

irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms.

CEQA requires that EIRs assess whether the proposed project would result in significant irreversible changes to the physical environment. The CEQA Guidelines discuss three categories of significant irreversible changes that should be considered. Each is addressed below.

As mandated by the CEQA Guidelines, an EIR must address any significant irreversible environmental change that would result from project implementation. According to Section 15126.2(d) of the CEQA Guidelines, such a change would occur if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources;
- Irreversible damage would result from environmental accidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project would result in the wasteful use of energy).

The environmental effects of the proposed project are thoroughly discussed in Section 4.0, Evaluation of Environmental Impacts, and summarized in the Executive Summary. Implementation of the project would require the long-term commitment of natural resources, as discussed below.

Changes in Land Use Which Commit Future Generations

The proposed project would involve the development of a 326-lot single family residential subdivision on the project site currently used for agricultural production. Although the proposed development would commit future generations to using the project site for developed uses rather than agricultural purposes, such a commitment is consistent with planned residential uses for the project site, as identified in the City's General Plan. The General Plan has anticipated development in the project site that commits future generations, which was assessed under the General Plan EIR; the proposed project merely implements and carries out the vision of the General Plan (Draft EIR, page 6-2).

Irreversible Damage from Environmental Accidents

Demolition and construction activities associated with implementation of the proposed project would involve some risk for environmental accidents. However, as discussed in Section IX, Hazards and Hazardous Materials, of the Initial Study, the accidental spills and soil contamination would be addressed by City, State, and federal agencies, and would follow professional industry standards for safety and construction. Although there is a possibility for contaminated soil to be encountered during grading, excavation, and/or ground disturbance associated with implementation of the proposed project, it is likely that such contamination may have resulted from agricultural operations within the project site. However, the risks of accidental contamination from handling construction materials or transport of these materials off site would be reduced to a less-than-significant level through compliance with the many federal, State, and local regulations regarding the handling and disposal of such construction materials. Additionally, the residential land use proposed by the

proposed project would not include any uses or activities that are likely to contribute to or be the cause of a significant environmental accident, such as industrial-related spills or leaks. As a result, the proposed project would not pose a substantial risk of environmental accidents (Draft EIR, page 6-2 and 6-3).

Consumption of Nonrenewable Resources

Approval and implementation of actions related to development of the project would result in an irretrievable commitment of nonrenewable resources such as energy and construction materials. As discussed in Section VI, Energy, of the Initial Study, the projected electricity demand of the proposed project would be consistent with typical usage rates for residential uses in Fresno and would not result in a significant adverse impact related to the provision of electricity. Therefore, the projected demand of the proposed project would not result in a significant adverse impact related to the provision of electricity.

In addition, the proposed project would comply with Title 24 of the CCR, which requires conservation practices that would limit the amount of energy (California Energy Code Building Energy Efficiency Standards [Title 24, Part 6]) consumed through implementation of the proposed project, through incorporation of the following energy reduction strategies: third party independent inspections would be conducted to assure energy efficiency compliance; heating, ventilation, and air conditioning (HVAC) equipment would be rated 14 seasonal energy efficiency ratio (SEER), 12 energy efficiency ratio (EER) and 92 percent ultra efficient; solar panels would be provided ranging from 3.71 kilowatts (kW) to 3.98 kW; and windows would be argon-filled vinyl low-e, double strength glass to reduce energy and increase ultraviolet (UV) blockage.

Additionally, the proposed project would comply with all applicable California Green Building Standards Code (CALGreen Code) building efficiency standards (Title 24, Part 11) and mandatory residential building requirements in the California Energy Code Building Energy Efficiency Standards (Title 24, Part 6) (as required by State law). Also, with the development of more cost-effective and accessible technologies, pursuant to the Appliance Efficiency Regulations (Title 20, CCR Sections 1601 through 1608), dependence on non-renewable resources used in association with future development envisioned under the proposed project may also be reduced.

Furthermore, implementation of the proposed project would also result in an increased demand for potable water and generation of wastewater. As discussed in Section X, Hydrology and Water Quality, and Section XIX, Utilities and Service Systems, of the Initial Study, after completing the General Plan Amendment and Rezone process, the project would be covered under water supply allocations for residential development, pursuant to the City's 2020 Urban Water Management Plan. The proposed project would have sufficient water supplies available to meet future demand during normal, dry and multiple dry years. The adequacy of the water supply for the project is thus consistent with the basis of the analysis of the City's water supply in the adopted 2020 Urban Water Management Plan.

Although the construction and operation of the proposed project would involve the use of non-renewable resources, through the inclusion of energy-conserving features of the proposed project,

and compliance with applicable standards and regulations, the proposed project would not represent an unjustified use of such non-renewable resources (Draft EIR, page 6-3 and 6-4).

GROWTH INDUCEMENT

Section 15126.2(d) of the CEQA Guidelines requires that an EIR discuss the ways in which a proposed project or the construction of additional housing, either directly or indirectly, could foster economic or population growth in the surrounding environment.

As described in Section XVI, Population and Housing, of the Initial Study prepared for this Draft EIR, implementation of the proposed project would not exceed the City's projections for population growth in the project site after the Project Applicant completes a General Plan Amendment and Rezone process with the City, pays required processing fees, and implements associated City's recommendations.

As discussed in Section XV, Public Services, and Section XIX, Utilities and Service Systems, of the Initial Study, the project site would be served by the City's public service or utility providers, including police protection services, fire prevention services, water, wastewater, telecommunications, electricity, and natural gas. The proposed project includes physical improvements to accommodate growth which would create an increased demand for public services and utilities within the project site. To address impacts to public services and utilities, the Project Applicant would be required to pay applicable impact fees in effect at the time the development application for the proposed project is submitted. City staff would review the site plan for the project to ensure the adequate provision of public services and utilities.

Once the Project Applicant completes the General Plan Amendment and Rezone process and pays applicable service fees, the proposed project's direct or indirect growth inducement due to additional housing units and population, as well as associated service demand resulting from implementation of the proposed project would have been accounted for and confirmed by the City, and impacts would be less than significant.

Development of the proposed project would involve construction activities that could generate some temporary employment opportunities. However, given the temporary nature of such opportunities, it is unlikely that construction workers would need to relocate to the city as a result of the proposed project. Thus, the proposed project would not be considered growth-inducing from an employment perspective (Draft EIR, page 6-1 and page 6-2).

PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

An alternative may be "infeasible" if it fails to achieve the lead agency's underlying goals and objectives with respect to the project. Thus, "'feasibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors" of a project (*City of Del Mar v. City of San Diego* [1982] 133 Cal.App.3d 401, 417).

ALTERNATIVES CONSIDERED IN THE EIR

The following alternatives to the project are evaluated in detail in the EIR, as described below:

- **Alternative 1: No Project Alternative:** Under the No Project Alternative, the project site would not be developed, and existing land uses would remain. No modifications to existing site access or infrastructure would occur (Draft EIR, page 5-3 to 5-8).

- **Alternative 2: Reduced Project Alternative:** Under the Reduced Project Alternative, the proposed project would reduce the proposed density of 10.4 dwelling units per acre (du/ac) for the proposed project to 5.2 du/ac, for a total of 163 residential units. Proposed site access and infrastructure improvements would remain the same as those identified for the proposed project (Draft EIR, page 5-8 to 5-12).

- **Alternative 3: Increased Phase Density Alternative:** Under the Increased Phase Density Alternative, 326 residential units would be constructed within the 31.29-acre project site, but the residential units would be constructed on approximately 11 acres on the western portion of the project site and 11 acres on the northeastern portion of the project site to reduce the overall construction period. The remaining approximately 9 acres of the project would be developed as public open space. Overall density of the project site would remain the same as the proposed project (10.4 du/ac), but each 11-acre development area would have density of 14.8 du/ac. Proposed site access and infrastructure improvements would remain the same as those identified for the proposed project (Draft EIR, page 5-13 to 5-17).

Alternative 1: No Project Alternative

The No Project Alternative would avoid all of the less than significant and significant unavoidable impacts of the proposed project. However, the No Project Alternative would also not achieve any of the objectives of the proposed project. The No Project Alternative would not: (a) address the City's current and projected housing needs by providing a range of single-family residences; (b) provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Fresno; (c) establish a mixture of housing types, sizes and densities that collectively

provide for local and regional housing demand; (d) provide infrastructure that meets the City standards and is integrated with existing and planned facilities and connections; and (e) develop a project that meets City standards by implementing a logical phasing plan for development of public infrastructure improvements.

Alternative 2: Reduced Project Alternative

The Reduced Project Alternative would involve reducing the size of the proposed project by reducing the proposed residential density of 10.4 du/ac in the site to a density of 5.2 du/ac. The Reduced Project Alternative would reduce the total proposed residential units from 326 to 163. The Reduced Project Alternative would partially address the city's current and projected housing needs by providing single-family residences; provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Fresno; partially establish a mixture of housing types, sizes, and densities that collectively provide for local and regional housing demand; provide infrastructure that meets the City standards and is integrated with existing and planned facilities and connections; and develop a project that meets City standards by implementing a logical phasing plan for development of public infrastructure improvements. Because this alternative would provide only half of the residential units of the proposed project and minimize mixture of housing types of the proposed project, this project would partially meet the objectives of the project.

Alternative 3: Increased Phase Density Alternative

The Increased Phase Density Alternative would involve focusing development of the proposed 326 single-family residences, but the development would occur in two, approximately 11-acre areas located in the western and northeastern portions of the project site. The southeastern portion of the project site, approximately 9 acres in size, would be developed as open space.

The Increased Phase Density Alternative would address the city's current and projected housing needs by providing single-family residences; provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Fresno; partially establish a mixture of housing types, sizes, and densities that collectively provide for local and regional housing demand; provide infrastructure that meets the City standards and is integrated with existing and planned facilities and connections; and develop a project that meets City standards by implementing a logical phasing plan for development of public infrastructure improvements.

To accommodate the increase in density, the product would be limited to one product versus the mixture of housing types of the proposed project. Because this alternative would provide the same number of units, but would minimize mixture of housing types of the proposed project, this project would partially meet the objectives of the project.

Environmentally Superior Alternative

The No Project Alternative has the least impact to the environment because it would not result in any development or new physical impacts. While this alternative would lessen or avoid the impacts of the proposed project, the beneficial impacts of the proposed project—including creating housing to meet local and regional housing demands—would not occur. Further, none of the Project Objectives would be met, including addressing the city's current and projected housing needs by

providing single-family residences; providing residential housing opportunities that are visually attractive and accommodate the future housing demand in Fresno; establishing a mixture of housing types, sizes, and densities that collectively provide for local and regional housing demand; providing infrastructure that meets the City standards and is integrated with existing and planned facilities and connections; and developing a project that meets City standards by implementing a logical phasing plan for development of public infrastructure improvements. As such, this alternative is rejected as infeasible. In addition, under CEQA, if the No Project Alternative is the environmentally superior alternative, the EIR must identify an environmentally superior alternative from among the other alternatives (*CEQA Guidelines* Section 15126.6(e)(2)).

The Increased Phase Density Alternative would result in similar impacts to the proposed project under most resource topics, except Greenhouse Gas Emissions. Under this alternative, operational impacts related to Greenhouse Gas Emissions would be fewer due to the higher density development proposed. However, the Increased Phase Density Alternative would still require consistency with the City's GHG Reduction Plan Update. Under this alternative, residential density would remain 10.4 du/ac like the proposed project, would result in GHG emissions greater that estimated emissions under existing designation of the project site (designated Low-Density Residential in the General Plan and zoned within the Residential Single-Family District [RS-3]; permitted density of 3.5 du/ac). As such, this alternative would still require implementation of Mitigation Measure TRA-2 to ensure consistency with the City's GHG Reduction Plan Update, but a significant and unavoidable impact would still occur as a result of an increase in VMT.

Further, this alternative would not be able to reduce the similar significant and unavoidable impact to Transportation to a less than significant level, because the significant and unavoidable VMT impacts that would result from the proposed project could still occur after implementation of Mitigation Measure TRA-2. Under this alternative, project objectives would be partially met, as this alternative would address the city's current and projected housing needs by providing single-family residences; provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Fresno; partially establish a mixture of housing types, sizes, and densities that collectively provide for local and regional housing demand; provide infrastructure that meets the City standards and is integrated with existing and planned facilities and connections; and develop a project that meets City standards by implementing a logical phasing plan for development of public infrastructure improvements. As such, this alternative is rejected as infeasible.

The Environmentally Superior Alternative would be the Reduced Project Alternative. Overall, this alternative would lessen significant and less-than-significant environmental impacts or result in impacts similar to those associated with the proposed project. The Reduced Project Alternative would partially achieve Project Objectives, as it would partially address the city's current and projected housing needs by providing single-family residences; provide residential housing opportunities that are visually attractive and accommodate the future housing demand in Fresno; partially establish a mixture of housing types, sizes, and densities that collectively provide for local and regional housing demand; provide infrastructure that meets the City standards and is integrated with existing and planned facilities and connections; and develop a project that meets City standards by implementing a logical phasing plan for development of public infrastructure improvements. However, this alternative would also not be able to reduce the significant and unavoidable GHG and

VMT impacts that were identified for the proposed project. As such, this alternative is rejected as infeasible.

STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Section 21081 of the California Public Resources Code and Section 15093 of the CEQA Guidelines, the City adopts and makes the following statement of overriding considerations regarding the remaining significant unavoidable impacts of the project, as discussed above, and the anticipated economic, social, and other benefits of the project.

The City has carefully considered and balanced the benefits of the proposed project against its unavoidable environmental risks in determining that the specific economic, legal, social, technological, or other benefits outweigh the unavoidable significant adverse environmental effects related to transportation. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are identified in the EIR, the agency must state in writing the reasons to support its actions based on the EIR and/or other information in the record. The reasons set forth below are based on the EIR and other information in the record.

This Statement of Overriding Considerations is based on the City's review of the Draft EIR, Final EIR, and other information in the administrative record. Based upon the City's review and the substantial evidence in the administrative record, including but not limited to the EIR, the City finds that the benefits of the project outweigh its unavoidable adverse environmental effects, and furthermore, finds that such adverse, environmental effects are acceptable. The City also finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than significant level the remaining significant environmental effects.

In light of the environmental, social, economic, and other considerations identified in the findings for the project, the objectives of the project, and the considerations set forth below related to this project, the City chooses to approve the project because, in its view, the economic, social, technological, and other benefits resulting from the project substantially outweigh the project's significant and unavoidable adverse environmental effects.

The benefits and reasons for the approval of the project despite the occurrence of significant unavoidable project impacts related to transportation (Impact TRA-2 – VMT impacts) and greenhouse gas emissions (Impact GHG-1– generate significant GHG emissions; Impact GHG-2 – conflict with an applicable GHG reduction plan, policy or regulation), which create or otherwise contribute to related cumulative impacts, consist of the items listed below.

The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below

constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval

The City finds that the project will have the following economic, social, technological, and environmental benefits, which constitute overriding considerations:

- **The project would address the existing housing shortage in the City of Fresno and in Fresno County, by providing new single-family residential housing that can support the growing needs of the community.**

  The City of Fresno, like many other communities in Fresno County and California, is experiencing a housing shortage. The proposed project would provide approximately 326 new single-family residential units, helping to address this demand. Ensuring that residents have access to suitable housing options is crucial for maintaining a healthy and balanced housing market.

- **The project would carry out the intent of the City of developing the project site for residential uses.**

  The project aligns with the City's General Plan, specifically with the policies within the Urban Form, Land Use, and Design Element, such as Policy UF-1-a , which encourages the City to support development projects that provide Fresno with a diversity of urban and suburban neighborhood opportunities. Additionally, the project site has been designated Low Density Residential in the City of Fresno General Plan and zoned within the Residential Single-Family District (RS-3), indicating the General Plan's intent for the project parcel to be utilized for residential uses. Further, development of the project site would aid the City in meeting goals of the 2023 – 2031 Fresno County Multi-Jurisdictional Housing Element, including Policy 1.1, which requires the provision of adequate sites for new housing development through appropriate planned land use designations, zoning, and development standards to accommodate the regional housing needs for the 2023-2031 planning period, and Policy 1.2, which requires the City to facilitate development of new housing for all economic segments of the community, including extremely low, very low-, low-, moderate-, and above moderate-income households. As such, the project's development for residential use is consistent with the goals and objectives of the General Plan and Multi-Jurisdictional Housing Element, contributing to the long-term development goals envisioned for the City.

Based on the detailed findings made above, the City hereby finds that economic and social considerations outweigh the remaining environmental effects of approval and implementation of the project.