

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, ADOPTING FINDINGS
PURSUANT TO CALIFORNIA ENVIRONMENTAL QUALITY
ACT (CEQA) GUIDELINES SECTIONS 15091 AND 15093
AS REQUIRED BY CEQA GUIDELINES SECTION 15096
FOR THE RIVER WEST EATON TRAIL EXTENSION
PROJECT

WHEREAS, on November 15, 2017, the San Joaquin River Conservancy (Conservancy), as Lead Agency, certified an Environmental Impact Report (EIR) for the San Joaquin River Conservancy, River West Fresno Eaton Trail Extension Project (Project), identified by SCH No. 2014061017 (River West Fresno Eaton Trail Extension Project), through the adoption of Resolution 17.01; and

WHEREAS, the project description for the River West Fresno Eaton Trail Extension Project EIR includes construction of approximately 2.4 miles of a multipurpose trail from the Perrin Avenue alignment near State Route (SR) 41 on the east to Spano Park on the west with pedestrian and bicycle access at three locations: Perrin Avenue, Spano Park, and West Riverview Drive, including installation of traffic safety infrastructure as the intersection of Audubon Drive and Del Mar Avenue, identified as Mitigation Measure Alt. 1 – Traffic-1 in the EIR; and

WHEREAS, through the adoption of Resolution 17.02(Alt. 5B), Conservancy, as lead agency, adopted Findings of Fact and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the Project; and _____

WHEREAS, California Environmental Quality Act (CEQA) Guidelines Section 15096 allows a Responsible Agency to consider an EIR prepared by a Lead Agency for

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: H9

Resolution No.

a project when the approval relates to a portion of the project assessed by the Lead Agency's EIR; and

WHEREAS, pursuant to CEQA Guidelines Section 15096(f), prior to reaching a decision on a project, the Responsible Agency must consider the environmental effects of the project as shown in the Lead Agency's EIR, and shall also complete an analysis regarding the necessity of a subsequent EIR pursuant to CEQA Guidelines Section 15162; and

WHEREAS, a Responsible Agency that relies on an EIR prepared by a Lead Agency, shall also make the findings required by Section 15091 for each significant effect of the project and shall make findings pursuant to Section 15093 if necessary.

WHEREAS, the City of Fresno is a Responsible Agency within the meaning of CEQA Guidelines Section 15381 for the River West Fresno Eaton Trail Extension Project; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno based upon the testimony and information presented at the hearing and upon review and consideration of the environmental documentation provided, as follows:

1. Council finds in accordance with its own independent judgement that:
 - a. Approval of any subsequent project within the limits of the River West Eaton Trail Extension Project footprint that has been contemplated as part of that overall project is a further discretionary approval of the San Joaquin River Conservancy, River West Eaton Trail Extension Project EIR, pursuant to CEQA Guidelines 15162;

b. None of the conditions described in Section 15162 of the CEQA Guidelines calling for preparation of a subsequent EIR or Mitigated Negative Declaration have occurred;

c. The Audubon/Del Mar Traffic Signal Project does not propose changes to the River West Fresno Eaton Trail Extension Project, and is instead an approval that implements a portion of that project, specifically Mitigation Measure Alt. 1 – Traffic-1 to install traffic safety infrastructure at the intersection of Audubon Drive and Del Mar Avenue, including a traffic signal, which is a required component of the project;

d. There is no substantial evidence in the record that the Audubon/Del mar Traffic Signal Project may have additional significant effects on the environment that were not identified in the EIR, and all applicable mitigation measures of the River West Eaton Trail Extension Project EIR have been applied to the Project; and

e. Pursuant to Public Resources Code, Section 21157.6(b)(1), Council finds that no substantial changes have occurred with respect to the circumstances under which the prior EIR was adopted; and, that no new information, which was not known and could not have been known at the time that the prior EIR was certified, has become available. Accordingly, a subsequent EIR is not required.

2. The Council hereby adopts Findings pursuant to CEQA Guidelines 15091 and 15093 as required by CEQA Guidelines 15096, attached hereto as Exhibit A.

3. This resolution shall be effective upon adoption.

Attachment: Exhibit A - Findings of Fact and Statement of Overriding Considerations for
the River West Fresno Eaton Trail Extension Project

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2023.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
Heather Thomas Date
Deputy City Attorney

Exhibit A

Findings of Fact and Statement of Overriding Considerations for the River West Fresno Eaton Trail Extension Project

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1. Introduction

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, 15093 and 15096 of the California Environmental Quality Act (CEQA) Guidelines, associated with the construction of infrastructure necessary to provide traffic safety required at the intersection of Audubon Drive and Del Mar Avenue in the City of Fresno, pursuant to Mitigation Measure Alt. 1 – Traffic-1 of the Environmental Impact Report (EIR) certified for the River West Fresno Eaton Trail Extension Project, identified by SCH No. 2014061017. The City of Fresno is the Responsible Agency within the meaning of CEQA Guidelines Section 15381 for the purpose of installation of traffic safety infrastructure at Audubon Drive and Del Mar Avenue. The City is relying on the Findings of Fact adopted by the San Joaquin River Conservancy (Conservancy) for the River West Fresno, Eaton Trail Extension Project on December 13, 2017, as permitted by CEQA Guidelines Sections 15091 and 15096.

The CEQA Statutes (California Public Resources Code [PRC] Sections 21000, et seq.) and Guidelines (California Code of Regulations [CCR] Sections 15000, et seq.) state that if it has been determined that a project may or will have significant impacts on the environment, then an environmental impact report (EIR) must be prepared. Prior to approval of the project, the EIR must be certified pursuant to CEQA Guidelines Section 15090. When an EIR has been certified that identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to CEQA Guidelines Section 15091, for each identified significant impact:

- A. Changes or alterations have been required in, or incorporated into, such project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- B. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be adopted by such other agency.
- C. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

CEQA Guidelines Section 15092 states that after consideration of an EIR, and in conjunction with making the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the project. A project that would result in a significant environmental impact cannot be approved if feasible mitigation measures or feasible alternatives can avoid or substantially lessen the impact.

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse

environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record.

When the approval in question is proposed to be carried out by a Responsible Agency within the meaning of CEQA Guidelines Section 15381, then that agency must follow the process set forth in CEQA Guidelines Section 15096. Section 15096 requires that the Responsible Agency consider the Lead Agency’s EIR in light of CEQA Guidelines Section 15162 and determine if a subsequent or supplemental EIR is required. If a subsequent or supplemental EIR is not required, the Responsible Agency may rely on the analysis of the Lead Agency’s EIR. In so doing, the Responsible Agency must also make the findings required by Section 15091 for each significant effect of the project and must make findings pursuant to Section 15093 if necessary. These requirements are set forth in Section 15096(h).

The requirements of CEQA Guidelines Sections 15091, 15092, and 15093 (as summarized above) are all addressed herein. This document summarizes the findings of fact and statement of overriding considerations authorized by those provisions of the CEQA Guidelines and by the PRC for the project as required by CEQA Guidelines Section 15096.

2. Project Description

The San Joaquin River Conservancy (Conservancy) is the lead agency under CEQA. The Conservancy approved and administers the San Joaquin River Parkway Master Plan (Parkway Master Plan) which calls for the development of a multi-use trail extending the length of the parkway (designated the Lewis S. Eaton Trail within the City of Fresno) for the purpose of linking all recreation areas and natural reserves between Highway 99 and Friant Dam with a continuous, multipurpose trail on land, and with a canoe put-in, take-out, and rest areas along the river to create a recreation system with a variety of recreational opportunities within the Parkway. In implementing the Parkway Master Plan, the Conservancy in cooperation with the City of Fresno (City) proposes to extend the Lewis S. Eaton Trail (Eaton Trail) by constructing a multi-use extension approximately 2.4 miles from the Perrin Avenue alignment near State Route 41 on the east to Spano Park on the west within City limits on State owned property, referred to as the River West Fresno Project. The River West Project also includes provision of public access points, parking lots, pedestrian and bicycle access, and improvement of the trail surface and shoulders consistent with the Parkway Master Plan. The City is acting as a Responsible Agency here in implementing Mitigation Measure Alt. 1 – Traffic-1 to construct traffic safety infrastructure at the intersection of Audubon Drive and Del Mar Avenue.

2.1 Project Location and Setting

The River West Fresno Project is located along the San Joaquin River (River) between SR 41 and Spano Park, within the city limits of Fresno. The boundary extends from the River south to the San Joaquin River Bluffs (bluffs) and westward from SR 41 to Spano Park, located near the intersection of Palm Avenue and Nees Avenue. The study area in the River West Fresno Project EIR is approximately 358 acres and is

located on the south side of the River. A majority of the land is owned by the State of California under the management and jurisdiction of the Conservancy.

2.2 Project Background

The Conservancy first approved the Parkway Master Plan in December 1997 containing goals, objectives, and policies necessary to guide future development of specific projects implemented or sponsored by the Conservancy. The River West Fresno Project is one such project within the scope of the Parkway Master Plan and was assessed by an Environmental Impact Report (SCH No. 2014061017) consistent with the requirements of the California Environmental Quality Act. This project is included in the 2011 Federal Statewide Transportation Improvement Program and the Council of Fresno County of Governments 2011 Regional Transportation Plan. Funding is proposed from a variety of sources including the Fresno County Measure C Renewal sales tax program, development impact fees, and Federal Demonstration Funds.

The San Joaquin River Parkway is included in the Fresno General Plan and support of the Parkway Master Plan is included as a specific policy of the Fresno General Plan, and extension of the Eaton Trail into the River West Fresno Project Area was contemplated by the Fresno General Plan.

2.3 Project Objectives

The purpose of the project is as follows:

- Extend the Eaton trail from Woodward Park for 2.4 miles downstream along the River across State-owned land and provide recreation amenities consistent with the Parkway Master Plan policies.
- The broad purpose of the Conservancy is to link public recreational areas and natural reserves between SR 99 and Friant Dam with a continuous, multipurpose trail on land and with canoe put-in, take-out, and rest areas along the river.
- To create a recreation system with a variety of recreational opportunities within the planned San Joaquin River Parkway.
- Connect the multi-purpose trail with other local and regional trails consistent with the Parkway Master Plan Policies.
- Provide congestion relief and improved traffic flow in northwest Fresno.

2.4 Project Features

The Conservancy proposes to extend the existing Eaton Trail by constructing a multipurpose trail extension with ancillary recreation support features. The Eaton Trail would be extended approximately 2.4 miles, from the Perrin Avenue alignment near State Route (SR) 41 on the east to Spano Park on the west. The proposed trail would be about 22 feet wide, with a 12-foot-wide paved surface, a parallel 8-foot-wide hard natural surface for equestrian use, and a 2-foot shoulder (opposite the natural surface area) and generally would proceed from SR 41 to a point below the Spano Park overlook.

The City is responsible for the construction of a traffic signal at the three-way intersection of North Del Mar Avenue and West Audubon Drive in Fresno, California. This project is located within the immediate proximity of the Riverview Drive access point to the River West Eaton Trail Extension Project, which will serve as one of the primary public entrances to the San Joaquin River Parkway. The increased traffic to and from the Riverview Drive entrance will place further strain on the currently unprotected and overloaded intersection. This project will improve public safety, specifically for residents, visitors to the River West Eaton Trail Extension Project and the Conservancy, by protecting vehicular turning movements, reducing vehicular delays, and improving pedestrian and bicycle access.

Signalization of the Del Mar and Audubon intersection was addressed within the 2017 Final Environmental Impact Report prepared for the Conservancy for the River West Eaton Trail Extension, State Clearinghouse No. 2014061017, as a mitigation measure for Alternative 1, which included the addition of the West Riverview Drive entrance/trailhead. Due to increased traffic loading of trail users to and from the River West Eaton Trail Extension and uncertainty when mitigation measures could be completed, impacts to the Del Mar and Audubon intersection were considered significant and unavoidable. Construction of a traffic signal at the intersection would comply with the suggested mitigation measure listed in the Final Environmental Impact Report and would reduce the impacts to less than significant levels. The signalization would reduce wait times for traffic entering the intersection from Del Mar Avenue and would reduce the potential for traffic accidents.

The construction of the traffic light signal does not directly impact nor benefit ecological systems. The structural elements of the project will be designed to withstand the elements and the signal equipment, lights and pavement markings will be maintained by the City of Fresno.

3. Procedural Findings

Based on the nature and scope of the River West Fresno Project, the Conservancy, as Lead Agency determined that an EIR was appropriate for the project (the River West Fresno Project EIR). The River West Fresno Project EIR (State Clearinghouse No. 2014061017) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA. It was certified by the Conservancy on November 15, 2017. Findings of Fact and a Mitigation and Monitoring and Reporting Program along with Alternative 5B were adopted on December 13, 2017. An Addendum to the River West Fresno Project EIR was adopted on August 12, 2020.

As a Responsible Agency pursuant to CEQA Guidelines Section 15381, the City has considered the River West Fresno Project EIR prior to approval of a Grant Agreement between the San Joaquin River Conservancy and the City in the amount of \$1,200,000 to develop Project plans, specifications, estimates, and secure permitting to make traffic safety and infrastructure improvements at the intersection of Audubon and Del Mar which is necessary to implement the overall River West Fresno Project, as set forth by CEQA Guidelines Section 15096.

4. Record of Proceedings

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

City of Fresno Documents:

- City of Fresno staff reports and all attachments

Conservancy Documents:

- The DEIR and all appendices to the DEIR;
- The Partially Revised DEIR and all appendices to the Partially Revised DEIR
- The FEIR and all appendices to the FEIR, and all volumes that constitute the FIER;
- Conservancy Resolution No. 17-01 Certifying the EIR;
- Conservancy Resolution No. 17-02 adopting Alternative 5B, the Findings of Fact, and Mitigation Monitoring and Reporting Program;
- 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, the DEIR, and the Partially Revised DEIR;
- All studies conducted for the project and contained or referenced in the DEIR, the Partially Revised DEIR, and the FEIR;
- All documents cited or referenced in the DEIR, the Partially Revised DEIR and the FEIR;
- All public reports and documents related to the project prepared for the City and other agencies;
- All other documents related to the project; and
- Any additional items not included above if otherwise required by law.

The City staff reports and attachments are available for review by interested members of the public during normal business hours at the City offices at 2600 Fresno Street, Room 3065, Fresno, CA.

Conservancy documents may be reviewed by interested members of the public by contacting the San Joaquin River Conservancy at (559) 253-7324 or visiting <https://sjrc.ca.gov/Eaton-Trail-Extension-EIR/>.

The DEIR, the Partially Revised DEIR, and FEIR are incorporated into these findings in their entirety, unless and only to the extent these findings expressly do not incorporate by reference the DEIR, Partially Revised DEIR, and FEIR. 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.

5. Findings Required Under CEQA

PRC Section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]” The same statute states that the procedures required by CEQA “are intended to assist public agencies in systematically identifying both the significant effects of projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.” Section 21002 of the PRC goes on to state that “in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.”

The mandate and principles in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first such finding is that changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the FEIR (CEQA Guidelines Section 15091(a)(1)). For purposes of these findings, the term “avoid” refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term “substantially lessen” refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less- than-significant level.

The second permissible finding is that such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency (CEQA Guidelines Section 15091(a)(2)).

The third potential conclusion is that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the DEIR, Partially Revised DEIR, and FEIR (EIR) (CEQA Guidelines Section 15091(a)(3)). “Feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors (CEQA Guidelines Section 15364).

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a

project. Moreover, “feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417).

In the process of adopting mitigation measures, the City has made a determination regarding whether the mitigation proposed in the EIR is “feasible.”

In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section 5, “Findings Required Under CEQA,” and in Section 7, “Statement of Overriding Considerations,” below.

5.1 Summary of Findings

The DEIR and Partially Revised DEIR identified a number of less-than-significant impacts associated with the project that do not require mitigation. The DEIR, and Partially Revised DEIR 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. Through incorporation of best practices and the mitigation measures identified in the FEIR, the significant environmental effects have been reduced to less than significant. Nevertheless, the City has determined that implementation of Mitigation Measure Alt. 1 – Traffic-1, which is a necessary component of the overall River West Fresno, Eaton Trail Extension Project, confers economic, legal, technological, social, and other benefits, and furthers the General Plan policies listed in Section 7 below.

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 DEIR, the Partially Revised DEIR, and FEIR for more detail.

The following provides a summary description of each potentially significant and significant impact, describes the applicable mitigation measures identified in the FEIR 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 DEIR and FEIR 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 in 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)).

Findings Regarding Less Than Significant Impacts (No Mitigation Required)

The City agrees with the characterization in the DEIR, the Partially Revised DEIR, and FEIR of all project-specific impacts identified as “less than significant” and finds that those impacts have been described accurately and are either less than significant or have no impact, as described in the EIR. Section 15091 of the CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having no impact or a less-than-significant impact.

The impact categories which contained an impact for which the project would result in either no impact or a less-than-significant impact, and which require no mitigation, are identified in the bulleted list below. Please refer to the DEIR, the Partially Revised DEIR, and FEIR for more detail.

- Aesthetics
- Agriculture and Forest Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soil
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Service
- Recreation

- Transportation
- Utilities and Service Systems

Findings Regarding Impacts Mitigated to a Level of Less than Significant

The City hereby finds that feasible mitigation measures have been identified in the DEIR, the Partially Revised DEIR, and the FEIR and these Findings of Fact incorporate the feasible mitigation measures identified in those documents by reference and find that they will avoid or substantially lessen the potentially significant and significant environmental impacts to a less-than-significant level, in the impact categories listed below. Please refer to the DEIR, the Partially Revised DEIR, and the FEIR for more detail.

- Aesthetics
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Noise

Finding on Proposed Mitigation

The City finds that, with implementation of the mitigation measures incorporated by reference above, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the impacts identified in the DEIR, the Partially Revised DEIR, and the FEIR.

Significance after Mitigation

The City finds that implementation of all mitigation measures incorporated by reference above would minimize their corresponding impacts to less than significant.

Findings Regarding Environmental Impacts not Mitigated to Less-than-Significant Levels

As described in Chapter 3, “Affected Environment, Environmental Consequences, and Mitigation Measures,” the proposed River West Fresno, Eaton Trail Extension Project would involve multiple potentially significant impacts. However, with the implementation of best management practices (BMPs) that have been incorporated into the project design (refer to Section 2.5.2, “Best Management Practices”) and with implementation of specific proposed mitigation measures where needed (e.g., for biological resources and aesthetic and visual resources), all potentially significant impacts associated with implementation of the project would be avoided and reduced to less-than-significant levels.

5.2 Mitigation Monitoring

Mitigation Measures were made a condition of approval for the project when the River West Fresno Project was certified by the Conservancy. The City will coordinate with the Lead Agency to ensure compliance with all applicable mitigation measures and project conditions in implementing the River West Fresno Project.

6. 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 remains any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. As noted under the heading “Findings Required under 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).

6.1 Project Alternatives Considered

The Lead Agency and their Project Development Team explored a number of alternatives for the River West Fresno Project. The alternatives summarized below were considered and evaluated in the EIR

Alternative 1: the “Added Parking” alternative, was developed to provide convenient vehicle access for residents of the Fresno metropolitan area.

Alternative 2: the “Bluff Trail Alignment” alternative was developed to reduce the circuitous alignment of the proposed trail and reduce potential impacts on riparian habitat and disturbance to nearby residences on the floodplain.

Alternative 3: the “River’s Edge Trail Alignment” alternative was developed to provide multiuse trail access close to the River and to possibly reduce the potential effects of wildland fires on the residence locate on the bluffs.

Alternative 4: the “No Parking” alternative was developed to address the potential side effects of parking at the project site including noise, vehicle traffic, and effects on safety.

Alternative 5: the “Palm and Nees Access” alternative was developed to provide greater, more convenient vehicle access for residents of the Fresno metropolitan area, including increasing opportunities for equal access for disadvantaged communities, and to provide more parking capacity.

Alternative 5B: the “North Palm Avenue Access” was developed to provide additional options for addressing more convenient vehicle access for residents of the Fresno metropolitan area including increasing opportunities for equal access for disadvantaged communities, and to provide more parking capacity. Alternative 5B would provide an additional entrance proceeding from North Palm Avenue through Spano Park with a new access road descending the bluff, and an additional parking area located to the west of the project study area.

Alternative 6: the “No Project” alternative, was included in accordance with CEQA Guidelines Section 15126.6(d)(3)(B). This alternative considers the effects if the project were not to proceed, and if no trail extension, or recreational amenities were constructed.

Table 5.13-1 in the FEIR summarizes the environmental impacts with the impacts of the listed alternatives. The Conservancy selected Alternative 5B, which is an added off-site alternative that includes the proposed project itself. The Conservancy’s analysis of the alternatives, including its identification of a preferred alternative as set forth in the FEIR, are incorporated herein, in-full, by reference.

The City concurs with the Conservancy’s analysis and findings with respect to the alternatives analysis and identification of a preferred alternative.

7. 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.

Based on the record of proceedings, the City finds and determines that (1) 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) due to the incorporation of Best Management Practices, there are no impacts that will remain significant and unavoidable.

Therefore, a statement of overriding considerations as described in Section 15093 of the CEQA Guidelines is not required.

Nevertheless, the implementation of the project does confer substantial economic, legal, social, technological, and other benefits to the City and its residents and is supported by the following Objectives and Policies of the Fresno General Plan:

Policy POSS-7-g: San Joaquin River Parkway - River West Fresno Project Area. Support the extension of the Lewis Eaton Trail into the River West Fresno Project Area consistent with the San Joaquin River Parkway Master Plan.

Policy POSS-7-h: Interlink City and San Joaquin River Parkway Trail Networks. Strive to connect the parkway trail network to other trails in the vicinity, in order to create a

community and regional trail system that offers a variety of different route combinations and enhances public access to the parkway.

Policy POSS-7-I: Public Access to the San Joaquin River Parkway Trail Networks. Strive to provide public access to the parkway from public streets, roads, and rights-of-way immediately adjacent to parkway properties, facilities, and trails.

Objective POSS-7: Support the San Joaquin River Conservancy in its collaborative, multiagency efforts to develop the San Joaquin River Parkway

Supporting the implementation of the Parkway Master Plan and directly implementing the River West Fresno Project by constructing intersection improvements at Audubon Drive and Del Mar Avenue is in the best interests of the City.