

Exhibit F
Final Program EIR

Response to Comments on the Final Environmental Impact Report City of Fresno Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code City of Fresno, Fresno County, California

Prepared for:



City of Fresno

Development and Resource Management Department
2600 Fresno Street
Fresno, CA 93721
559.621.8003

Contact: Sophia Pagoulatos, Planning Manager

Prepared by:

FirstCarbon Solutions

7265 N. First Street, Suite 101
Fresno, CA 93720

Contact: Jason Brandman, Project Director
Kim Burnell, Project Manager

Date: October 7, 2016

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SECTION 1: INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Fresno has evaluated the comments received on the City of Fresno Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code Draft Environmental Impact Report (EIR). The Draft EIR was released for public review and comment from August 5, 2016 through September 12, 2016. This Response to Comments (including the Errata) comprise the Final EIR for use by the City of Fresno and responsible agencies in their review of the proposed project.

This Response to Comments document is organized as follows:

- **Section 1: Introduction.**
- **Section 2: List of Commenters.** Provides a list of agencies, organizations, and individuals that commented on the Draft EIR.
- **Section 3: Responses to Comments.** Includes a copy of all of the letters received and provides responses to comments on environmental issues describing the disposition of the issues, explaining the Draft EIR analysis, supporting the Draft EIR conclusions, and/or providing clarifying information or corrections, as appropriate. This section is organized with a copy of the comment letter followed by the corresponding responses.
- **Section 4: Errata.** Includes the errata, clarifications, and additions to the Draft EIR.

Additionally, these Responses to Comments and Errata clarify, amplify, and expand on the fully adequate analysis and significance conclusions that were already set forth in the Draft EIR for public review. CEQA Guidelines Section 15088.5 makes clear that such clarifications and amplifications are appropriate under CEQA and do not require recirculation of the EIR. Specifically, Section 15088.5 states:

- a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:
 - 1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
 - 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
 - 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

As set forth in more detail in these Responses to Comments and Errata, none of the clarifications or amplifications set forth herein change the significance conclusions presented in the Draft EIR or substantially alter the analysis presented for public review. Furthermore, the Draft EIR circulated for public review was fully adequate under CEQA such that meaningful public review was not precluded. Thus, the clarifications provided in these Responses to Comments and Errata do not constitute significant new information that might trigger recirculation.

SECTION 2: LIST OF COMMENTERS

A list of public agencies, organizations, and individuals who provided comments on the Draft EIR through the close of the public review period ending September 12, 2016 is presented below. Each comment has been assigned a code. Individual comments within each correspondence have been numbered so comments can be cross-referenced with responses. The text of the correspondence is reprinted in Section 3, Responses to Comments, immediately followed by the corresponding response.

Table 2-1: List of Commenters

Code	Commenter	Comment Date
A	Caltrans, District 6, Michael Navarro	September 12, 2016
B	California Public Utilities Commission, Ken Chiang	August 2, 2016
C	California Public Utilities Commission, Marvin Kennix	August 2, 2016
D	Department of Public Works and Planning, Jeremy Shaw	September 9, 2016
E	Fresno Irrigation District, Laurence Kimura	September 8, 2016
F	Fresno’s Historic Preservation Program, Karana Hattersley-Drayton	August 23, 2016
G.1	Leadership Counsel for Justice and Accountability, Ashley Werner	September 12, 2016
G.2	Leadership Counsel for Justice and Accountability, Ashley Werner	October 9, 2014
G.3	Department of Housing and Community Development, Glen A. Campora	August 11, 2016
H	Fresno Metropolitan Flood Control District, Wendell Lum	September 13, 2016

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SECTION 3: RESPONSES TO COMMENTS

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the City of Fresno (City), as the lead agency, evaluated the comments received on the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan, the Downtown Development Code, and the Draft EIR (State Clearinghouse No. 2012041009). The responses provided focus on the Draft EIR. More detailed responses to comments on the Plans and Code that are not directed at the EIR are addressed under separate cover with the staff report.

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DEPARTMENT OF TRANSPORTATION**DISTRICT 6**

1352 WEST OLIVE AVENUE
 P.O. BOX 12616
 FRESNO, CA 93778-2616
 PHONE (559) 445-5868
 FAX (559) 445-5875
 TTY 711
 www.dot.ca.gov

Letter A

Page 1 of 3



*Serious drought.
 Help save water!*

September 12, 2016

06-FRE-GEN-GEN
 Downtown Neighborhoods Community Plan,
 Fulton Corridor Specific Plan, and
 Downtown Development Code
 NOC/DEIR

Ms. Sophia Pagoulatos
 Planning Manager
 City of Fresno, DARM Department
 2600 Fresno Street, Room 3076
 Fresno, California 93721

Dear Ms. Pagoulatos:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. The mission of Caltrans is to provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

The following comments are based on the Draft Environmental Impact Report (DEIR) for the City of Fresno of Fresno's Downtown Neighborhoods Community Plan (DNCP), Fulton Corridor Specific Plan (FCSP), and Downtown Development Code (DDC). The DNCP/FCSP area is located within the southern portion of the City and covers 7,290 acres.

It is generally bounded by State Route (SR) 180 to the north, by Chestnut Avenue to the east, by Church Avenue to the south, and by Thorne, West and Marks Avenues to the west. Along the western side of the Plan Area the boundaries extend as far north as Clinton Avenue as shown on Figure 1 (Location of DNCP and FCSP within the City). A portion of SR 99, SR 41, and SR 180 are within the DNCP and FCSP area of influence.

Some of the principles of this specific plan include creating a quality walking experience by improving transit, parking, regions air quality, and prioritizing economic development over traffic congestion concerns.

Caltrans Planning comments:

The DNCP, FCSP, and DDC, hereafter referred to as the "Plan" or "Study" proposed transportation improvements that mitigate impacts to the environment and to the State highway system. The mitigation in the plans provided sufficient detail in the funding matrix in both the DNCP and the FCSP, Chapter 8-Implementation and Chapter 11.7-Implementation, respectively.

SR 99 is essential to the economic vitality for the State. For the people in Fresno County, it is a means to access to goods and services in Fresno, as well as other parts of the state and international markets. Caltrans considers SR 99 to be the most important corridor in Fresno

A-1

A-2

Ms. Sophia Pagoulatos
September 12, 2016
Page 2

County. Principles or strategies for alleviating vehicle trips to SR 99, along with SR 180 and SR 41 is recommended.

A-2

Caltrans appreciates that the Plan provides real mitigation measures that encourage mode shift and encourage and considers as mitigation reduction of headways, addition of transit routes, ride share incentives, and other trip reduction strategies that would result in improving air quality and real reduction in trips to the state highway system.

A-3

Caltrans concurs that the City will monitor AM and PM peak-hour traffic operations at the impacted intersections at regular intervals as determined by the City Traffic Engineer. The City of Fresno should also implement a Transportation Management Association (TMA) once the impacted Caltrans intersections reach LOS D operations during either the AM or PM peak hour and funded to actively implement feasible Transportation Demand Management (TDM) strategies to reduce peak-hour vehicle trips to/from the project area, as supported by DNCP Policy 3.3.3 and General Plan Policy MT-2-g.

A-4

The TMA implementation should include the TDM that was cited in MM-TRANS-3a, 4a, and 5a. In addition, the implementation of General Plan Policy MT-2-j and MT-2-l pursuant to Fresno General Plan MEIR impact TRANS-1 to seek funding for a multimodal transportation system and funding mechanism to address region-wide traffic impacts as City of Fresno in MM-TRANS-3b, 4b, and 5b.

A-5

The City of Fresno's Traffic Signal Mitigation Impact (TSMI) fee funds traffic signal improvements, including new traffic signals, adding protected left-turn phasing, and modifications to existing traffic signals. The TSMI Nexus Analysis included the following study intersections:

New Traffic Signals:

- Belmont Avenue/SR-99 southbound ramps
- Belmont Avenue/SR-99 northbound ramps
- Stanislaus Street/SR-99 southbound off-ramp
- Ventura Avenue/SR-99 northbound ramps
- SR-41 southbound off-ramp/Van Ness Avenue
- SR-41 northbound off-ramp/Van Ness Avenue

A-6

The City of Fresno should also consider including the following downtown locations in the next update to the TSMI fee program:

- SR-41/Tulare Street-Divisadero Street
- SR-180/Fulton Street-Van Ness Avenue
- SR-180 EB On-Ramp/Van Ness Avenue
- Stanislaus Street/SR-99 NB On-Ramp
- Tuolumne Street/SR-99 SB Frontage Road
- Tuolumne Street/SR-99 NB Frontage Road
- Fresno Street/SR-99 SB Ramps
- Fresno Street SR-99 NB Ramps
- SR-41 SB Off-Ramp/Van Ness Avenue

Ms. Sophia Pagoulatos
September 12, 2016
Page 3

Caltrans applauds the City of Fresno in efforts in what appears to be in line with the Smart Growth Principles of the "California Interregional Blueprint" and the "San Joaquin Valley Regional Blueprint; Vision for the Valley." The "Plan" will develop a valley-wide "vision" that will include the integration of transportation, housing, land use, economic development and environmental protection that will serve as a significant contribution to improving the Valley's quality of life.

A-7

Caltrans Traffic Operations Comments:

On Pages 6 and 8 of DEIR Section 5.14, it is indicated that FCSP Policy 9-1-13 recommends that the loop entrance ramp from Broadway Street to southbound SR 41 should be removed and replaced with a direct entrance ramp from Van Ness Avenue.


A-8

In addition to removing and replacing the loop entrance ramp with a direct ramp, Caltrans would recommend removing and replacing the existing direct on-ramp from Broadway Street to northbound SR 41 with a direct on-ramp from Van Ness Avenue to northbound SR 41. This would complete a full interchange at Van Ness Avenue rather than leaving a single isolated on-ramp from Broadway Street. Additionally, it is recommended that a partial clover leaf interchange should be explored for SR 41 at Van Ness Avenue as this may also increase capacity at the interchange and be beneficial to the City's downtown plans.

A-9

If you have any further questions, please contact David Padilla, Associate Transportation Planner, Transportation Planning-North Branch, at (559) 444-2493.

Sincerely,



MICHAEL NAVARRO, CHIEF
Planning North Branch

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Letter A: Department of Transportation, Michael Navarro, September 12, 2016

Response to Comment A-1

Comment acknowledged. The commenter is correct in stating that the specific plan includes creating a quality walking experience by improving transit, parking, regions air quality, and prioritizing economic development over traffic congestion concerns.

Response to Comment A-2

Comment acknowledged. The commenter is correct in stating that the proposed transportation improvements mitigate impacts to the environment and to the state highway system.

Response to Comment A-3

Comment acknowledged. The commenter is correct in stating that the proposed plan provides real mitigation measures that encourages mode shift and encourage and considers as mitigation reduction of headways, addition of transit routes, ride share incentives, and other trip reduction strategies that would result in improving air quality and real reduction in trips to the state highway system.

Response to Comment A-4

Comment acknowledged. The commenter is correct in stating that the City will monitor AM and PM peak-hour traffic operations at the impacted intersections at regular intervals as determined by the City Traffic Engineer. In addition, DNCP Policy 3.3.3 and General Plan Policy MT-2-g will implement feasible Transportation Demand Management (TDM) strategies to reduce peak-hour vehicle trips to/from the project area.

Response to Comment A-5

Comment acknowledged. The commenter is correct in stating that the City will implement feasible Transportation Demand Management (TDM) strategies to reduce peak-hour vehicle trips to/from the project area. Comment acknowledged. The City of Fresno will consider including the nine (9) additional downtown locations identified in Comment A-6 in the next (2018) update to the TSMI fee program.

Response to Comment A-6

Comment acknowledged. The City of Fresno should also consider including the nine (9) additional downtown locations identified in Comment A-6 in a future update to the TSMI fee program.

Response to Comment A-7

Comment acknowledged. The City of Fresno wholly supports the Smart Growth Principles of the “California Interregional Blueprint” and the “San Joaquin Valley Regional Blueprint; Vision for the Valley.”

Response to Comment A-8

Comment acknowledged. The commenter is correct in stating that on pages 6 and 8 of the DEIR Section in 5.14, it is indicated that FCSP Policy 9-1-13 recommends that the loop entrance from Broadway Street to southbound SR-41 should be removed and replaced with a direct entrance ramp

Response to Comment A-9

The commenter's proposed modifications to provide a full interchange at Van Ness Avenue will be considered as a project alternative when the City of Fresno and Caltrans undertake a Project Study Report/Project Development Support (PSR/PDS) for the SR-41/Van Ness Avenue interchange.

PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500
LOS ANGELES, CA 90013
(213) 576-7083

Letter B
Page 1 of 1



August 2, 2016

Sophia Pagoulatos
City of Fresno
2600 Fresno Street, Room 3065
Fresno, CA 93721

Dear Sophia:

Re: SCH 2012041009 Fresno (FRESNO) Downtown Neighborhoods Community Plan - DEIR

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Branch (RCEB) has received the *Draft Environment Impact Report (DEIR)* from the State Clearinghouse for the proposed City of Fresno (City) Downtown Neighborhoods Community, Fulton Corridor Specific Plan and Downtown Development Code project.

According to the DEIR, the project area includes active railroad tracks. RCEB recommends that the City add language to the project plan so that any future development adjacent to or near the rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes, and continuous vandal resistant fencing or other appropriate barriers to prevent trespassers onto the railroad ROW.

If you have any questions in this matter, please contact me at (213) 576-7076, ykc@cpuc.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ken Chiang".

Ken Chiang, P.E.
Utilities Engineer
Rail Crossings and Engineering Branch
Safety and Enforcement Division

C: State Clearinghouse

B-1

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Letter B: California Public Utilities Commission, Ken Chiang, August 2, 2016

Response to Comment B-1

Impact TRANS-8 and Mitigation TRANS-8 identify that implementation of the DNCP and FCSP would include improvements to the existing at-grade railroad crossings to ensure that they have adequate vehicle, bicycle, and pedestrian facilities, and that the crossing gates meet PUC standards. The implementation of these improvements would improve conditions at at-grade railroad crossings and lessen potential project impact to less than significant.

The FCSP includes the following policies related to transportation and circulation near railroad crossings:

- **Policy 9-14-1:** Add sidewalks and enhance existing pedestrian facilities and safety at all railroad crossings.
- **Policy 9-14-2:** Provide safe and well-designed bicycle crossings of the railroad right-of-way at all places identified in the Fresno Bicycle Master Plan.

The DNCP includes the following policies related to transportation and circulation near railroad crossing:

- **Policy 3.3.4:** Utilize to the extent feasible, a tiered system of flexible, multi-modal Level of Service (LOS) criteria to evaluate the transportation performance of streets while generally striving to provide for an automobile level of service (LOS) of “D” or better for street segments and intersections located outside of the Core Area (bound by State Routes 99, 41, and 180).
- **Policy 3.9.5:** In consultation with the California Public Utilities Commission, ensure that equipment and design strategies used in railroad crossing improvements integrate appropriately with their surrounding location. (FSCP 7-13-3).
- **Policy 3.9.6:** In consultation with the California Public Utilities Commission and as situations allow and funding becomes available, support an increase in the number of pedestrian, bicycle, and vehicle crossings of railroads and enhance existing crossings in order to improve safety for all modes and access for pedestrians and cyclists. (FSCP 7-13-4) (FCSP 7-13-1).

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From: Kennix, Marvin L. <marvin.kennix@cpuc.ca.gov>
Sent: Tuesday, August 02, 2016 3:04 PM
To: Sophia Pagoulatos
Subject: Downtown Plans and Code Draft Environmental Impact Report (SCH #2012041009)

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Sophia:

I am the Utilities Engineer (CPUC) who is responsible for rail crossing safety in the Fresno area. I'd just like to "piggy-back" on my co-worker's comments and specifically emphasize the installation of sidewalks across the tracks when development causes rail crossings or surrounding areas to be modified. In the past, we have seen that the City has ended sidewalks just before the tracks rather than have them cross the tracks. We would like the City to refrain from the practice of ending sidewalks just before the tracks.

C-1

Thanks,
Marvin L. Kennix
Marvin Kennix
Utilities Engineer
Rail Crossings and Engineering Branch
Safety and Enforcement Division
CPUC
(916) 928-3809

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Letter C: California Public Utilities Commission, Marvin Kennix, August 2, 2016

Response to Comment C-1

Comment acknowledged. The FCSP includes the following policies related to transportation and circulation near railroad crossings:

- **Policy 9-14-1:** Add sidewalks and enhance existing pedestrian facilities and safety at all railroad crossings.
- **Policy 9-14-2:** Provide safe and well-designed bicycle crossings of the railroad right-of-way at all places identified in the Fresno Bicycle Master Plan.

Impact TRANS-8 and Mitigation TRANS-8 identify that implementation of the DNCP and FCSP would include improvements to the existing at-grade railroad crossings to ensure that they have adequate vehicle, bicycle, and pedestrian facilities, and that the crossing gates meet PUC standards. The implementation of these improvements would improve conditions at at-grade railroad crossings and lessen potential project impact to less than significant.

The DNCP includes the following policies related to transportation and circulation near railroad crossing:

- **Policy 3.3.4:** Utilize to the extent feasible, a tiered system of flexible, multi-modal Level of Service (LOS) criteria to evaluate the transportation performance of streets while generally striving to provide for an automobile level of service (LOS) of “D” or better for street segments and intersections located outside of the Core Area (bound by State Routes 99, 41, and 180).
- **Policy 3.9.5:** In consultation with the California Public Utilities Commission, ensure that equipment and design strategies used in railroad crossing improvements integrate appropriately with their surrounding location. (FSCP 7-13-3).
- **Policy 3.9.6:** In consultation with the California Public Utilities Commission and as situations allow and funding becomes available, support an increase in the number of pedestrian, bicycle, and vehicle crossings of railroads and enhance existing crossings in order to improve safety for all modes and access for pedestrians and cyclists. (FSCP 7-13-4) (FSCP 7-13-1).

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County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

September 9, 2016

City of Fresno
Development and Resource Management Department
Attn: Sophia Pagoulatos, Planning Manager
2600 Fresno Street, Third Floor, Room 3065
Fresno, CA 93721

Dear Ms. Pagoulatos:

Subject: Notice of Availability of the Draft Environmental Impact Report for the Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan and the Downtown Development Code

The County of Fresno appreciates the opportunity to review and comment on the City of Fresno's Draft EIR for the Downtown Neighborhoods Community Plan (DNCP), the Fulton Corridor Specific Plan (FCSP), and the Downtown Development Code. The Department of Public Works and Planning has completed its review and has the following comments with respect to this project:

Road Maintenance and Operations Division:

County roads within the fringe area of the plan include Belmont Avenue (Hughes to Marks), Olive Avenue (Hughes to Marks), Hughes Avenue (Olive to Belmont), and Marks Avenue (Olive to Belmont). The City has classified Belmont, Hughes, and Olive as collector streets, and Marks as an arterial. The classification of Belmont as a collector road is in conflict with the County General Plan, which classifies Belmont as an arterial.

D-1

Collector street widths in the City plan are shown as 80 feet in width and Arterials as 100 feet in width, which differs from County General Plan standards for collectors and arterials, which are 84 feet in width and 106 feet in width, respectively. Additionally, the previously listed County roads are depicted as boulevards, which would include bike lanes and landscaped sidewalk areas; the difference between a collector boulevard and an arterial boulevard, according to the plan, is the addition of on-street parking for the arterial. The cross sections for collector and arterial boulevards both depict those streets as undivided four lane roads with center turn lanes. The County cross section for an arterial typically includes a median.

D-2

Community Development Division/Fresno County Office of Tourism:

Within the proposed Fulton Street Design and surrounding public transportation and parking facilities, there is no mention or provision included for ridesharing drop-off and pick-up. It is suggested that the plan incorporate into its design features designated ride share drop-off and pick-up locations. Additionally, tourists, convention attendees and other visitors utilizing the

D-3

City of Fresno
Development and Resource Management Department
September 9, 2016
Page 2 of 2

proposed HSR station may want to use the ridesharing option in lieu of public transit or personal vehicle.

D-3
CONT

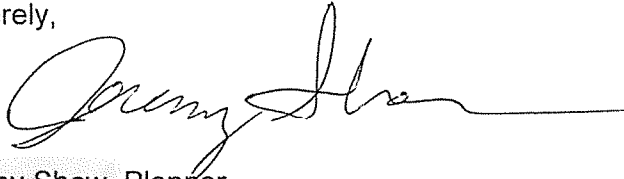
In the preface to the Fulton Street Corridor Specific Plan, there is a photo of downtown Fresno with the caption "View of Fulton Street at Tulare Street (1936)" credit Pop Laval collection. An identical photo is shown on page 4:8 with the caption ("Fulton Street in the 1920's"). The two photos should be credited with the same consistent date and location. Lastly, the drawing at the top of page 12 (section 4.5 Design of Fulton Street, continued) does not appear to depict the relocated artwork per the design maps preceding this drawing, on pages 4:10 and 4:11. It may be helpful to depict the relocated artwork in illustrations to reflect what is shown on the design maps of the Fulton Mall project.

D-4

D-5

We appreciate the opportunity to comment on the project. If you have any questions, you may contact me at jshaw@co.fresno.ca.us or (559) 600-4207.

Sincerely,



Jeremy Shaw, Planner
Development Services Division

JS:jem
G:\4360Devs&Pln\EnvPlan\OAR\City of Fresno\Downtown Plans and Code Draft EIR\Agency Comments\Comment Ltr.doc

c: Chris Motta, Principal Planner
Frank Daniele, Supervising Engineer
Gigi Gibbs, Division Manager, Director of Tourism

**Letter D: Count of Fresno Department of Public Works and Planning, Jeremy Shaw,
September 9, 2016**

Response to Comment D-1

This comment notes that the City has classified Belmont, Hughes, and Olive as collector streets, and Marks as arterial, and suggests that the classification of Belmont as a collector road is in conflict with the County General Plan, which classifies Belmont as an arterial. The roadway classifications proposed in the plan would only apply to the roadways within the City of Fresno.

Response to Comment D-2

The roadway design and cross sections proposed in the plan for collector and arterial roadways would only apply to the roadway segments located within the City of Fresno.

Response to Comment D-3

The City of Fresno High Speed Rail (HSR) Station Area Master Plan includes provisions for ridesharing drop-off and pick-up. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

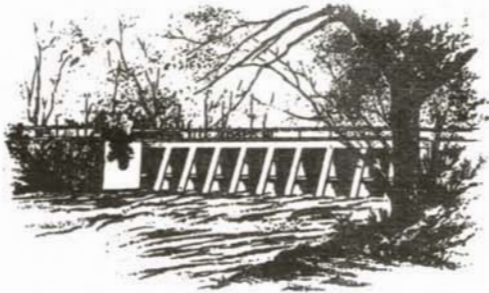
Response to Comment D-4

The commenter identified recommended revisions that are not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment D-5

The commenter identified recommended revisions that are not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

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YOUR MOST VALUABLE RESOURCE - WATER

OFFICE OF
FRESNO
IRRIGATION DISTRICT

TELEPHONE (559) 233-7161
FAX (559) 233-8227
2907 S. MAPLE AVENUE
FRESNO, CALIFORNIA 93725-2208

September 8, 2016

Sophia Pagoulatos, Planning Manager
City of Fresno
2600 Fresno Street, Third Floor, Room 3065
Fresno, CA 93721

RE: Draft Environmental Impact Report (DEIR) for the Downtown Neighborhoods Community Plan (DNCP), the Fulton Corridor Specific Plan (FCSP) and the Downtown Development Code (DDC)
FID Facilities: Braly No. 14, Fanning No. 76, Cole S. Br. No. 40, Dry Creek No. 75

Dear Ms. Pagoulatos:

The Fresno Irrigation District (FID) has reviewed the Draft Environmental Impact Report (DEIR) for the Downtown Neighborhoods Community Plan (DNCP), the Fulton Corridor Specific Plan (FCSP) and the Downtown Development Code (DDC). The Planning Area is located within the southern portion of the City and is generally bounded to the east by Chestnut Avenue, to the south by Church Avenue, to the west by Thorne, and to the north by State Route 180, as shown on the attached exhibit map. The City proposes for the adoption of the DNCP, FSCP and DDC. We appreciate the opportunity to review and comment on the subject documents for the proposed project. Your proposed project is a significant development and requires thorough and careful consideration of all of the potential impacts. Our comments are as follows:

Impacted Facilities

1. FID has several canals within the Project Area as shown on the attached FID exhibit map. The major facilities include: Braly No. 14, Fanning No. 76, Dry Creek No. 75 and Cole S. Br. No. 40. FID's canals range from smaller diameter pipelines to large open canals. In many cases, the existing facilities will need to be relocated to accommodate new urban developments which will require new pipelines and new exclusive easements. FID anticipates it will impose the same conditions on future projects as it would with any other project located within the common boundary of the City of Fresno and FID. FID will require that it review and approve all maps and plans which impact FID canals and easements.
2. FID's facilities that are within the Planning Area carry irrigation water for FID users, recharge water for the City, and flood waters during the winter months. In addition to FID's facilities, private facilities also traverse the Planning Area.

E-1

E-2

Ms. Sophia Pagoulatos
Re: DEIR for DNCP, FCSP, and DDC
September 8, 2016
Page 2 of 3

Water Supply Impact

1. The potential for increase in water consumption by the project will result in additional groundwater overdraft. There is a significant cone of depression beneath the City of Fresno. FID is concerned that the increased water demand due to a change in land use will have a significant impact to the groundwater quantity and/or quality underneath the City of Fresno, FID and the Kings Groundwater Sub-basin. E-3
2. According to the City's Draft Environmental Impact Report for DNCP, FCSP, and DDC, under Utilities and Service systems, FID would supply the City an estimated 108,200 acre-feet/year (afy) from 2010 increasing to 132,400 afy by 2035. The estimates are consistent with the City's Urban Water Management Plan. For the 2014, year FID supplied the City with approximately 62,000 acre-feet and in 2015 the supply decreased to approximately 43,000 acre-feet. The yearly water supply depends heavily on the amount of precipitation produced for each year. In wet years, FID can supply more water, and in dry years the number can be significantly less. FID would like to see the City keep progressing towards the goal of a balanced water supply, but FID is concerned with the City's progress in balancing the water usage if the necessary offsets for the increased water demands are not accomplished or development occurs at a rate greater than water conservation goals. E-4
3. The document inaccurately states that the surface water obtained from FID in exchange for treated wastewater pumped from the underground is provided to the City's Surface Water Treatment Facility (SWTF). By the agreement, any surface water obtained by the City is used by FID for direct or in lieu recharge in the eastern portion of the District, not provided to the SWTF as stated in the document. E-5

Road Improvement Impact

1. History and Prior Rights – FID was formed in 1920 as a successor to the privately owned Fresno Canal and Irrigation Company. The assets of the company consisted of over 600 miles of canals and distribution works, which were constructed between the years 1860 and 1900, as well as extensive water rights on the Kings River. In most cases, FID canals pre-date all roads, highways, and railroads. E-6
2. Road Improvements - Many FID canals and pipelines will be impacted by future road improvements. Significant effort will be required to allow for such growth and expansion in a manner that allows FID to maintain and operate its facilities in an efficient and effective manner. E-7
3. Small/Medium Canal Crossing Requirements – The majority of the proposed crossings will impact existing pipelines and small open channel canals. In urban settings, FID's existing conveyance system will need to be converted to Rubber Gasket Reinforced Concrete Pipe (RGRCP) installed to FID's specifications. E-8
4. Large Canal Crossing Requirements – There may be a few large canal crossings, such as the Dry Creek Canal, that will not be able to be contained within a pipeline. The design shall protect the canal's integrity and FID's ability to maintain and operate the conveyance system in an urban setting. The proposed canal crossing must be designed E-9

Ms. Sophia Pagoulatos
Re: DEIR for DNCP, FCSP, and DDC
September 8, 2016
Page 3 of 3

to convey the water in a safe and efficient manner without altering the existing conditions in a negative manner. FID has requirements for minimum freeboard, span and type of bridge or culvert, trash and debris, and equipment and vehicle access. Each crossing is unique, and specific requirements will be provided at the time of improvement.

E-9
CONT

5. Water Routings and Construction Window – The FID construction window will vary from year-to-year based on the length of the irrigation season, flood routings, recharge deliveries, maintenance projects and projects funded by others. FID's typical irrigation season begins on March 1. An average irrigation season lasts 6 months; therefore the season will typically end around August 31. In very wet years, the irrigation season may go through mid-November.

E-10

6. Discharges into FID Canals – FID will not allow any discharges into the canals for numerous reasons, including but not limited to: Federal/ State/Local regulations, FID's Rules and Regulations, and the potential negative impact to water quality. All new and existing discharges and runoff must be routed to FMFCD storm drain facilities.

E-11

Thank you for making available to us the City of Fresno's Draft Environmental Impact Report for our review and allowing us the opportunity to provide comments. We appreciate the opportunity to review and comment on the subject documents for this project. While it is difficult to envision all of the potential impacts without all of the improvement details, we have attempted to provide you as much information as possible. We reserve the right to provide additional comments when more detailed information becomes available. If you have any questions please feel free to contact me at (559) 233-7161 extension 7103 or LKimura@fresnoirrigation.com.

Sincerely,



Laurence Kimura, P.E.
Chief Engineer

Attachments

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Letter E: Fresno Irrigation District, Laurence Kimura, September 8, 2016

Response to Comment E-1

The City understands and acknowledges that Fresno Irrigation District (FID) would be a “Responsible Agency” for projects that encompass FID facilities or when project infrastructure requirements require modification of off-site FID facilities. The City considers FID to be a “partnering” agency and has established a practice of routing all development project applications to FID so that there is adequate opportunity for the irrigation district to review and comment on specific projects that potentially impact FID canals and easements.

Response to Comment E-2

The City understands and acknowledges that Fresno Irrigation District (FID) would be a “Responsible Agency” for projects that encompass FID facilities or when project infrastructure requirements require modification of off-site FID facilities. The City considers FID to be a “partnering” agency and has established a practice of routing all development project applications to FID so that there is adequate opportunity for the irrigation district to review and comment on specific projects that potentially impact FID canals and easements.

Response to Comment E-3

The Fresno General Plan MEIR includes policies and mitigation measures to reduce impacts to water supply to less than significant through implementation of water conservation measures (required through implementation of MM HYD-2a and MM HYD-2b) to decrease future demand.

Response to Comment E-4

The commenter accurately states that Fresno Irrigation District (FID) shall supply the City an estimated 108,200 acre-feet per year (afy) from 2010 increasing to 132,400 afy by 2035. The estimates are consistent with the City’s Urban Water Management Plan. In 2014, FID supplied the City with approximately 62,000 acre-feet and in 2015 the supply decreased to approximately 43,000 acre-feet. The commenter identifies a potentially significant impact to water supplies as the yearly water supply depends heavily on the amount of precipitation produced for each year particularly in wet years, FID can supply more water, and in dry years, the number can be significantly less. FID would like to see the City keep progressing towards the goal of a balanced water supply, as there are concerns about the rate of development relative to the progress in balancing the water usage if the necessary offsets for the increased water demands are not accomplished consistent with water conservation goals. At the point where water supply needs would exceed the supply capacity of Fresno’s portfolio, additional supplies would need to be developed and/or additional conservation measures would need to be implemented. As a further protection in the currently adopted General Plan, the City would be required to implement Mitigation Measure HYD-2a part of Impact USS-4, which would alleviate future water supply demand through conservation, and ensure that adequate water supply capacity is provided in order to accommodate future demand prior to approval of new projects.

The commenter also suggested recommended changes in the document. The second to last paragraph on page 5.15-2 has been revised as follows:

The Surface Water Treatment Facility (SWTF) located in northeast Fresno receives supplies from the United States Bureau of Reclamation (USBR), FID contract for Kings River Water, and a wastewater recycle exchange agreement with the Fresno Irrigation District. The USBR would supply 60,000 acre-feet per year (afy) in year 2010 through year 2025, and the FID would supply an estimated 108,200 afy in year 2010 (125,543 afy actual) (increasing to 132,400 afy by 2035) for the Kings River contracted water, ~~and the FID wastewater exchange agreement would supply 13,800 afy in year 2010 through year 2025 (City of Fresno 2016).~~

Response to Comment E-5

This comment noted a factual error in this EIR. The third sentence of the last paragraph on page 5.15-3 has been revised as follows:

~~Surface water obtained under this agreement is treated at the City's SWTF along with its other surface supplies, and pumped into the potable distribution system.~~

Response to Comment E-6

This comment describes the history and prior rights of the Fresno Irrigation District. Comment acknowledged.

Response to Comment E-7

The commenter states that many FID canals will be impacted by future road improvements. The City acknowledges that future development in accordance with the Plans and Code could impact FID canals. The City intends to work with FID to address these potential impacts as development is proposed. Comment acknowledged.

Response to Comment E-8

The City acknowledges that FID would have a right to review projects involving a crossing of an FID facility, and would apply FID requirements within its jurisdiction.

Response to Comment E-9

The City acknowledges that FID would have a right to review projects involving a crossing of an FID facility, and would apply FID requirements within its jurisdiction.

Response to Comment E-10

The City acknowledges FID's water routings and construction window.

Response to Comment E-11

The City acknowledges that FID's prohibition of discharged into its canals.



DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT

August 23, 2016

To: Sophia Pagoulatos, Planning Manager

From: Karana Hattersley-Drayton, Historic Preservation Project Manager

Re: Comments for EIR, Downtown, Fulton Corridor Plans and Downtown Code

The Historic Preservation Commission at its public hearing August 22nd, 2016 reviewed the EIR. Assistant Director Dan Zack gave a Power Point Presentation that was focused on the plans and Code. One of the Commission architects raised a concern about the Neoclassical form of base/shaft/cornice for commercial buildings from the form based code and wondered whether this rule will stifle modernism and creativity in general.

F-1

The archaeologist on the Commission wanted to ensure that contractors properly trained their construction crews on archaeological protocols (as Will and I did for the zoo team). I think it would be prudent to add a sentence about this to MM CUL-3, perhaps, "The archaeologist will provide training to the construction crew at a "tailgate" meeting regarding state laws and protocols for archaeological resources." She was also concerned that if encapsulation of a site is approved as a mitigation measure, that there should be some monitoring plan adopted as well.

F-2

Another Commissioner appreciated the two mitigation measures MM-CUL-1 and 2 for historic resources (which we lobbied for following the Administrative Draft).

F-3

The following staff recommendations were supported by the Commission:

- 1) Correction: Block 50 not Block 51 is the area of Chinatown that was called out in the Greenwood Archaeological report as particularly sensitive (5.5-43).
- 2) Pursuant to MM CUL-1, resources evaluated during development projects should also be evaluated for their potential for listing on Fresno's Local Register of Historic Resources and not just for the California and National Registers (5.5-40).
- 3) The verb for MM CUL-1 needs to be revised from "should" to "shall," which has greater potency in an environmental document.

F-4

F-5

F-6

Additionally, there are a few minor typos in the **EIR**, page 5.5-33 Archaeological Assessment **prepared** ("d" missing off of two paragraphs. P. 5.5-34 Third sentence purpose of these maps was to "aid"... p. 5.5=36 Proposed "L" Street Historic District ("L" is missing).

F-7

Also, in reviewing the two plans I found that several corrections from my memo of July 11th 2016 (for the Downtown Neighborhoods Plan) were not incorporated:

F-8

p. 6.2 Downtown Neighborhoods--- Chandler Field is one of four officially designated historic districts....

p. 6:4 Huntington Boulevard... change out the "potential..."
Historic map on 6:5... what is the large light purple area?

F-9

F-10

- p. 6.4 The City's Historic Preservation Ordinance has also been amended in 2009, 2012 and 2015. | F-11
- p. 6.4 City of Fresno Historic Preservation Database. Sentence makes no sense: "Many potential historic resources that have not been formally designated by the City are absent from the database." Database includes **all properties** that have been designated but additionally, any property which has been included in any historic survey or entitlement, whether the property is designated, eligible or not. | F-12
- 6.6 The Historic Preservation Database is already on line. | F-13
- 6.5.1 As is the New Deal Walking Tour (on the City's Historic Preservation page). | F-14
- I just wonder about continuing to repeat recommendations from four years ago that have already been addressed. | F-15

Letter F: Historic Preservation Project Manager, Karana Hattersley-Drayton, August 23, 2016

Response to Comment F-1

This comment questions whether or not modernism and creativity in general will be stifled, based on the form-based code. This concern does not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment F-2

The commenter identified recommended revisions to MM CUL-3. The following addition has been made to MM CUL-3:

Subsurface excavations or mass grading for new developments within areas determined to have moderate to high archaeological sensitivity (whether in this Specific Plan or in subsequent Phase I reports) should be monitored by a City-approved archaeologist. The Archaeologist will provide training to the construction crew at a “tailgate” meeting regarding state laws and protocols for archeological measures. The Archaeologist will provide training to the construction crew at a “tailgate” meeting regarding state laws and protocols for archeological measures prior to the initiation of any ground-disturbing activities at these locations. The archaeologist will discuss the project-specific sensitivity potential to encounter both prehistoric and historic materials; present (verbally or graphically) examples of potential types of prehistoric and historic materials that may be encountered; discuss the responsibilities and empowerments of the cultural resources monitor(s); and briefly address the procedures to address inadvertent finds.

Response to Comment F-3

This comment states that the commenter appreciates considerations for cultural resources mitigation measures. This comment is noted. Since there is no specific comment on the environmental conclusions of the Draft Master EIR, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment F-4

The commenter noted an error regarding locations used. The first sentence following MM CUL-5 on page 5.5-43 has been revised as follows:

Monitoring by a qualified professional archaeologist shall be conducted during any ground-disturbing activities in the vicinity of the Fresno Chinatown Block ~~5450~~ Site, Fresno Block 534 Site, and the Block 1052 Isolate, which were identified by the current investigations.

Response to Comment F-5

The commenter identified recommended revisions to MM CUL-1. The following edit is located at second bullet point under MM CUL-1 on page 5.5-40.

- Any newly recorded prehistoric or historic resources should be evaluated for significance and potential standing with Fresno’s Local Register of Historic Resources, the CRHR or NRHP, as necessary. Eligibility determinations and proposed mitigation measures should be summarized in the Phase I report.

Response to Comment F-6

The commenter identified recommended revisions to MM CUL-1. The following edits are located under MM CUL-1 on page 5.5-40.

In accordance with Objective HCR-2 (specifically HCR-2-a through HCR-2-c) of the Fresno General Plan, and in accordance with DNCP Chapter 6 Goal 6.1, all specific development projects within the DNCP, FCSP, and DDC ~~should~~ shall undergo a standard Cultural Resources Assessment, Archaeological Resource Assessment, Historic Property Evaluation, or equivalent Phase I review.

- This CEQA-level evaluation ~~should~~ shall include, at minimum, a CHRIS records search for the project area and an appropriate search radius, a historical map/aerial photography and literature review for the project area, a pedestrian survey to identify specific historic-age structures within the project area, and any subsequent building/structure/object evaluations. The report ~~should~~ shall also address any project-specific archaeological sensitivity determinations and additional project-specific proposed mitigation measures, as necessary.
- Any newly recorded prehistoric or historic resources ~~should~~ shall be evaluated for significance and potential standing with Fresno’s Local register of Historic Resources, the CRHR or NRHP, as necessary. Eligibility determinations and proposed mitigation measures ~~should~~ shall be summarized in the Phase I report.
- To ensure that state and local historic resources databases are updated with new findings, the appropriate Department of Parks and Recreation (DPR) forms are required to be completed for any newly recorded resources and submitted to the CHRIS Information Center with the completed Phase I report.
- Completed Phase I reports ~~should~~ shall be submitted to the City for incorporation into their local databases.

Response to Comment F-7

The commenter noted typographical errors. The second sentence under Project-specific Impact Analysis on page 5.5-33 has been revised as follows:

The most recent review of cultural resources (both historic and prehistoric) within the DNCP and FCSP areas is contained in the Archaeological Resources Assessment Report prepared by Greenwood and Associates in February of 2012.

The first sentence under Records Search Results on page 5.5-33 has been revised as follows:

As part of the Archaeological Resources Assessment Report prepared by Greenwood and Associates, a records search was conducted at the Southern San Joaquin Valley Information Center (SSJVIC) located at California State University, Bakersfield.

The second sentence on page 5.5-34 was been revised as follows:

The purpose of these maps was to aid insurance agents in assessing the degree of fire risk associated with a particular property.

The second sentence on page 5.5-34 and the second bullet point on page 5.5-36 have been revised as follows:

- Proposed: “L” Street Historic District. Boundaries: Van Ness, Amador, Divisadero, N Street, Stanislaus, M Street to Calaveras (FCSP/DNCP)

Response to Comment F-8

The commenter identified recommended revisions that are not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment F-9

The commenter identified recommended revisions that are not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment F-10

This comment questioned an issue that is not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment F-11

The commenter identified recommended revisions that are not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment F-12

The commenter identified recommended revisions that are not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment F-13

The commenter identified recommended revisions that are not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment F-14

The commenter identified recommended revisions that are not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment F-15

The commenter identified concerns that not applicable to this document. This comment has been noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

September 12, 2016

Sophia Pagoulatos, Planning Manager
City of Fresno
Development and Resource Management Department
2600 Fresno Street, Room 3065
Fresno, CA 83721
Attn: Long Range Planning

Sent via Email

Re: Comments on the Downtown Neighborhoods Communities Plan & Associated Draft Environmental Impact Report (DEIR)

Dear Ms. Pagoulatos:

We are writing to provide comments on the City of Fresno's Draft Downtown Neighborhoods Communities Plan ("DNCP", "Draft Plan" or "Plan"), Draft Downtown Development Code ("Draft DDC" or "Draft Code"), Fulton Specific Corridor Plan ("FSCP") and associated Draft Environmental Impact Report ("DEIR"). Thank you for the opportunity to submit comments.

Leadership Counsel for Justice and Accountability works alongside residents of disadvantaged communities throughout the San Joaquin Valley and Coachella Valley to eliminate injustice and secure equal access to opportunity regardless of wealth, race, income or place. Our comments on the Draft DNCP, Code, and EIR are based upon our extensive work alongside residents in the Plan Area in Southeast, Southwest, Downtown, and Jane Addams neighborhoods and those neighborhoods immediately adjacent to the the Plan Area.

G.1-1

These comments build upon comments we submitted to the City on Draft 2035 General Plan and Draft Master Environmental Impact Report ("DMEIR") respectively dated August 8 and October 9, 2014. While the Draft DNCP, FCSP and DEIR contain many strengths, they also, as drafted, replicate and build upon flawed policies, analysis, and mitigation measures contained in the General Plan and MEIR that would further entrench disparities in access to opportunity and a healthy environment in the City. We therefore incorporate our comments on the 2035 General Plan DMEIR herein by reference and are providing you with a copy of those comments along with this letter as Exhibit A.

The Draft Plan contains many policies reflective of the desires of existing residents for a healthy neighborhoods with basic amenities and services needed for residents to thrive. Through these comments we emphasize our support for investment in the Downtown area but urge the City to ensure that all downtown related planning documents target policies, programs

G.1-2

and investment across all neighborhoods within and adjacent to the Planning Area. While the Draft DNCP so eloquently identifies key deficits related to the health and wellbeing of the downtown neighborhoods - including but not limited to high levels of poverty, disparities in health outcomes, lack of quality and affordable housing, high asthma and other respiratory diseases, lack of access to healthy foods, etc. - it completely fails to identify strong goals, policies and implementation measures focused on ameliorating such deficits. Further as we will note throughout our comments there is strong preference, through policies, statements regarding resource allocation and implementation measures, for sub areas located within the FCSP that serve to the detriment of adjacent neighborhoods.

G.1-2
CONT

Prioritization of the Fulton Corridor Specific Plan at the Expense of Downtown Neighborhoods

The lack of detail in the DNCP as compared to the FCSP demonstrates that the City's prioritization of the Fulton Corridor Specific Plan Area may come at the expense of improvements and improved connectivity in the surrounding Downtown Neighborhoods.

The FCSP contains language that effectively prioritizes projects in the planning area to the detriment of surrounding neighborhoods. The draft states that in the case of near, mid and long term identified priority projects for both public infrastructure and public-private partnerships, the City will direct all relevant resources and departmental actions (in transportation, public utilities, transit and other fiscal incentives, public realm design etc) to support their implementation." The draft FCSP further identifies goals with supporting policy and implementation programs that focus on transforming downtown into a vibrant set of neighborhoods yet fails to incorporate policies and implementation measures focused on addressing inherent poverty, health, housing, transportation and economic challenges of families living below the poverty line identified in the draft DNCP. While the draft FCSP contains policies, programs and implementation measures focused on creating resilient, healthy neighborhoods, the draft fails to incorporate similar policies, programs and implementation measures for low income communities and communities of color currently residing in the FCSP area. Instead of protecting and building upon the culture and resiliency found in such neighborhoods, the City is accelerating displacement and gentrification risk and further perpetuating a cycle of poverty that has long plagued neighborhoods in the southern part of the City.

G.1-3

In comparison to the DNCP, the FCSP contains specific implementation measures that target limited City resources to planning area that many adjacent and surrounding neighborhoods should be able to draw upon to effectively spur revitalization. Additionally, the draft FCSP includes strategies that call for the formation of an interdisciplinary working group focused on the FCSD; tying of FCSD implementation framework to annual individual workplans of all departments and to Capital Improvement Plans; and focus of financial resources and physical improvements in concentrated areas of the Fulton Corridor. While these strategies

G.1-4

may be well intended, they provide for explicit prioritization of city resources and personnel solely to the FCSP area without directing such attention to surrounding neighborhoods.

G.1-4
CONT

Public Participation Prior to Downtown Neighborhoods Plan Adoption

The Draft Plan describes community engagement activities performed by the City during the initial development of the Plan in 2010 but does not identify any activities following that period or between release of the DEIR and adoption that the City will do to engage the public and ensure public input informs the final plan. Especially given that 6 years have passed since the City conducted public engagement in developing the draft plan, it is critical that the City ensure that residents can provide input at the final stages of the process. Accordingly, the City should develop an outreach plan in coordination with community leaders and CBOs and work collaboratively to implement it. The City must demonstrate how feedback on the draft plan provided in 2011 and during the above suggested outreach efforts is incorporated into the final plan and informs development of an implementation section of the plan.

G.1-5

Integrating Neighborhoods and Conformance with other Plans

While the DNCP notes that neighborhood integration is important, the Plan fails to include policies and implementation measures that will ensure integration among Downtown Neighborhoods and integration with neighborhoods beyond the area covered in the DNCP. Additionally, the Plan should include goals and policies designed to ensure that the Plan is harmonized with other plans and planning efforts, including the FCSP, City's Active Transportation Plan, Fresno Council of Government Active Transportation Plan, Parks Master Plan, Southwest Specific Community Plan, Southeast Specific Community Plan and additional plans noted in the introductory section of the DNCP.

G.1-6

Lack of information related to the Available of Public and Private Grants and Loans while the Fulton Corridor Specific Plan lays out with specificity funding opportunities.

The DNCP does not identify opportunities to pursue many available public and private grants and loans to implement the Plan's goals and policies, including but not limited to state Cap and Trade funds, including the CalFire Urban Forestry Grants, Affordable Housing and Sustainable Communities Program, weatherization programs, EOC support for solar and community-solar projects. In contrast, the Fulton Corridor Specific Plan lays out in detail public and private funding sources available for each priority project and even includes cost projections for some components. The lack of detail in the DNCP undermines our confidence that some of the stronger goals and policies will be implemented.

G.1-7

Revitalization Focus Should Ensure that All Downtown Neighborhoods Benefit

The DNCP, and the City's actions to implement it, must ensure that all downtown neighborhoods benefit from the City's renewed focus on investing in existing central core

G.1-8

communities. For example, Goals and Policies: 2.2: Ensure that City-wide policies encourage development in the Downtown and discourage subsidized development in outlying areas of Fresno - must be clarified to ensure that such attention extend to all downtown neighborhoods, not just the Fulton Corridor Specific Plan area. While we understand and applaud the City's interest in attracting private investment, the DNCP must facilitate investment and revitalization in areas and neighborhoods surrounding the Fulton Corridor Specific Plan area in addition to to the subset of downtown neighborhoods in the FCSP area. An exclusive, or almost exclusive focus, on the FCSP area will undermine the goals and policies included in the broader DNCP area and adjacent neighborhoods. Given that projected household size in the FCSP area is fewer than 2 individuals, and projected average household size in the broader downtown area is more than 4 individuals a preference for investment in the FCSP as compared to the broader Downtown Neighborhoods have a disproportionate and negative impact on families, in particular lower income families and non-white families.

G.1-8
CONT

The Plan Must Provide Adequate Housing Opportunities to Meet the Needs of Existing and Future Low-Income Households

As we have explained to the City in detail in previous written and oral comments, the City and the Downtown Neighborhoods has a severe shortage of affordable housing to meet the housing needs of lower-income residents. According to the City's Adopted 2015-2023 Housing Element, over 50% of residents in Fresno are "housing-cost burdened", paying over 1/3 of their income on housing costs. Lower-income residents, and lower-income renters in particular, are hit the hardest by the City's lack of affordable housing, with 88% of Extremely-Low Income ("ELI") and 76% of Very-Low Income ("VLI") households overpaying on rent and 93% of ELI and 83% of VLI renter households overpaying on rent. Due to the shortage of affordable housing options for lower-income residents in Fresno, many lower-income residents are forced to live in substandard housing, live over-crowded housing, and are vulnerable to displacement due to small increases in housing costs and costs of living.

G.1-9

Given this context, it is critical that the DNCP, FCSP, and Downtown Code contain protections to ensure that lower-income residents have access to adequate safe and affordable housing options in the Draft Plan Area. As currently drafted, the Drafts fail to identify to do so and in fact, threaten to result in significant displacement of the existing lower-income resident population.

G.1-10

A. The Plan Fails to Include Strong and Clear Policies to Prevent Displacement of Lower-Income Residents

i. The Plan Must Include Strong and Clear Policies to Preserve and Create Affordable Housing Opportunities for Lower-Income Residents

G.1-11

The policies in the DNCP include broad support for affordable housing but lack strong and clear policies to facilitate its preservation and development. At the same time, the Plan contains various policy and vision statements supporting the creation of market-rate housing. The Plan's emphasis on the development of market rate housing, focusing public investment to attract private investment, and support for high speed rail are all likely to drive up housing costs in the plan area, along with other factor such such as population growth and movement inland from the coast.

G.1-11
CONT

The Final plan and the Final DEIR must include clear and specific protections for lower income residents from dislocation due to rising rent prices.

ii. The Draft Plan Does Not Discuss or Plan to Address the Housing Needs of Extremely-Low and Very-Low Income Residents

The Draft Plan is devoid of any mention of the housing needs of extremely-low ("ELI") and very-low income ("VLI") residents. ELI and VLI residents experience the highest rates of housing-cost burden in the City, are at high risk of homelessness, and are most vulnerable to the impact of increased housing costs and costs of living. ELI and VLI residents in the Plan Area are at risk of displacement due to focused and prolonged investment in the Downtown Neighborhoods, the introduction of High Speed Rail, and the introduction of market-rate housing to the Plan Area as projected by the Plan

G.1-12

iii. Preservation of Affordable, High Quality Mobile Home Units

As the Draft Plan notes, the Jane Addams neighborhood has several mobile home parks. The City's 2015-2023 Housing Element states that mobile homes are an important source of affordable housing for lower-income residents, but that they are at risk of conversion as land values increase. Land values are likely to increase significantly over the life of the Plan, as the City directs resources towards Plan implementation, High-Speed Rail becomes a reality, and population growth reduces available land for housing.

G.1-13

The Draft Plan includes no discussion of the risk of conversion of mobile home parks and no policies to promote and facilitate the preservation of affordable and high quality mobile home units. The Final Plan must do so in order to ensure that existing residents are not displaced and the City's scarce sources of affordable housing are maintained.

iii. The Plan Must Include Additional Multi-Family Zoning in the Neighborhoods Outside of Downtown

Outside of the Downtown Neighborhood and especially in the Jane Addams neighborhood, the Plan lacks significant opportunities for the development of higher-density multi-family housing.

G.1-14

The Plans must identify additional higher density housing opportunities outside of the Downtown in order to meet the need for housing affordable to lower-income households and in order to qualify for state grants for affordable housing development which have minimum density requirements. In particular, we recommend that the Draft DNCP be revised to replace industrial land use designations along McKinley Avenue with multi-family and mixed-use housing designations and replace single-family housing designations on Olive Avenue with multi-family and mixed-use housing.

G.1-14
CONT

B. The Draft Plans Fail to Facilitate the Maintenance and Development of Affordable Housing for Large Households

Thousands of lower-income households in Fresno face over-crowding, due to the lack of affordable units large enough for large families. According to the Draft Plan, households in the Community Plan Area are larger than households in the City on average and are predominantly comprised of children. Households in the Plan Area, due to their size and the prevalence of poverty, can be expected to face even greater over-crowding than households in other areas of the City. The Draft Plan does not identify the prevalence of over-crowding in the Plan Area or include policies to facilitate the maintenance and development of housing appropriately sized for large households. The Final Plan must do so.

G.1-15

D. The Plan Must Ensure that City Code Enforcement Activities Do Not Displace and/or Disproportionately Impact Low-Income Residents and Residents of Color

We support policies in the DNCP for proactive code-enforcement and to prioritize code enforcement resources to address health and safety issues in rental housing (Policy 2.13.4). These policies however do not but must include explicit protections against displacement of renters and support to low-income homeowners in maintaining their properties, including resources for rehabilitation for lower-income property owners.

Policy 2:17, requiring owners to maintain property, risks triggering displacement of lower-income property owners through the imposition of fines. The City should instead create and expand programs to assist low-income homeowners with home maintenance and code compliance.

G.1-16

Policy 2.13.6 states that, "As resources become available, require owners to maintain all portions of their properties, including buildings, yards, and service areas, as well as adjacent sidewalks and alleys." p. 2:17. This Policy should be pursued through education but must not be exercised in a manner that targets low-income residents and/or residents of color, which would result in violations of federal and state fair housing and civil rights laws.

Policy 2.9.9 calls on the City to create "a coordinated program to acquire, demolish, and rebuild blighted, non-traditional multi-family residential buildings." p. 2:15. This policy must be revised

to include protections for any tenants of such buildings, including protections to prevent displacement and to support relocation of residents in the same neighborhood.

G.1-16
CONT

Parks, Recreational, and Community Facilities

While the DCSP identifies the need for parks, recreational and community facilities throughout the planning area, there are insufficient programs and policies designed to address those needs, especially in the most park deficient neighborhoods. In general, the DNCP should include policies and implementation measures aimed at converting vacant parcels and abandoned property into parks and community facilities as well as policies and implementation measures to pursue grants such as CalFire Urban Forestry grants for park space acquisition and development and HCD Housing-Related Parks Grants. The DNCP should contain language focused on seamless integration to policies, programs and implementation measures identified through the City's efforts to update the Parks Master Plan.

G.1-17

Specifically for the Jane Addams and Southeast neighborhoods the draft DNCP notes that these neighborhoods are especially park space deficient. Figure 4-6 of the DNCP identifies potential areas for park space and recreational facilities in the Jane Addams area. We recommend that the City acquire the vacant plot at the southwest corner of Olive Avenue and Marks Avenue for a park and small library. Unfortunately the Land Use Map does not include any new parks in the Southeast neighborhood area. We recommend the City identify new park opportunities and include them in the map, for example the vacant lot in front of Roosevelt High School.

G.1-18

Additionally, Southeast neighborhood residents suggest the following locations immediately adjacent to the Plan area for acquisition for the development of new parks and recreational facilities including:

1. The Hanoian building, which is for sale, and the adjacent vacant lot at the corner of Cedar and Butler. The City could also consider relocating the police department located on the lot to increase the space available for a recreational center.
2. The lot in front of the Mosqueda Center is ideal for a new park. It is a large lot; FAX routes 33 and 26 pass by the site; it is near a grocery store. The historic WW-II building should be made into a museum, not left in disrepair.

G.1-19

Create a Multi-Modal Transportation Network that Meet Needs of All Downtown Neighborhoods

The Draft Plan identifies creating a "multi-modal transportation network" as a strategy (p. 1:4). Public investment and infrastructure improvements must support active transportation in order to create such a multi-modal network. The vision statement for the Jane Addams neighborhood, which increases access to pedestrian facilities, is an example of supporting active transportation. The Draft Plan anticipates that it will remain consistent with the ATP Plan (p. 7). If inconsistencies arise, the Plan should be amended to reflect the ATP Plan.

G.1-20

Public Investments and Infrastructure Improvements to Support Active Transportation

Investment priorities should emphasize public health and safety of children and access to key amenities and services.

Policy 1:6 requires the City to target public investment to locations that have the greatest potential to attract private investment. This policy would continue to leave behind many low-income neighborhoods that lack basic infrastructure, such as sidewalks, street lights, and stormwater drainage.

G.1-21

The City should prioritize investments to maximize health outcomes and ensure the safety of children walking to and from school, community centers and parks. Such prioritization policies include Policy 2.1.2 (installation of new sidewalks near schools), Policy 3.9.3 (identify priority corridors between residential areas and schools and pursue grants to facilitate this through traffic calming), Policy 5.7.2 (maintenance of public facilities), and Policy 5.7.3 (funding and timely construction of needed public facilities). For example, Hamilton Avenue & South Maple Avenue, just South of Mosqueda Center, needs street lights, flashing stop lights for pedestrians, and sidewalks.

Infrastructure to prevent flooding and pooled water would also facilitate public health. “The Downtown Area is characterized by large impervious areas, is susceptible to localized flooding, and could benefit from additional local stormwater retention facilities to mitigate flood hazards.” p. 15.

G.1-22

The Plan must ensure adequate infrastructure to support connectivity with other neighborhoods, including active transit across railway and freeway segments that cut off neighborhoods from key amenities. The Draft Plan recognizes that the high rates of concentrated poverty in the Downtown neighborhoods is likely due in part to the geographic isolation of neighborhoods by freeways and railroad tracks. (p. 1.) “The introduction of the freeway system after World War II, created impenetrable barriers that isolated neighborhoods from one another and the Downtown area, and diminished the livability of the entire center of the city.” (p. 16.)

G.1-23

Policy 2.18 places importance on interconnecting the Downtown Neighborhoods with great streets and beautiful public spaces. There should also be a policy about promoting interconnectedness among neighborhoods through multimodal transportation options and infrastructure and reversing isolating impacts of highway constructions.

The Plan identifies the need to plan for safe, aesthetically pleasing, and green routes between neighborhoods and across freeway and railway track barriers to connect neighborhoods to rest of City, allow them to access key resources lacking in those neighborhoods, and mitigate air quality, sound, and visual impacts of those barriers. For example, the Jane Addams neighborhood is isolated from the rest of the city by SR 99 and 180, Union Pacific railroad right of way. “ Crossings of these transportation corridors and few and far

G.1-24

between, hampering vehicular, bicycle and pedestrian connections to other parts of town.” Draft Plan, p. 20. The Vision for Jane Addams includes building a pedestrian bridge across State Route 99 to provide easier access to Roeding Park (p. 1:8) and building a pedestrian bridge across Highway 99 at Harvey Ave. to improve pedestrian access within the neighborhood (p. 3.9.9). Policy 3.4.6 also identifies the need to install curb, gutter and sidewalk improvements on Mickely between SR 99 and Marks (though this should go to Golden State) and along Golden State to the mobile home park. Routes throughout the Jane Addams neighborhood, and those that connect the neighborhood to other parts of the city, must be improved with sidewalks, lighting, trees, and the like, as they are incomplete and unsafe for both children and adults.

G.1-24
CONT

Residents want to see more investment to support safe bicycling prioritizing routes to schools and major community centers like shopping centers, parks, and medical centers, including segregated bike lanes. Figure 3-1, “Proposed Bicycle Facilities,” identifies few Class 1 bike facilities in DNCP; only includes a Class 1 on Belmont in the Jane Addams neighborhood, but should also consider on McKinley, both directions from the school; and Southeast has no Class 1 facilities. Figure 3-5 does not propose road diets and bike lanes for Jane Addams.

G.1-25

Access to Efficient and Affordable Public Transit Options

For neighborhoods that lack access to essential amenities and services, like grocery stores and medical facilities, affordable and efficient public transit options are essential. Existing transit in the Downtown neighborhoods is often unreliable and has service gaps that mean residents have to walk significant distances and take several buses to get to their destination. Comparatively low rates of car ownership by residents in many of the Downtown Plan neighborhoods due to high poverty levels (34% in Jane Addams, 67% in Lowell, Draft Plan) are also reason for improved public transit options. Additionally, the summary of existing conditions does not discuss transit needs.

G.1-26

Policy 3.1.3 advises to focus transit service and investments on the Transit Corridors identified in Figure 3-2. Policy 3.1.10 advises to prioritize reducing transit delay along these corridors. Policy 3.1.11 states to focus initial improvements on areas with the greatest ridership, including the Downtown Neighborhoods, as well as to increase rider safety and comfort. However, areas should be prioritized according to the greatest need, like Jane Addams. This focus on high ridership excludes neighborhoods that have historically struggled with deficient infrastructure, and continues inequitable investment. Generally, the needs of existing disadvantaged neighborhoods are ignored.

Additionally, the focus on high priority corridors is that these corridors are generally not in residential areas which is problematic when seeking funding, including grants. Such a focus makes it difficult to connect with ATP plan efforts. Figure 3-2, High Priority Transit Corridors, does not propose primary or secondary routes in the Jane Addams neighborhood. The vision page for Jane Addams includes upgrading transit stops, and should also include expanded

G.1-27

transit service. P. 1:10. The City must also secure and allocate funding for extension of the BRT to Edison Neighborhoods.

Policy 3.3.6 requires new developments in the Downtown Neighborhood do not result in the worsening of transportation related facilities, but for other neighborhoods it only requires mitigation. All new developments, regardless of neighborhood, should not result in the worsening of transportation related facilities. In the alternative, the City should, at a minimum, set mitigation thresholds.

G.1-27
CONT

Policy 3.1.5 supports incentives for potential Downtown transit riders. Incentives must also be available to low-income residents to allow for affordable transit.

It bears restating that It is absolutely critical that the DNCP, and implementation thereof, increases transit access to and connectivity between and among neighborhoods in Plan area.

Mitigate Impacts and Enhance the Benefits of High-Speed Rail for All Downtown Neighborhoods

The Draft Plan includes a general statement to introduce HSR in a manner that has least possible impact on surrounding existing land uses, while preserving Downtown's interconnected street network to the greatest extent possible. 2:8. The Draft Plan, and related plans must ensure that all negative impacts of the High Speed rail are mitigated. The Draft Plan identifies potential impacts yet does not include physical and economic displacement, or relocation of industrial uses to areas already overly burdened by such uses. The investment in High Speed Rail must also directly benefit communities adjacent to the downtown core through increased transit access and connectivity between and among neighborhoods.

G.1-28

Infrastructure for Safe Drinking Water and Wastewater

There are places in and adjacent to the planning area, for example parts of the Jane Addams neighborhood that do not have City drinking water or wastewater services. The DNCP must include policies and implementation measures to address these critical deficiencies.

The Plan identifies the need to improve conservation measures and diversify water resources to address the increasing scarcity of water in the region. The Plan must also include policies and implementation measures to protect dwindling water resources from suburban sprawl development and industrial development.

G.1-29

We recommend the City update the draft DNCP to include policies and implementation measures similar to those found in the draft FCSP to ensure adequate infrastructure necessary to support infill development for all Downtown and surrounding neighborhoods.

Road Quality

Many roads in the Downtown Neighborhoods have deteriorating, pot-holed roads and roads that serve as truck routes for industrial facilities are especially impacted. The Plan must include policies and implementation measures to restore and protect these resources.

G.1-30

Neighborhood Greening

We are supportive of policies to increase tree coverage in the Plan area recommend prioritizing investment in communities that are particularly park poor such as the Jane Addams Neighborhood (“In the Jane Addams Neighborhoods, however, street trees are noticeably absent.” p. 13). We also recommend implementation measures, such as proactively seeking funds and work with HSR and CalTrans.

G.1-31

Safe and Clean Alleys

Many alleys throughout the planning area are filled with trash and abandoned furniture. Sometimes residents find old medical products or decaying animals in alleys. While the Draft Plan includes broad policies to address alleys, we recommend aggressive actions and implementation measures including, transformation of alleys into a network of paths and green infrastructure, transferring ownership of alleys to adjacent homeowners, and extending regular alley cleaning services to problem areas throughout the downtown neighborhoods.

G.1-32

Healthy Environment: Industrial Land and Other Polluting Land Uses

The Draft Draft Plan Land Use Map notes that residents identified industrial land uses located next to residences, parks, and other sensitive land uses as a conflict. (“Numerous incompatibilities with the types and location of industrial uses were identified through the planning process. The issues include the proximity of industrial uses to residential areas, schools and parks, areas where industrial uses are located on parcels intended for residential uses and truck traffic from industrial areas impacting local streets.” p. 26) However, the DNCP maintains existing industrial zoning in several neighborhoods immediately adjacent to residential and other sensitive uses.

G.1-33

The Plan recognizes that industrial buildings and complexes are located in many instances adjacent to homes (p. 20) yet the Plan maintains industrial zoning and does not include any policies to address incompatible land uses in that neighborhood. For South Van Ness the draft plan recommends continuation of industrial uses near residential areas. Policy 2.1.3 for the Edison Neighborhood: “Plan for the relocation of industrial uses that negatively impact nearby residential, public, and other similar uses.” must apply to all Downtown Neighborhoods. Additionally, the Land Use Map must be changed to eliminate industrial and business park land use designations within or next to neighborhoods and replace them with parks, neighborhood commercial, houses, and mixed use zoning as appropriate.

While the importance of segregating industrial uses from sensitive receptors forms the foundation of land use planning and is supported by common sense it has also been identified as a principal priority of residents living among industrial uses. Furthermore, communities most impacted by concentrated industrial uses are also those neighborhoods ranked as the most vulnerable by CalEnviroScreen due to high asthma rates, poor air quality and proximity to polluting land uses.

G.1-33
CONT

The DNCP acknowledges this, and includes Policy 7.7.3. That call for the City to locate sensitive uses - such as housing, schools, health facilities, and parks - away from building uses that generate toxic pollutants.” As noted above, the City must also apply the converse: locate building that generate toxic pollutants away from homes and other sensitive uses. We are very supportive of Policy 7.6.4 which calls for the City to “complete the Industrial Compatibility Study and work towards implementation” and wish to confirm that it applies to all neighborhoods in the Plan area and suggest an implementation timeline that includes identification of funding resources available to facilitate implementation.

Policy 2.17 calls for a regulatory environment and development process that makes development decisions predictable, fair, and transparent and limits the use of CUPs and other discretionary approvals. To the extent that industrial zoning continues to be located in and adjacent to residential and other sensitive uses, these policies threaten to deny residents the opportunity know about and provide feedback on new industrial proposals that could impact their neighborhoods, lower their property values, and create toxic air emissions. Accordingly, until the ICA is conducted and implemented and industrial zoning is located away from sensitive land uses, Policies 2.17.7 and 2.17.8 should not apply to industrial and business park land uses. Additionally, there must be safeguards in place to protect existing residents from displacement and other undesirable impacts from land use decisions.

G.1-34

We support policies designed to divert truck traffic from sensitive sites including residential neighborhoods, including:

1. 3.8.1 Designate streets that are suitable for truck delivery routes in order to divert truck traffic away from sensitive sites, particularly the residential neighborhoods. Truck routes should be limited to arterials and expressways specifically designated for the purpose or to collector and local industrial streets which directly service planned industrial areas.”
2. 3.8.2 Locate industrial uses such that industrial truck and vehicular traffic will not route through local residential streets.
3. 7.7.1 Do not locate truck routes on primarily residential streets or near parks, playgrounds, schools or other sensitive uses and create a map that highlights how existing truck routes impact existing and future development patterns.

G.1-35

Finally, the DNCP must assess the potential air impacts of drive-thru establishments, especially to the extent that there is an increase in such establishments in communities impacted by poor air quality and traffic.

Increase Access to Retail, Grocery Stores, Banks, and Other Necessary Day-to-Day Services

We support goals and policies designed to increase access to goods, services and groceries at a neighborhood scale and suggest targeted investment to realize that goal. Additionally, community based organizations should work with food vendors and the City to ensure quality and affordable healthy foods and locally sourced produce. We are concerned that Policy 2.12.5 could have a negative impact on small, lower income and minority owned mobile food vendors.

G.1-36

Jobs and Employment

The Draft Plan must include more aggressive policies to protect existing and promote quality jobs and employment opportunities. For example the Draft Plan should incentivize local hire policies and workforce development investments that will allow for upward financial mobility. Additionally, given that rents are expected to increase downtown, the City should support existing small and minority owned businesses against displacement.

G.1-37

Public Participation in Local Government and Plan Implementation

We are supportive of the proposed public participation policies included in the draft DNCP to engage the public as key partners in the City's decision making processes (7.2.1). We recommend the City add policies to work directly with residents and stakeholders to identify and address barriers to civic engagement. We also recommend the City include implementation measures in the DNCP focused on ensuring resident and community stakeholder participation in implementation of the plan, including for allocation of resources. The City can draw upon implementation strategies found in the FCSP, such as convening interdisciplinary working groups, to ensure ongoing community engagement. We suggested similar recommendations in our 2014 General Plan comment letter.

G.1-38

The Draft Environmental Impact Report Fails to Analyze and Mitigate Potentially Significant Impacts of the DNCP, FCSP, and Downtown Development Code

The DEIR fails to meet the requirements of the California Environmental Quality Act ("CEQA") to disclose, analyze, and propose all feasible mitigation measures for potentially significant environmental impacts related to the Downtown Neighborhoods Communities Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code (collectively, "Project"). The DEIR relies heavily on the Master Environmental Impact Report ("MEIR") for City of Fresno 2035 General Plan for its analysis and to reach conclusions that various impacts are significant and unavoidable or less than significant and then cursorily dismisses without evidentiary basis the feasibility of additional mitigation measures beyond implementation of General Plan policies. As we explained in detail in our October 9, 2014 comments, the Draft MEIR was a fundamentally flawed document which did not satisfy the requirements of CEQA and its

G.1-39

implementing guidelines. The Final MEIR fails to correct many of the DMEIR's inadequacies, including the DMEIR's reliance on vague, voluntary and otherwise unenforceable policies contained in the 2035 General Plan as mitigation measures and its failure to consider and propose all feasible mitigation measures for potentially significant impacts as required by CEQA. Pub. Res. Code §§ 21002; 21081.6(b); Cal. Code of Reg. (C.C.R.) §§ 15091(a)(1)(15126.4(a)(2); see *id.* § 15126.2(b); See *Napa Citizens for Honest Gov't v. Napa County Bd. of Sup.* (2001) 91 Cal.App.4th 342, 358. The DEIR too is fundamentally flawed for relying upon inadequate analysis, conclusions and mitigation measures of the MEIR and for failing to identify and identify feasible mitigation options for the MEIR's project-specific and cumulative impacts.

G.1-39
CONT

The DEIR's failings will most directly impact low-income disadvantaged residents and communities in the Downtown Plan Area. These communities and residents are the most vulnerable to the impacts the DEIR fails to adequately analyze or effectively mitigate. Thus, the DEIR not only violates CEQA but results in violations of state and federal fair housing and civil rights laws, including but not limited to 42 U.S.C. §§ 2000d, 3601 *et seq.*, 5304(b)(2), 5306(s)(7B), 1205; Cal. Gov. Code §§ 11135, 12955, *et seq.*

G.1-40

The City must revise and recirculate the DEIR to provide the public an accurate assessment of the environmental issues at stake and a mitigation strategy that fully addresses the Project's significant impacts *prior to adoption of the DNCP, FCSP, and DDC*. The revised DEIR should include the changes to the Downtown Neighborhoods Communities Plan proposed in these comments above. The proposed revisions to the DNCP are feasible mitigation measures that can effectively reduce the Project's impacts.

G.1-41

1. The DEIR Ignores Feasible Mitigation, Such as Changes to the Land Use Designations and Densities and Intensities Proposed in the General Plan

G.1-42

P. 5.

2. The DEIR Fails to Assess the Environmental, Social and Economic Impacts of Inadequate Affordable Housing and Displacement

A. Lack of Consideration of Impact of City's Failure to Adopt and Implement a Legally Adequate 5th Cycle Housing Element

The DEIR states that the City's Housing Element has been adopted by City Council and is "currently awaiting certification by the state". 5.12-8. In fact, the State Department of Housing and Community Development issued a letter on August 11, 2016 finding that the Housing Element does not substantially comply with state law. See Exhibit C. Among other things, HCD found that the City's Adopted Housing Element:

G.1-43

- Fails to account for the unmet need for housing affordable to lower-income households in Fresno as a result of the City’s failure to rezone adequate sites for multi-family housing to address the City’s shortfall of 6,228 units under its previous housing element.
- Fails to include adequate programs that will result in a beneficial impact on the City’s housing goals during the planning period, including with respect to maintaining and preserving affordable mobile home units in Fresno and with respect to creating affordable housing opportunity in higher income and higher opportunity neighborhoods.
- Identify sites and include programs as appropriate to make sites available to meet the current City’s 2013-2023 Regional Housing Need Allocation based on an accurate calculation of the City’s unmet need under its previous housing element.

G.1-43
CONT

The City must revise the DEIR to disclose the State’s finding that the Housing Element does not comply with state law and assess how its failure to comply with state law impacts the DEIR’s related analyses, including but not limited to impacts on population and housing, air quality and greenhouse gas emissions.

B. The DMEIR Fails to Adequately Analyze the Project’s Potential to Displace Existing Housing

The DEIR’s analysis of the Project’s potential to displace significant numbers of existing housing, necessitating the construction of replacement housing elsewhere, consists of a brief paragraph that concludes that the Project will have less than a significant impact because it is projected to result in a net increase in housing units. Missing from this assessment is a discussion of the affordability of units that will be constructed in the Downtown Plan Areas to residents that will need replacement housing as a result of displacement due to the loss of existing housing.

G.1-44

According to the DNCP, neighborhoods in the Downtown Plan Area have high rates of concentrated poverty and are comprised of a relatively high proportion of renters compared to home-owners. The City’s 2015 Consolidated Plan indicates that high percentages of lower-income residents and renters in Fresno exceeding 70% are housing cost burdened, paying over a third of their income on rent. Therefore, the loss of existing housing currently used by lower-income residents in the Downtown Neighborhoods, as projected by the DEIR, will necessitate the construction of alternative housing affordable to those residents. Construction of new market-rate housing is unlikely to be affordable to lower-income residents.

While the Draft DNCP includes broad vision statements and policy aims in support of a “diverse” housing stock and maintaining existing affordable housing, neither it nor the DEIR identify any specific actions the City will take or resources that will be dedicated to facilitate the creation and maintenance of affordable housing in the Downtown Neighborhoods. As noted in section A above, the City does not even have a legally-compliant housing element in place with a strategy to provide for the housing needs of lower-income residents and residents with special housing needs and has failed to accurately calculate and identify adequate sites to

G.1-45

accommodate the City’s shortfall of 6,228 units from the previous housing element planning period and the City’s lower-income RHNA of 11,923 for the 2013-2023 planning period. Thus, “build out” of the DNCP and General Plan without mitigation measures to ensure the creation and preservation of affordable housing has the potential to displacement significant numbers of lower-income residents without providing alternative financially-accessible housing options.

G.1-45
CONT

The DEIR states that according to data contained in the DNCP, the vacancy rates in the Downtown Neighborhoods is high. According to Draft DNCP Table 5, the vacancy rates in the Downtown neighborhoods range from 8% in Southeast Fresno to 15% in the Downtown. Table 5 does not support the DEIR’s conclusion that the Project will not have a significant impact resulting from the displacement of existing housing. First, the Southeast Fresno vacancy rate identified of 8% is not a “high” vacancy rate. Second, the DNCP does not identify the source or timeframe of collection of the vacancy rates included in Table 5. Tables 3 and 4, immediately above Table 5 in the Draft DNCP, indicate that the housing and population that they contain were generated between 2008 and 2010 -- the time period when vacancy rates reached their peaks at the height of the recession. If the data from Table 5 was drawn from a similar time period, it is an inadequate reference for existing vacancy rates in the Downtown Neighborhoods, given the ongoing recovery of the housing market and decline in vacancy rates over the past six years.

G.1-46

The DEIR must be revised to accurately reflect the potential for the displacement of housing to result in significant environmental impacts, including due to the loss of housing affordable to lower-income residents, and identify and include all feasible mitigation measures.

G.1-47

Thank you for your consideration of our comments.

Sincerely,

Ashley Werner

Letter G.1: Leadership Counsel for Justice & Accountability, Ashley Werner, September 12, 2016

Response to Comment G.1-1

This comment notes that the letter builds upon comments that were submitted to the City regarding the Draft 2035 General Plan and Drafter Master Environmental Impact Report (DMEIR). This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-2

This comment suggests that the lack of detail in the DNCP as compared to the FCSP demonstrates that the City has a prioritization for the Fulton Corridor Specific Plan area at the expense of improvements and improved connectivity in the surrounding downtown Neighborhoods. This suggestion is inaccurate, as a community plan provides less detail than a specific plan. According to the Governor’s Office of Planning and Research, a community plan is a part of the General Plan. Specific plans differ from area and community plans in the following ways:

- A specific plan is not a component of a general plan. It is a separately adopted general plan implementation document.
- Specific plans are described by statute (§65450 et seq.). There are no statutes that specify the contents of area and community plans.

The purpose of a specific plan is the “systematic implementation” (Section 65450) of the general plan. Neither community plans nor area plans have an emphasis on implementation. They are used to refine the policies of the general plan relating to a defined geographic area. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-3

This comment suggests that the FCSP contains language that effectively prioritizes projects in the planning area to the detriment of surrounding neighborhoods, and that the City is accelerating displacement and gentrification risks. This suggestion is inaccurate as the purpose of a specific plan is the “systematic implementation” (Section 65450) of the general plan. Neither community plans nor area plans have an emphasis on implementation. Specific plans are used to refine and implement the policies of the general plan relating to a defined geographic area.

Regarding displacement due to gentrification, preemptive displacement measures are not necessary at this time. Cities that have experienced significant displacement tend to have extremely high demand, low vacancy rates, low amounts of vacant or underdeveloped land, restrictive zoning, and difficult entitlement processes, all of which contribute to a high degree of competition for an artificially restricted amount of space. This combination of factors does not currently exist in the plan area. Regarding displacement due to demolition of existing housing, although unlikely, protections already exist in the Management of Real Property Ordinance (FMC section 10-702, et seq.) and the California Health and Safety Code section 17975, et seq. No further response required.

Response to Comment G.1-4

This comment suggests that strategies of the planning areas may be well intended, but they will provide for explicit prioritization of city resources and personnel solely to the FCSP area without directing such attention to surrounding neighborhoods. Please refer to response to comment G.1-2 and G.1-3. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-5

The comment recommends that community engagement activities be identified following the period of initial engagement or between the release of the DEIR and its adoption. Comment noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-6

This comment notes that the plan fails to include policies and implementation measures that will ensure integration among Downtown Neighborhoods and integration with neighborhoods beyond the area covered in the DNCP. Please refer to the discussion in response G.1. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-7

This comment suggests that the DNCP does not identify opportunities to pursue many available public and private grants and loans to implement the Plan's goals and policies, and that the lack of detail in the DNCP undermines the commenter's confidence that some of the stronger goals and policies will be implemented. Please refer to the discussion in response G.1-2. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-8

This comment requests that Goal and Policies: 2.2 must be clarified to ensure that such attention extends to all downtown neighborhoods, not just the Fulton Corridor Specific Plan area. Please refer to the discussion in response G.1-2. This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-9

This comment notes that the plan must provide adequate housing opportunities to meet the needs to existing and future low-income households. This comment is noted. The City adopted a 5th Cycle Housing Element within the deadline established by the Government Code. The City is working with the Department of Housing and Community Development to process revisions in accordance with the Government Code. With regard to meeting Housing Element requirements, a by right procedure proposed in the DDC incentivizes and streamlines residential development at minimum densities of 20 dwelling units per/acre and above. In addition, the dwelling unit capacity proposed in the DNCP and FCSP meets or exceeds the dwelling unit capacity required by the Housing Element.

The City will determine whether further policies are required to ensure adequate access to affordable housing. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-10 through G.1-13.

These comments suggests that the Draft plan does not discuss or plan to address the housing needs of extremely-low and very-low income residents, the preservation of affordable, high-quality mobile home units, the displacement of existing lower-income resident population, and the plan failing to include strong and clear policies to prevent displacement of lower-income residents. Please refer to the discussion in responses G.1-3 and G.1-9 above.

Response to Comment G.1-14

This comment suggests that the plan must include additional multi-family zoning in the neighborhoods outside of downtown. This comment is noted. Within the residential neighborhoods, zones capable of accommodating higher densities were located along the DNCP's corridors. Most of the parcels along the major corridors are zoned Neighborhood Mixed-Use (NMU), which requires a minimum of 50% residential, a minimum density of 12 du/acre, and a maximum density of 16 du/acre.

In addition, parcels along Kings Canyon, Blackstone, and Abbey are zoned Center/Corridor Mixed-Use which requires a minimum of 40% residential, a minimum density of 16 du/acre, and a maximum density of 30 du/acre, a density above the Department of Housing's qualifying minimum density of 20 du/acre. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088). Please also refer to the discussion in response G.1-9 above.

Response to Comment G.1-15 and comment G 1-16

This comment suggests that the draft plan fails to facilitate the maintenance and development of affordable housing for large households, and that the plan must ensure that City Code enforcement activities do not displace and/or disproportionality impact low-income residents and residents of color. Noted on page 5.12-6, the EIR is subject to federal and state relocation regulations related to relocation. Please refer to the discussion in responses G.1-3 and G.1-9 above. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-17

This comment suggests that there are insufficient programs and policies designed to address park, recreational, and community facilities in the most park deficient neighborhoods. This comment is noted. An important strategy of the DNCP is to form joint-use agreements with schools to open up during after-school hours and on weekends. This strategy is already being implemented in the DNCP area. Further policies related to parks and recreation will be developed as part of the Parks Master Plan process, currently underway. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

That said, at the City's discretion, policies/strategies such as identifying funding sources such as CalFire Urban Forestry grants for park acquisition can be added to the DNCP as well as references to Parks Master Plan update.

Response to Comment G.1-18

This comment recommends that the City acquire the vacant plot at the southwest corner of Olive Avenue and Marks Avenue for a park and small library, and recommends the City to identify new park opportunities and include them Figure 4-6 of the DNCP. This comment is noted. Please refer to discussion in response G.1-17, above. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-19

This comment notes various buildings, including the Hanoian building and the adjacent vacant lot at the corner of Cedar and Butler as well as the lot in front of the Mosqueda Center, that could be acquired for the development of new parks and recreational facilities. Please refer to the discussion in response G.1-17 above. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-20

The comment notes that the Draft plan anticipates that it will remain consistent with the ATP Plan, and that if inconsistencies arise, the plan should be amended to reflect the ATP Plan. This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-21

This comment suggests that investment priorities should emphasize public health and safety of children and access to key amenities and services through various policies. This comment is noted. The City will have discretion in determining whether any of the policies and implementation strategies will be added to the plan. Figure 2-1-8 on page 2-11 of the DNCP Downtown Neighborhoods Community Plan shows where sidewalk installation should be prioritized in the Jane Addams neighborhood. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-22

The comment recommends infrastructure that would help prevent flooding and pooled water, and would also facilitate public health. This comment is noted. The City is in considering introducing storm water detention basins between H Street, the railroad tracks, Divisadero, and just north of the HSR station. The DEIR, on pages 5.9-25–32, calls out existing regulations and plan policies that minimize localized flooding, such as conformance with FMFCD’s Storm Drainage Master Plan and the use of LID (Low Impact Development) Design in the public realm and at building sites. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-23

This comment notes that the Plan must ensure adequate infrastructure to support connectivity with other neighborhoods, and does so with proposing policy and implementation measures. This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-24

This comment identifies the need to plan for safe, aesthetically pleasing and green routes between neighborhoods, and notes various locations and policies that would do so. This comment is noted. Figure 2-1-8 on page 2-11 of the DNCP Downtown Neighborhoods Community Plan shows where sidewalk installation should be prioritized in the Jane Addams neighborhood. Street Sections on DNCP pages 3-13 through 3-18 show street/sidewalk/street tree designs for streets throughout the DNCP as well. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-25

This comment notes that there are deficiencies relative to bicycling in the DNCP. This comment has been noted. This comment does not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no further response is required.

Response to Comment G.1-26

This comment notes that existing transit in the Downtown neighborhoods is often unreliable and has service gaps, and that areas should be prioritized according to the greatest need. This comment is noted.

Response to Comment G.1-27

This comment notes that the focus on high priority corridors is generally not in residential areas, which is problematic when seeking funding. It also recommends policies and implementation strategies. This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-28

This comment recommends that plans must ensure that all negative impacts of the High Speed Rail are mitigated, and that investment must also directly benefit communities adjacent to the downtown core through increased transit access and connectivity between and among neighborhoods. This comment is noted. The High Speed Rail project is under the purview of the State of California, and more specifically the High Speed Rail Authority. Potential impacts as a result of either rail construction or operation of the system are subject to conditions and/or mitigation measures outlined in the EIR prepared for that project (more information can be obtained at www.hsr.ca.gov). The City of Fresno is a Responsible Agency and implements mitigation measures from the HSR EIR as appropriate. The City will determine whether the policies and implementation strategies suggested should be included in the plan.

Response to Comment G.1-29

This comment recommends the City update the draft DNCP to include policies and implementation measures similar to those found in the FCSP to ensure adequate infrastructure necessary to support infill development for all Downtown and surrounding neighborhoods. This comment is noted. Both the DNCP and the FCSP are consistent with the Urban Water Management Plan and include the same conservation measures as the General Plan. This EIR tiers off the General Plan MEIR with regard to ensuring adequate infrastructure and requiring water conservation. In addition, the plans

protect against suburban sprawl by promoting infill development that is higher density and more water efficient.

Response to Comment G.1-30

This comment recommends the City include policies and implementation measures to restore and protect the roads in the Downtown Neighborhoods. This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-31

This comment recommends the City include implementation measures such as proactively seeking funds and work with HSR and Caltrans to increase tree coverage in the Plan area. This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-32

This comment recommends the City take aggressive actions and implementation measures such as transformation of alleys into a network of paths and green infrastructure, transferring ownership of alleys to adjacent homeowners, and extending regular alley cleaning services to problem areas throughout the downtown neighborhoods. This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-33

This comment raises issues including the proximity of industrial uses to residential areas, schools and parks, areas where industrial uses are located on parcels intended for residential uses and truck traffic from industrial areas affecting local streets. The comment also recommends changes to various policies and implementation strategies in the plans. The City is proposing land use changes to address this comment. See Section 4—Errata. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-34

This comment recommends that Policies 2.17.7 and 2.17.8 should not apply to industrial and business parkland uses, and that there must be safeguards in place to protect existing residents from displacement and other undesirable impacts from land use decisions. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-35.

This comment recommends that the DNCP must assess the potential air impacts of drive-thru establishments, especially to the extent that there is an increase in such establishments in communities impacted by poor air quality and traffic. This comment is noted. Drive-throughs would be allowed as a conditional use in the plan area, and would only be allowed on “B” and “C” classified streets in the DTN, DTG, and DTC zone districts. They are also allowed conditionally in mixed use zone districts. All drive-through facilities are subject to Section 15-2728 of the Development Code,

Drive-In and Drive-Through Facilities, which requires that aisles be designed to reduce idling. Finally, drive aisles are not allowed between the building and the sidewalk, further protecting pedestrians from any potential air quality impacts. Policy HC-3-f: New Drive-Through Facilities on page 5.3-28 of the EIR aims to incorporate design review measures in the Citywide Development Code to reduce vehicle emissions resulting from queued idling vehicles at drive-through facilities in proximity to residential neighborhoods. The City will determine whether the comment's suggestion should be included in the plan. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-36

This comment notes community based organizations should work with food vendors and the City to ensure quality and affordable health foods and locally sourced produce, and that Policy 2.12.5 could have a negative impact on small, lower income and minority owned mobile food vendors. This comment is noted. The City will determine whether the comment's suggestion should be included in the plan. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-37

This comment recommends the Draft plan must include more aggressive policies to protect existing and promote quality jobs and employment opportunities, and includes strategies in doing so. This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-38

This comment recommends policies and implementation measures for the City to work directly with residents and stakeholders to identify and address barriers to civic engagement. This comment is noted. Since no comment on the environmental conclusions of the EIR was provided, no further response is required (CEQA Guidelines, Section 15088).

Response to Comment G.1-39

This comment states that the Draft Environmental Impact report fails to meet the requirements of the California Environmental Quality Act ("CEQA") to disclose, analyze, and propose all feasible mitigation measures for potentially significant environmental impacts related to the Downtown Neighborhoods Communities Plan, the Fulton Corridor Specific Plan, and the Downtown Development Code (collectively, "Project") because it relies on the MEIR certified for the Fresno General Plan. The MEIR was certified in December 2014 and was not challenged within the applicable statute of limitations. This EIR does not propose any changes to the MEIR and as such, a challenge to the MEIR is now untimely.

Response to Comment G.1-40

This comment refers to the impacts to low-income disadvantaged residents and communities in the Downtown Plan area. The City is currently working with the California Department of Housing and Community Development (HCD) to make revisions to its adopted Housing Element, which addresses the provision of residential capacity throughout the City for all income levels. Please also refer to the discussion in response G.1-9 and G.1-39.

Response to Comment G.1-41

This comment suggests that the DEIR should be recirculated to provide the public an accurate assessment of the environmental issues at stake and a mitigation strategy that fully assesses the impacts. Refer to discussion in response G.1-39, above. This comment raised a concern that the Document should be re-circulated public review. This comment period reflects the designated time period for public comment and review. Since the comment period was closed on September 16, 2016. The document will be submitted for deliberation to the City Council prior to the release of the Development code. After the Development Code is released for public review, the City will review the Development Code and EIR and consider the criteria set forth in CEQA Guidelines Sections 15162 and 15177, as well as other applicable sections.

Response to Comment G.1-42

This comment notes that the DEIR ignores feasible mitigation, such as changes to the land use designations and densities and intensities proposed in the General Plan. This comment is noted. However, the EIR notes on page 5.10-20, “the General Plan anticipates that the Downtown Planning Area will be further refined through the implementation DNCP and the FCSP, and further implemented through the adoption of the DDC for regulations specific to the Downtown Planning Area. The General Plan, as well as these proposed plans, envisions a new focus on land use and design along major streets and in neighborhoods that support Downtown . . .”

In addition, Objective LU-9 from the General Plan and on page 5.10-28 aims to plan land uses, design and development intensities to supplement and support, and not compete with, the Downtown. The EIR is consistent with the General Plan as the purpose of the DNCP and FCSP is to guide development in the Downtown Fresno and its surrounding neighborhoods. The plans seek to capitalize on the positive momentum for Downtown revitalization and put specific policies and actions into place to guide the rejuvenation of the Downtown neighborhoods that brings about lasting prosperity and improvements.

Response to Comment G.1-43

This comment refers to the assessment of the environmental, social and economic impacts of inadequate affordable housing and displacement, and the lack of consideration of impact of the City’s failure to adopt and implement a legally adequate 5th Cycle Housing Element. The City is currently working with the California Department of Housing and Community Development (HCD) to make revisions to its adopted Housing Element, which addresses the provision of residential capacity throughout the City for all income levels. Please also refer to the discussion in response G.1-9.

Response to Comment G.1-44, G.1-45, and G.1-47

This comment notes that the DMEIR fails to adequately analyze the project’s potential to displace existing housing. However, on page 5.12-14, it is noted that “prior to displacement of any dwelling unit, a relocation analysis must be prepared in accordance with federal and/or state law.” Please also refer to the discussion in response G.1-3, G.1-9, and G.1-43.

Response to Comment G.1-46

This comment suggests that an inadequate reference was used for existing vacancy rates in the EIR, and that Table 5 does not support the DEIR’s conclusion that the Project will not have a significant impact resulting from the displacement of existing housing, and Tables 3 and 4 population and

housing data from an outdated source. This comment is noted. However, the Table 5 itself notes that an estimated 99,393 persons could be living in within the DNCP/FCSP boundaries by the year 2035, with 169,080 persons allowed by the 2025. In addition, because the DNCP and FCSP population increase is within the population growth analyzed within the Fresno General Plan, the project impacts are not deemed cumulatively considerable. Therefore, less than significant cumulative impacts are anticipated related to population growth.

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October 9, 2014

Jennifer K. Clark, Director
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Submitted Via Hand Delivery and E-Mail

RE: Fresno General Plan Update and Draft Master Environmental Impact Report for the Fresno General Plan Update and Development Code Update (SCH 2012111015)

Dear Ms. Clark:

We thank you for the opportunity to submit comments on the City of Fresno's (City's) Draft Master Environmental Impact Report (DMEIR) for the General Plan and Development Code Updates ("Project"). Leadership Counsel for Justice and Accountability is a project of the Tides Center, a non-profit organization, with a mission to work alongside residents of the most impacted communities in the Central and Coachella Valleys to advocate for sound policy and eradicate injustice to secure equal access to opportunity regardless of wealth, race, income or place.

These comments aim to assist the City in its preparation of a Final General Plan and Master Environmental Impact Report that meet the needs of the City's current and future low-income disadvantaged residents and communities, in particular, those in the central, southeast, and southwest areas of the City. The comments also seek to help the City comply with applicable state and federal legal requirements, including those set forth in the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21000, *et seq.*; C.C.R. § 1500, *et seq.*), state planning laws (Gov. Code § 65000, *et seq.*), and state and federal civil rights and fair housing laws (e.g., 42 U.S.C. § 2000d *et seq.*; 40 C.F.R. § 1040.13(B)(4), 1040.13(d); Gov. Code §§ 11135, 12955).

G.2-1

The DMEIR fails to meet the requirements of CEQA to disclose, analyze, and propose all feasible mitigation measures for potentially significant environmental impacts related to the

Project. In various instances, the DMEIR impermissibly proposes to rely on vague, voluntary and otherwise unenforceable policies contained in the Draft General Plan as mitigation measures. Pub. Res. Code § 21081.6(b); C.C.R. § 15126.4(a)(2); *See Napa Citizens for Honest Gov't v. Napa County Bd. of Sup.* (2001) 91 Cal.App.4th 342, 358 . The DMEIR also fails in multiple instances to consider and propose all feasible mitigation measures for potentially significant impacts which it determines cannot be mitigated to insignificant levels as required by CEQA. Pub. Res. Code § 21002; C.C.R. § 15091(a)(1); see *id.* § 15126.2(b).

The failings of the DMEIR and certain general plan policies identified in our letter to the City dated August 18, 2014 (incorporated by reference herein and included with this letter as Attachment 4) threaten to impose an unlawful disparate negative impact on the basis of race, ethnicity, country of origin, or other protected characteristics. 42 U.S.C. § 2000d *et seq.*; 40 C.F.R. § 1040.13(B)(4), 1040.13(d); Gov. Code §§ 11135, 12955.

The City must remedy the flaws contained in the DMEIR and the General Plan Update and recirculate the revised documents for review by public agencies and the public in order to comply with applicable environmental, planning, and civil rights and fair housing laws.

I. The City Must Recirculate the DMEIR for Public Comment with the Release of the Development Code for Public Review

As a preliminary matter, we note that the City's failure to release a Public Review Draft of the Development Code Update precludes meaningful public comment on the sufficiency of the DMEIR's consideration and mitigation of potentially significant impacts associated with that component of the Project. Accordingly, the City must recirculate the DMEIR for comment by the public and public agencies upon the release of the Public Review Draft of the Development Code Update. C.C.R. § 15088.5(a) ("A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review...but before certification.")

II. Failure to Adequately Mitigate Air Quality and Greenhouse Gas Impacts Associated with Low-Density Residential Development

The 2035 General Plan Land Use Map fails to include higher density residential designations in significant portions of the growth areas designated by the Plan, including but not limited to neighborhoods within the area East of Grantland, South of Shields Avenue, North of Belmont Avenue, and West of Marks Avenue and neighborhoods in the Southeast Development Area (SEDA) South of McKinley Street and North of Tulare Street.

G.2-1
CONT

G.2-2

G.2-3

The failure to include higher density residential designations in these neighborhoods will result in air quality and greenhouse gas impacts. As the General Plan Update notes, low-density residential development induces reliance on personal automobiles for transportation and harms the ability of the City to maintain a comprehensive and efficient transit system. As the MEIR notes, motor vehicle travel throughout the Planning Area are the largest source of air emissions generally. 5.3-1. Motor vehicles are a significant contributor to reactive organic gases (ROG) and nitrous oxide (NOx). DMEIR at 5.3-3. Failure to plan for higher density housing in significant portions of the General Plan Land Use Diagram will result in significant air quality and greenhouse gas impacts.

CEQA prohibits an agency from approving a project with significant environmental impacts if feasible mitigation measures or alternatives exist that would lessen or avoid such impacts. Pub. Res. Code § 21002. Though the DMEIR concludes that the Project will result in significant and unavoidable air quality and greenhouse gas impacts (1:14), it fails to consider or propose the incorporation of additional higher density housing in growth areas, including the significant portions of the growth areas in the Land Use Map that lack any high, urban, or even in some cases, medium high or medium density housing.

The DMEIR must consider feasible mitigation of air quality and greenhouse gas emission impacts associated with low-density residential development through the redesignation of parcels in growth areas to higher density residential land use.

III. The Project Fails to Assess the Environmental, Social and Economic Impacts of Inadequate Affordable Housing and Displacement

A. Lack of Consideration of Impact of Failure to Implement Housing Element Program 2.1.6A on Project-Specific Population and Housing Impacts

The DMEIR analysis relating to Project impacts on population and housing includes a description of the regulatory setting as it relates to such impacts. The DMEIR's description of this regulatory setting includes City of Fresno 2009-2013 Housing Element Program 2.1.6A. Housing Element Program 2.1.6A required the City to rezone approximately 500 acres of vacant land to the R-2 or R-3 zoning district and an additional 200 acres of vacant land to the R-3 or R-4 zone district by 2010. As we brought to the City's attention in our letter dated September 8, 2014 (included with these comments as Attachment 6), the City has failed to implement Program 2.1.6A, though more than four years has passed since the deadline for the City to do so.

G.2-3
CONT

G.2-4

Though the DMEIR identifies Housing Element Program 2.1.6A in its description of the regulatory setting as it relates to Project-specific population and housing impacts, the DMEIR does not disclose the City's failure to implement Housing Element Program 2.1.6A and neither does it assess how this failure impacts the DMEIR's related analyses, including but not limited to impacts on population and housing, air quality and greenhouse gas emissions. A revised DMEIR must correct this deficiency.

G.2-4
CONT

B. Failure to Consider Project-Related Displacement Due to Rising Housing Costs

Housing is a critical factor in the assessment of the Project's impacts. The availability and location affordable housing throughout the planning period will impacts levels of vehicle miles traveled, air quality, greenhouse gas emission levels, traffic, and other environmental factors.

The General Plan Update includes goals, objectives, and policies designed to increase investment in the Downtown Area and surrounding neighborhoods, draw "young professionals" to Fresno, implement Bus Rapid Transit Corridors, and support the development of a High Speed Rail System with a station downtown. See e.g., UF-1-b; UF-3; UF-9; p. 2-17 ("Improving quality of life to attract and retain professionals to live in Fresno"). These goals, objectives, and policies will likely contribute to a significant rise in property values and rents with the greatest increases in the Downtown and surrounding areas targeted for investment by the Plan - areas currently home to high concentrations of low-income residents. Rent increases associated with the Project will impose displacement pressures on low-income residents.

The DMEIR's discussion of potential Project displacement impacts is limited to displacement that occurs due to the removal of existing units. 5.12-13, 14, & 15. The DMEIR does not include analysis of or propose mitigation for potential displacement of low-income populations due to rising property values and rent prices as a result of the Project.

G.2-5

Displacement, caused by both physical and economic forces, will result in significant environmental impacts which require analysis and mitigation. C.C.R. § 15064(e). Residents forced to move from areas served by high quality transit will be forced to rely on personal vehicles which in turn will have significant impacts on vehicle miles travelled, traffic, greenhouse gas (GHG) emissions, and air quality. No adequate analysis of the environmental impacts of displacement is included in the DMEIR. Similarly, displacement will result in significant social and economic costs, including, but not limited to increased transportation costs to lower income residents, decreased access to employment opportunities, and social and

economic dislocation. The DMEIR must be revised to consider the adverse social, economic and environmental impacts of displacement. *See* C.C.R. § 15064(e) (“[I]f a project would cause overcrowding of a public facility and the overcrowding causes an adverse effect on people, the overcrowding would be regarded as a significant effect.”); *see also* Cal. Pub. Res. Code § 21083(b)(3) (the Guidelines “shall require a finding that project may have a ‘significant effect on the environment’ if...[t]he environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.”); C.C.R. §§ 15131, 15064(e). The impacts of socio-economic displacement also negatively affect human health, an issue which the DMEIR does not consider.

The DMEIR’s assertion that “the General Plan Update includes a substantial number of new housing” (5.12-14) does not substitute for analysis of potential Project-related socio-economic displacement impacts nor does it constitute mitigation. The mere designation of land for housing does not in itself *prevent* displacement of low-income residents from existing housing, nor does such designation assure affordable alternative housing - either within the City or more specifically, within residents’ pre-displacement neighborhood -- for those displaced.

The DMEIR does not adequately analyze and mitigate significant environmental and human impacts related to foreseeable (not merely aspirational) levels of housing affordability. Affordable housing and anti-displacement strategies must be considered and included in the DMEIR as essential measures to reduce impacts associated with increased housing costs. Feasible mitigation measures include but are not limited to:

- Requiring all new residential development to include at least 20% of residential units affordable to low, very-low, and extremely-low income populations.
- Adopt a rent stabilization ordinance preventing rent increases of more than 15% over a 3 year period.
- Adopt and enforce right of first refusal policies that provide current tenants an opportunity to buy a property before it is sold to a third party.
- Implementation of nexus studies and mitigation fees to promote and secure adequate affordable housing development

C. Failure to Assess and Mitigate for Environmental Impacts Caused by Lack of Jobs/Housing Fit and Access to Goods and Services

As discussed in Leadership Counsel’s August 18th letter, incorporated herein as Attachment 4, the Draft Plan fails to promote affordable housing throughout the City and in most growth areas.

G.2-5
CONT

G.2-6

That in turn will create and exacerbate a jobs housing imbalance for lower wage workers as development in growth areas generates low wage jobs. Additionally, physical and economic pressures discussed in Section III(B) above threaten to displace lower income residents from areas of considerable job growth. The lack of any provisions to secure a jobs/housing fit will have significant impacts on the environment, including, but not limited to impacts on vehicle miles travelled, traffic, GHG emissions, and air quality. Similarly, the lack of jobs/housing fit will have both social and economic impacts on lower-income communities that must be analyzed and appropriately mitigated.

The DMEIR fails to adequately assess the impacts - both environmental and socio-economic - of the lack of a jobs housing fit and fails to propose adequate mitigation measures to address these impacts.

Mitigation measures may include but are not limited to:

- Higher densities in growth areas
- Requiring all new residential development to include at least 20% of residential units affordable to low, very-low, and extremely-low income populations.
- Implementation of nexus studies and mitigation fees to promote and secure adequate affordable housing development

The DMEIR is wholly inadequate in its assessment of - and proposed mitigation of - the environmental, social and economic impacts of the Plan's failure to protect and promote affordable housing options. Accordingly, the DMEIR must be revised and recirculated.

IV. The DMEIR Fails to Adequately Identify and Propose Feasible Mitigation for Project Impacts to Farmland

A. Failure to Identify and Propose Feasible and Enforceable Mitigation for Impacts to Farmland within the Planning Area

The DMEIR identifies approximately 15,901 acres of farmland designated by the Farmland Mapping and Monitoring Program of the California Department of Conservation, including 9,550 acres of Prime Farmland, 2,911 acres of Unique Farmland, and 2,355 acres of Farmland of Statewide Importance, and approximately 11,714 acres of farmland with existing operations within the Planning Area. The DMEIR anticipates that the Project would convert all of this farmland to non-agricultural uses and correctly identifies such conversion as a significant impact. 5.2-11, 12.

G.2-6
CONT

G.2-7

Where an agency concludes that a project will result in a significant and unavoidable impact, the agency is required to identify all feasible mitigation measures to substantially lessen the significant environmental effect. C.C.R. § 1538. Mitigation measures proposed in an EIR must be fully enforceable through permit conditions, agreements, or other legally binding instruments. Pub. Res. Code. § 21081.6(b); C.C.R. § 15126.4(a)(2).

The DMEIR impermissibly relies on just one vague and unenforceable policy, Policy RC-9-b, “Land Outside SOI”, to “reduce” project impacts on farmland and concludes that no feasible measures exist to mitigate this loss of farmland. 5.2-1, 12.

Policy RC-9-b states:

“Express opposition to residential and commercial development proposals in unincorporated areas (excluding County Islands) within or adjacent to the Planning Area when these proposals would do any of the following:

- Make it difficult or infeasible to implement the General Plan;
- Contribute to the premature conversion of agricultural, open space, or grazing lands; or
- Constitute a detriment to the management of resources and/or facilities important to the Fresno Metropolitan Area (such as air quality, water quantity and quality, traffic circulation and riparian habitat).”

While Policy RC-9-b calls on the City to “express opposition” to certain development proposals “within or adjacent to the Planning Area”, the policy’s title and the objective with which the policy is associated - Objective RC-9 - refer only to land “outside” of the planning area. This inconsistency creates potential uncertainty with respect to - and thus ultimately leaves the City discretion to determine -- whether the intended scope of Policy RC-9-b in fact covers land *within* or rather only encompasses land outside of the planning area.

Policy RC-9-b’s directive to “[e]xpress opposition” provides no commitment on the part of the City to take any specific action to prevent a development proposal which falls within the purview of the policy.

Implementation of Policy RC-9 with respect to the first identified category of proposals (proposals that make implementation of the General Plan difficult or infeasible) could not adequately mitigate project-specific impacts, as it merely entails opposition to proposals that impair implementation of the Plan as a whole. Policy RC-9 is also vague and unenforceable with

respect to the second category of proposals that it references, as the policy does not define what constitutes “premature conversion” of agricultural, open space, or grazing lands. The third category of proposals identified by Policy RC-9 is so broad that it could feasibly apply to almost *any* project that contributes to air pollution, water usage, water contamination, traffic circulation and riparian habitat, especially given the existing poor air quality, declining water table, and water contamination that impact the Planning Area. The MDEIR thus proposes *no* clear and enforceable mitigation measures for the dramatic loss of farmland that this Project would entail.

The MDEIR also fails to consider various feasible mitigation measures to reduce the project’s impacts on agricultural resources. A few examples of such mitigation measures include the following:

- Use of agricultural conservation easements through direct purchase or donation of in-lieu development fees to an entity whose purpose includes farmland acquisition and preservation to preserve and mitigate lost farmland within the City’s Sphere of Influence.¹
- The City shall deny approval of proposals for residential or commercial development that would constitute “leap frog development”, defined as development that is not contiguous to the existing urbanized area.
- The City shall not pursue funding for or invest in roadway improvements to support new residential or commercial development that would constitute “leap frog development”, defined as development that is not contiguous to the existing urbanized area, or would result in or that would result in or contribute to a failure to achieve 57% of development infill.
- The City shall not invest in water, sewer or other public services and infrastructure in growth areas that would support development which would result in or contribute to a failure to locate 57% or more of residential development in infill areas, defined as being within the City on December 21, 2012”.
- Designate and zone land for urban and high density residential in all quarter sections (160 acre sections generally formed by the half-grid of major streets) with residential use designations in the growth areas. (Smaller-lot residential units by their nature use less land than larger lots; thus incorporation of higher density residential designation would contribute to the efficient use of land for residential uses and farmland preservation).

G.2-7

¹ Courts have found that agricultural conservation easements to constitute appropriate mitigation for the direct loss of farmland when a project would convert agricultural land to a nonagricultural use. *Masonite Corp. v. County of Mendocino* (2013) 218 Cal.App.4th 230.

The following modified version of Objective UF-12 included in the Draft General Plan Update is also a feasible mitigation measure for Project impacts on farmland²:

- Objective UF-12: “57% or more of future residential development shall be located in infill areas - defined as being within the City on December 21, 2012 - including the Downtown core area and surrounding neighborhoods, mixed-use centers and transit-oriented development along major BRT corridors, and other non-corridor infill areas, and vacant land.”

G.2-7

The DMEIR must be revised to consider these and other feasible mitigation measures for the loss of farmland resources and recirculated for public review pursuant to CEQA.

B. Failure to Identify and Propose Feasible and Enforceable Mitigation for Cumulative Impacts to Farmland

The DMEIR concludes that the Project, considered together with anticipated conversion of farmland to non-agricultural uses in areas outside of the Planning Area, will result in a significant cumulative impact on agricultural resources. 5.2-12. In response, the DMEIR lists one objective and three policies included in the Draft General Plan which it claims will reduce the Project’s potential cumulative impact on agricultural resources. However, the objective and policies are neither clear nor enforceable and thus are not adequate mitigation measures under CEQA.

Policy RC-9-a, Regional Cooperation, reads:

“Work to establish a cooperative research and planning program with the Counties of Fresno and Madera, City of Clovis, and other public agencies to conserve agricultural land resources.”

The directive “Work to establish” provides no guidance as to specific actions that the City must take and is therefore vague and unenforceable as a mitigation measure.

Objective RC-9 consists of a general directive to “preserve agricultural land outside the [planning area].” While an appropriate aspirational objective, the City lacks authority to exert

G.2-8

² In Spring 2012, Fresno City Council adopted General Plan Alternative A-Modified as the framework upon which the draft general plan would be based. In the Fresno 2035 General Plan Initiation Review Draft (Exhibit A), released in August 2012, City staff projected that a General Plan Update based on Alternative A would support location of approximately 57% of new units within existing City limits. p. 7.

direct control over the use of land outside of its planning area and thus has no power to ensure its enforcement.

Similarly, Policy RC-8-3 calls upon the City to “Advocate for the enrollment of all prime farmland outside of the City’s SOI in agricultural land conservation programs.” The directive to the City to “advocate” entails no specific, enforceable commitment to any action that would result in the preservation of farmland. The enrollment of land outside of the City’s SOI in agricultural land conservation programs is ultimately an action outside of the City’s control and not subject to enforcement as a mitigation measure.

The DMEIR also identifies Policy RC-9-b as a measure that would reduce the Project’s cumulative impacts to farmland. For the reasons identified in Section III(A) above, Policy RC-9-b is not an appropriate mitigation measure upon which the City may rely under CEQA. The City must circulate a revised DMEIR for review by public agencies and the general public which considers and proposes all feasible mitigation measures for the Project’s contribution to cumulative impacts on farmland. Examples of such measures include but are not limited to those identified in Section III(A) of this letter.

C. Failure to Disclose Impacts on Farmland From Project-Induced Changes to the Existing Environment

Without providing any supportive analysis, the DMEIR concludes that:

“Except for direct conversion, the implementation of project development would not result in other changes in the existing environment that would impact agricultural land outside of the Planning Area...Therefore, the project would result in no impact on farmland...involving other changes in the existing environment” 5.2-15.

On this basis, the DMEIR further concludes that the project would result in no cumulative impacts involving other changes in the existing environment that could result in the conversion of farmland. *Id.*

The DMEIR fails to consider or propose mitigation for the impact of Project depletion of groundwater resources on the viability of farmland both within and beyond the Planning Area. The DMEIR itself finds that:

“The project could substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of preexisting

G.2-8
CONT

G.2-9

nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)." (Impact HYD-2, p. 2-28).

As explained in the letter prepared by SWAPE included with these comments as Attachment 3, the groundwater in Fresno is already in a condition known as critical overdraft where "continuation of present water management practices would probably result in significant adverse overdraft-related environmental, social, or economic impacts." (2010 Fresno Urban Water Management Plan, 2012, p. 4-8). Thus, project-related groundwater depletion may well result in or contribute to conversion of farmland within and beyond the Planning Area to non-farmland uses.

The City must circulate a revised DMEIR for review by public agencies and the general public which analyzes and proposes adequate mitigation for impacts of Project-related groundwater depletion on farmland conversion. Examples of feasible mitigation measures are included in the letter prepared by SWAPE included with this comment letter.

V. The Draft MEIR Fails to Adequately Consider and Mitigate Potential Impacts Due to Restrictions on Access to San Joaquin River Parkway

As explained in the letter submitted by Shute, Mihaly, & Weinberger to the City of Fresno dated September 25, 2014, the Draft MEIR fails to adequately consider and mitigate project-specific impacts due to restrictions imposed by the Project on vehicular access to the San Joaquin River Parkway at two access points. That letter is included with those comments as Attachment 7 and incorporated into these comments by reference.

VI. The Project Threatens to Create an Illegal, Disparate Impact on Protected Classes

As explained in our August 18, 2014 letter to the City on the General Plan Update (incorporated by reference herein and included with these comments as Attachment 4) and in the October 9, 2014 letter to Leadership Counsel from Shute, Mihaly, and Weinberger (incorporated by reference herein and included with these comments as Attachment 2), the City is legally bound to comply with fair housing and civil rights laws that prohibit the creation of a disparate negative impact on the basis of race, ethnicity, national origin, or other protected characteristics in the preparation of the General Plan Update, Development Code Update, and DMEIR. 42 U.S.C. § 2000d *et seq.*; 40 C.F.R. § 1040.13(B)(4), 1040.13(d); Gov. Code §§ 11135, 12955.

G.2-9
CONT

G.2-10

G.2-11

Objectives and policies contained in and land use patterns proposed by the Draft General Plan Update threaten to violate civil rights and fair housing protections. These objectives and policies and land use patterns include but are not limited to:

- policies encouraging the concentrated siting of industrial facilities in and around low-income communities of color already highly burdened by multiple sources of pollution (see e.g., 2035 General Plan Land Use Diagram; LU-7; LU-7-c) ;
- low-density residential land uses designations in significant portions of the growth area without accompanying higher density residential designations or effective measures to affirmatively further fair housing opportunities (see e.g. 2035 General Plan Land Use Map);
- policies that will contribute to increase housing and rent prices and resident displacement in low-income communities of color without providing tenant protections or relocation assistance (e.g., UF-1-b; UF-3; UF-9; p. 2-17);
- objectives and policies that permit and perpetuate disinvestment in existing low-income neighborhoods of color, such as policies allowing unchecked development in growth areas (e.g., UF-12;; 12-26, 27; Leadership Counsel August 18, 2014 Comment Letter (Attachment 4), pp. 6-13).

The DMEIR's failure to analyze and mitigate potentially significant impacts also threatens to result in unlawful disparate impacts on protected classes, including people of color in neighborhoods identified by the California Environmental Protection Agency (CalEPA) as among the most highly burdened by pollution in the State of California, and thereby violate fair housing and civil rights protections. See Exhibit B (CalEPA & Office of Environmental Health Hazard Assessment, California Communities Environmental Health Screening Tool 2.0 (CalEnviroScreen 2.0)) & Exhibit C ("Health Hazard: West Fresno Riskiest Place to Live in California, Mark Grossi, Fresno Bee, March 16, 2013")³.

The City must address the deficiencies of the General Plan Update and the DMEIR raised in these and attached comments to ensure that it complies with all applicable state and federal civil rights and fair housing laws.

³ This letter also includes by reference CalEnviroScreenv2.0.xlsx which includes the ranked scores for census tracts under CalEnviroScreenv.2.0.xlsx with the higher ranked / higher scoring census tracts corresponding to comparatively and absolutely greater pollution burden under the tool. CalEnviroScreenv2.0.xlsx is available at <http://oehha.ca.gov/ej/ces2.html> or from Leadership Counsel upon request.

Jennifer K. Clark
Development and Resource Management Dept.
October 9, 2014
Page 13

Letter G.2
Page 13 of 13

* * * * *

Thank you for your consideration of our comments. We remain ready and willing to work collaboratively with the City to address the issues identified in this letter in the spirit of achieving the best results for South Fresno communities and the City as a whole. Please contact me at (559) 369-2790 to set up a time to meet to discuss these comments in person.

Sincerely,



Ashley Werner
Attorney
Leadership Counsel for Justice and Accountability

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Letter G.2: Leadership Counsel for Justice & Accountability, Ashley Werner, October 9, 2014

Response to Comment G.2-1 through G.2-11

The MEIR for the Fresno General Plan was certified in December 2014 and was not challenged within the applicable statute of limitations. This EIR does not propose any changes to the MEIR and as such, challenges to the MEIR are untimely and outside the scope of this document.

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**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
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Letter G.3
Page 1 of 4

August 11, 2016

Mr. Bruce Rudd, City Manager
City of Fresno
2600 Fresno Street, Room 2064
Fresno, CA 93721

Dear Mr. Rudd:

RE: City of Fresno's 5th Cycle (2015-2023) Adopted Housing Element

Thank you for submitting Fresno City's housing element adopted April 28, 2016 which was received for review on May 12, 2016. Pursuant to Government Code (GC) Section 65585(h), the Department is reporting the results of its review.

The 5th cycle adopted element represents significant progress and addresses many statutory requirements described in the Department's March 7, 2016 review. However, revisions will be necessary to comply with State housing element law (GC, Article 10.) as follows:

1. *Include an inventory of land suitable for residential development, including vacant sites and sites having the potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites (Section 65583(a)(3)). The inventory of land suitable for residential development shall be used to identify sites that can be developed for housing within the planning period (Section 65583.2).*

If a city or county in the prior planning period failed to identify or make available adequate sites to accommodate that portion of the regional housing need allocated pursuant to Section 65584, then the city or county shall, within the first year of the planning period of the new housing element, zone or rezone adequate sites to accommodate the unaccommodated portion of the regional housing need allocation from the prior planning period (Section 65584.09).

Unaccommodated Need from the Prior 4th Cycle Planning Period: As noted in the previous review, the element must address the unaccommodated need from the prior planning period. In the 4th cycle planning period, the element contained a program to address a shortfall of adequate sites with appropriate zoning. This program far exceeded the shortfall of adequate sites and was utilized to address other important factors such as the preponderance of small sites and non-residential zoning. The combination of addressing a shortfall of capacity

G.3-1

and site circumstances resulted in an unclear quantification of the shortfall. To address this lack of clarity, the Department reviewed the prior housing element indicating the shortfall of adequate sites to accommodate the housing need for lower income households is 6,228 housing units. This review is based on appropriately zoned and sized sites identified in the 2008 and 2009 adopted housing elements from the 4th cycle. The element should be revised to reflect this shortfall.

G.3-1
CONT

In addition, the element must be revised to identify those sites being utilized to accommodate the unaccommodated need from the prior planning period. The revision should also be accompanied by an analysis and programs as appropriate demonstrating compliance with requirements pursuant to Section 65583.2(h) and (i), including:

- Permitting owner-occupied and rental multifamily uses by-right to accommodate the remaining need for lower-income households. By-right means local government review must not require a conditional use permit, planned unit development permit, or other discretionary review or approval;
- Ensuring a minimum of 16 units per site;
- Requiring a minimum density of 20 units per acre; and
- Accommodating at least 50 percent of the lower-income need on sites designated for residential use only or on sites zoned for mixed uses meeting specified criteria.

G.3-2

2. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element (Section 65583(c)).*

As noted above, the adopted element represents significant progress since the prior review and contains many well-crafted programs to address the City's housing needs. However, the element should include additional revisions to assure a beneficial impact toward Fresno's goals and objectives. Specifically:

Program 10a (Mobile Home Parks): While listing resources and providing outreach to owners and tenants are meaningful actions, the program should include additional actions with timelines toward the conservation of mobile home parks such as outreach with non-profits and assisting with funding applications.

G.3-3

Program 26 (Equitable Communities): This new program is an important and valuable step toward furthering fair housing in the Fresno area. However, the program should include more specific action and timelines to assure a beneficial impact toward the City's goals and objectives. For example, Program 26 could be integrated into several other programs in the

element such as Program 1 (Adequate Sites), Program 5 (Housing Funding Sources), and Program 8 (Homebuyer Assistance). Also, while recognizing the City's efforts to balance multiple objectives such as promoting equity and infill, the program could also include specific commitment to rezone more housing choices in high opportunity areas.

G.3-3
CONT

3. *Identify adequate sites which will be made available through appropriate zoning and development standards and with public services and facilities needed to facilitate and encourage the development of a variety of types of housing for all income levels, including rental housing, factory-built housing, mobilehomes, and emergency shelters and transitional housing. Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall provide for sufficient sites with zoning that permits owner-occupied and rental multifamily residential use by right, including density and development standards that could accommodate and facilitate the feasibility of housing for very low- and low-income households (Section 65583(c)(1)).*

As noted in Finding 1, the element does not include a complete analysis of the unaccommodated need from the prior planning period; therefore, the adequacy of sites and zoning were not established. Based on the results of a complete analysis, the City may need to add or revise programs to address an unaccommodated need from the prior planning period. Programs to address requirements related to an unaccommodated need must be completed within the first year of the planning period. In addition:

G.3-4

Small Sites: Depending on the outcomes of the analyses described above, the element may need to provide analysis and revisions to programs to demonstrate the feasibility and potential development, particularly affordable to lower income households, on small sites (e.g., less than 16 units). For example, the element may need to evaluate the potential for consolidations or include programs to rezone alternative sites with appropriate densities.

Program 2 (Residential Densities on Identified Sites): Upon findings that the element no longer maintains adequate sites, the program should commit to rezone equivalent capacity and densities by a date certain.

Once the element has been revised and adopted to address the requirements described above, it will comply with State housing element law.

Mr. Bruce Rudd, City Manager
Page 4

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City must continue to engage the community, including organizations that represent lower-income and special needs households, by making information and revisions regularly available in a timely fashion and considering and incorporating comments where appropriate. Revisions should be well noticed and available prior to submitting the element to the Department. In addition, the City should provide a variety of meaningful opportunities for input, beyond testimony at a public hearing.

G.3-5

The Department welcomes the opportunity to continue working with the City and looks forward to assisting with innovative approaches to addressing Fresno's housing and community development needs. The Department appreciates the cooperation and dedication provided throughout the review by the City's housing element team, including the Development and Resource Management Department. Please contact Paul McDougall, of our staff, at (916) 263-7420 for assistance in meeting statutory requirements.

Sincerely,



Glen A. Campora
Assistant Deputy Director

**Letter G.3: Development and Resource Management Department, Glen A. Campora,
August 11, 2016**

Response to Comment G.3-1 through G.3-5

The City adopted a 5th Cycle Housing Element within the deadline established by the Government Code. The City is working with the Department of Housing and Community Development to process revisions in accordance with the Government Code. With regard to meeting Housing Element requirements, a by right procedure proposed in the DDC incentivizes and streamlines residential development at minimum densities of 20 du/acre and above. In addition, the dwelling unit capacity proposed in the DNCP and FCSP meets or exceeds the dwelling unit capacity required by the Housing Element.

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FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

Capturing stormwater since 1956.

File 400.21

September 13, 2016

Mr. Dan Zack
Ms Sophia Pagoulatos
City of Fresno
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Zack and Ms Pagoulatos,

**FMFCD Comments on City of Fresno
Draft EIR for FCSP, DNCP and DDC
Drainage Areas “FF”, “II₁”, “II₂”, “II₃”,
“RR”, “TT”, “UU₂”, “XX”, and “Z”**

District staff has reviewed the City of Fresno’s Draft EIR for the Fulton Corridor specific Plan, the Downtown Neighborhoods Community Plan and the Downtown Development Code.

The following are our comments regarding this EIR:

Section 5 - Environmental Impact Analysis, subheading “5.9 - Stormwater and Drainage”
Pages 5.9-6 & 7.

The attachment contains the paragraphs we have comments on. They are highlighted in yellow and should be replaced with the following.

This Project Area has adopted drainage plans and most of this area has permanent drainage service. Within this area there is approximately 336,200 linear feet of existing pipeline used to convey storm water drainage and there is approximately 16,150 linear foot of pipeline to be constructed. These drainage facilities were planned and constructed over time based on the existing and planned uses that were then current. If this Project generates more storm water runoff than what was originally planned, then measures will need to be under taken to mitigate the additional runoff to the planned rate. The developer may either make improvements to the existing public drainage system to provide additional capacity or construct a permanent peak reducing facility.

H-1

Mr. Zack and Ms. Pagoulatos
City of Fresno
September 13, 2016
Page 2 of 2

In addition this Project Area was largely developed before the District's implementation of the major storm breakover guideline. If the proposed development is located in an area that has historically provided passage for a major storm water flows then the grading of the proposed site shall need to be designed in such a manner that there are no adverse impacts for the passage of such flows.

Pages 5.9-8:

The paragraph highlighted in yellow on this page should be deleted.

As stated previously, the developed portions within this Project Area has permanent drainage facilities and service.

H-2

Thank you for the opportunity to comment. Please keep our office informed on the development of this project. If you should have any questions or comments, please contact the District at (559) 456-3292.

Very truly yours,



Wendell Lum
Master Plan Special Projects Manager

WL/lrl

Attachment

Stormwater and Drainage

The Fresno Metropolitan Flood Control District (FMFCD) manages urban stormwater runoff in the Fresno metropolitan area. The FMFCD is authorized to control stormwaters within a combined urban and rural watershed of approximately 400 square miles. The watershed extends eastward into the Sierra Nevada foothills to an elevation of approximately 4,500 feet above sea level, covering an area collectively referred to as the Fresno County Stream Group (FCSP 2016).

The FMFCD's local stormwater drainage system provides control and disposal of stormwater runoff generated by local land uses. Stormwater collection in the Plan areas begins in the street gutters that convey runoff to existing storm drain inlets. The gutters, as well as all public streets and sidewalks, are maintained by the City of Fresno Street Maintenance Division. The runoff is then collected in drop inlets and conveyed to the District's pipe networks, pump stations, and infiltration basins that recharge stormwater to the groundwater aquifer (FMFCD 2015b). Typically, all of the runoff from the Plan areas is recharged to the groundwater table. However, when storms generate larger volumes of runoff than these basins can handle, it overflows into a network of relief channels that discharge to the San Joaquin River, its tributary streams, or local agricultural canals (FCSP 2016).

Within the City of Fresno, FMFCD's Storm Drain Master Plan divides the FMFCD into local drainage areas of one to two square miles. All inlets, pipes and pumping stations within each drainage area are maintained by the FMFCD, except for those located within the former Fulton Mall, which are currently maintained for the FMFCD by the City under a system of work authorizations. It is expected that this maintenance arrangement with the City will remain in place for the near future (FCSP 2016).

Many areas throughout the City currently lack complete or adequate storm drain systems. This makes them prone to frequent localized flooding that damages properties and inconveniences residents, resulting in lower property values and higher insurance costs for both homeowners and businesses. Many of these areas have not historically generated sufficient tax revenue to fund the construction of modern drainage facilities, so a number of storm drain improvements are now being constructed with funding provided by the American Recovery and Reinvestment Act (ARRA). One of these projects is located on Divisadero Street, adjacent to an approximately twelve block area with no storm drain facilities that extends south from Divisadero into the Specific Plan area. These improvements will provide little direct relief for this neighborhood, but they will make it feasible to relieve existing flooding conditions by extending this system in the future.

Approximately 50 acres in the southern corner of the FCSP area also lack an existing storm drain network. No facilities are currently planned for this portion of the FCSP, but it is assumed that storm drains will eventually be needed to accommodate redevelopment, and these new facilities would be connected to the major storm drain lines that now serve the central portion of the Specific Plan area or to the lines that serve the neighborhood located immediately north of Divisadero Street. Although there are no indications of significant drainage problems within the areas now served by these facilities, shallow, nuisance flooding has been reported after heavy rains. It is expected the addition of runoff from any newly served areas would exacerbate these problems, potentially limiting the Specific Plan area's development potential. As a result, any increase in runoff resulting

Remove and replace that part with the new plan

from storm drain extensions may also trigger the need for capacity upgrades on the FMFCD's collection facilities (FCSP 2016).

Flood Zones and Flood Control

Flood Zones

The City of Fresno has participated in the Federal Emergency Management Agency (FEMA) Flood Insurance Program (FIP) since its inception in the early 1970s. Participation on the FIP requires that the community adopt the Flood Insurance Rate Maps (FIRMs), appoint a trained Floodplain Administrator, adopt a floodplain ordinance modeled after the FIP model ordinance, and enforce the ordinance and the requirements of Title 40 of the Code of Federal Regulations, Part 60. The 40CFR60 regulations and the floodplain ordinance of the City of Fresno require that all new construction and substantial reconstruction of buildings located within an adopted floodplain be flood proofed and that the Community Floodplain Administrator review for conformance with the floodplain ordinance and 40CFR60 and approve the flood proofing. The City of Fresno has a Community Floodplain Administrator and has adopted a floodplain ordinance that complies with the model ordinance promulgated by FEMA.

FEMA has prepared and the City of Fresno has adopted the Flood Insurance Rate Maps (FIRMs). The effective FIRM maps were last revised February 18, 2009. Numerous Letters of Map Revision (LOMRs) have been issued since that revision date. Flood hazard areas identified on the FIRMs are identified as Special Flood Hazard Area (SFHA). SFHA are defined as the area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance of flood is also referred to as the based flood or the 100-year flood. The FIRMs show portions of the downtown neighborhoods that are within SFHA Zone A (Exhibit 5.9-1). These areas include an approximately 100-acre area located at the southern end of the Downtown Neighborhoods along State Route 99; a smaller area to the northeast of the Union Pacific and San Joaquin Valley rail lines and south of California Avenue; an area along the southwestern edge of the Fulton Corridor Specific Plan boundary. These areas within the Plan areas are defined as SFHA Zone A, as follows, and are identified in Exhibit 5.9-1:

- SPHA Zone A—Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) not determined
- SPHA Zone AE—Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) determined
- SPHA Zone AH—Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet

The following Federal Emergency Management Agency's (FEMA) flood zones are within the boundaries of the DNCP and FCSP. Below are the Flood Map ID numbers for the DNCP and FCSP (FEMA 2015):

- DNCP boundaries: FEMA Flood Map: 06019C2110H

- FCSP boundaries FEMA Flood Map Numbers: 06019C2110H, 06019C2105H, 06019C1565H, 06019C2110H, 06019C1570H, 06019C1590H, and 06019C2130H.

Flood Control

Portions of the Plan areas have experienced localized flooding. To mitigate these flood hazards, storm drain improvements (such as replacing or supplementing existing pipes, adding inlets, or updating pump stations) are needed. Neighborhoods with deficient storm drain systems are subject to increased local flooding, lower property values, and higher insurance costs for homeowners and businesses. These areas have not historically generated sufficient tax revenue to fund the construction of modern drainage facilities (DNCP 2016).

The FMFCD's flood control program consists of eight major flood control facilities and related streams and channel features that control the flows from several low-elevation streams (which are collectively referred to as the Fresno County Stream Group)(FMFCD 2015a).

Dam Inundation

Of the 33 dams in Fresno County, the following four dams would present a safety risk from flooding to portions of the City of Fresno should any of these dams fail:

- **Friant Dam**—The Friant Dam is located approximately 18 miles north from the project site.
- **Big Dry Creek Dam**—The Big Dry Creek Dam is located approximately 12 miles northeast from the project site.
- **Pine Flat Dam**—The Pine Flat Dam is located approximately 27 miles northeast from the project site.
- **Redbank-Fancher Creek Projects (Redbank Dam)**—The Redbank-Fancher Creek Projects (Redbank Dam) located approximately 13 miles northeast from the project site.

The sources of flooding in the City of Fresno include the San Joaquin River and a number of foothill creeks. These include Big Dry Creek and its associated Dry Creek Canal, Redbank Creek, and Fancher Creek. Pup Creek, Alluvial Drain, and Dog Creek are tributaries of these three main creeks. Big Dry Creek is regulated by the Big Dry Creek Dam and Reservoir. Fancher Creek is regulated by Fancher Creek Dam and Fancher Creek Detention Basin. Redbank Creek is regulated by Redbank Dam and Redbank Creek Detention Basin.

The San Joaquin River is regulated by Friant Dam, which creates Millerton Lake reservoir. The dam was constructed in 1942 to provide flood control to the San Joaquin River and to harvest runoff from the San Joaquin River for irrigation purposes. The dam is administered by the US Bureau of Reclamation.

Big Dry Creek Dam, located north of Shepherd Avenue on the DeWolf Avenue alignment was originally constructed in 1948 by the U.S. Army Corps of Engineers to protect the cities of Clovis and Fresno from this significant source of flooding. The dam was enlarged in 1993 by the U.S. Army Corps of Engineers as part of the Redbank and Fancher Creek Flood Control Project to provide

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Letter H: Fresno Metropolitan Flood Control District, Wendell Lum September 13, 2016

Response to Comment H-1 and H-2

The commenter suggested the replacement of fourth and fifth paragraphs under Stormwater and Drainage on page 5.9-6 and 5.9-7 with the following:

This Project Area has adopted drainage plans and most of this area has permanent drainage service. Within this area there are approximately 336,200 linear feet of existing pipeline used to convey stormwater drainage, and there are approximately 16,150 linear feet of pipeline to be constructed. These drainage facilities were planned and constructed over time based on the existing and planned uses that were then current. If this Project generates more stormwater runoff than what was originally planned, then measures will need to be under taken to mitigate the additional runoff to the planned rate. The developer may either make improvements to the existing public drainage system to provide additional capacity or construct a permanent peak reducing facility.

In addition, this Project Area was largely developed before the District’s implementation of the major storm breakover guideline. If the proposed development is located in an area that has historically provided passage for a major storm water flows then the grading of the proposed site shall need to be designed in such a manner that there are no adverse impacts for the passage of such flows.

~~Many areas throughout the City currently lack complete or adequate storm drain systems. This makes them prone to frequent localized flooding that damages properties and inconveniences residents, resulting in lower property values and higher insurance costs for both homeowners and businesses. Many of these areas have not historically generated sufficient tax revenue to fund the construction of modern drainage facilities, so a number of storm drain improvements are now being constructed with funding provided by the American Recovery and Reinvestment Act (ARRA). One of these projects is located on Divisadero Street, adjacent to an approximately twelve block area with no storm drain facilities that extends south from Divisadero into the Specific Plan area. These improvements will provide little direct relief for this neighborhood, but they will make it feasible to relieve existing flooding conditions by extending this system in the future.~~

~~Approximately 50 acres in the southern corner of the FCSP area also lack an existing storm drain network. No facilities are currently planned for this portion of the FCSP, but it is assumed that storm drains will eventually be needed to accommodate redevelopment, and these new facilities would be connected to the major storm drain lines that now serve the central portion of the Specific Plan area or to the lines that serve the neighborhood located immediately north of Divisadero Street. Although there are no indications of significant drainage problems within the areas now served by these facilities, shallow, nuisance flooding has been reported after heavy rains. It is expected the addition of runoff from any newly served areas would exacerbate these problems, potentially limiting the Specific Plan area’s development potential. As a result, any increase in runoff resulting from storm drain extensions~~

may also trigger the need for capacity upgrades on the FMFCD's collection facilities (FCSP 2016).

The commenter suggested removal of the first and addition to the second paragraph under Flood Control on page 5.9-8 with the following:

~~Portions of the Plan areas have experienced localized flooding. To mitigate these flood hazards, storm drain improvements (such as replacing or supplementing existing pipes, adding inlets, or updating pump stations) are needed. Neighborhoods with deficient storm drain systems are subject to increased local flooding, lower property values, and higher insurance costs for homeowners and businesses. These areas have not historically generated sufficient tax revenue to fund the construction of modern drainage facilities (DNCP 2016).~~

As stated previously, the developed portions within this Project Area has permanent drainage facilities and service.

SECTION 4: ERRATA

The following provides corrections and additions to the sections of the Final EIR. The corrections and additions are organized by page number. Additional text is shown in underline, and deleted text is shown in ~~strikethrough~~ format.

Page 5.3-45: Air Quality

The City has identified recommended revisions on this page, with the following deletion as follows.

Under the *CBIA v. BAAQMD* Supreme Court opinion described above, projects containing sensitive receptors would not be required to reduce the impact from these existing sources. However, the City may request developers to implement voluntary control measures to reduce health impacts on future residents. ~~Voluntary Measure AIR-1 is provided, which recommends~~ For instance, the City might request developers of any new residential development that is located within 0.1 µg/m³ DPM concentration contours to install a positive static pressure forced air heating, ventilation, and air conditioning (HVAC) system into each residential unit.

Page 5.3-52: Air Quality

The City has identified recommended revisions on this page, with the following deletion and movement of text to Table 5.3-7: CAPCOA Recommendations on Siting New Sensitive Receptors Near TAC sources:

~~Voluntary Measure AIR-4b is provided, which recommends that any new residential development that is located within the recommended setback distances detailed in Table 5.3-7 from a stationary source of TAC emissions should prepare a screening level analysis or a project-specific HRA. If the screening criteria or HRA exceed cancer risk criteria, the projects should install a positive static pressure forced air heating, ventilation, and air conditioning (HVAC) system into each residential unit. Each HVAC system should install a high efficiency Minimum Efficiency Reporting Value (MERV) filter of MERV 13 or better in the air intake for the HVAC system, and the air intake will be installed with a fan designed to force air through the MERV 13 filter in order to create positive static pressure.~~

Page 5.5-40: Cultural Resources

The City has identified recommended revisions to mitigations on this page, with the following addition:

Mitigation Measures

The following mitigation measures were not included in the MEIR and remain applicable to this project:

Page 5.5-40: Cultural Resources

The commenter identified recommended revisions to MM CUL-3. The following addition has been made to MM CUL-3.

MM CUL-3 Subsurface excavations or mass grading for new developments within areas determined to have moderate to high archaeological sensitivity (whether in this Specific Plan or in subsequent Phase I reports) should be monitored by a City-approved archaeologist. The Archaeologist will provide training to the construction crew at a “tailgate” meeting regarding state laws and protocols for archaeological measures prior to the initiation of any ground-disturbing activities at these locations. The archaeologist will discuss the project-specific sensitivity potential to encounter both prehistoric and historic materials; present (verbally or graphically) examples of potential types of prehistoric and historic materials that may be encountered; discuss the responsibilities and empowerments of the cultural resources monitor(s); and briefly address the procedures to address inadvertent finds.

Page 5.5-40: Cultural Resources

The commenter identified recommended revisions to MM CUL-1. The following edit is located at second bullet point under MM CUL-1 on page 5.5-40.

- Any newly recorded prehistoric or historic resources should be evaluated for significance and potential standing with Fresno’s Local Register of Historic Resources, the CRHR, and the ~~or~~ NRHP, as necessary. Eligibility determinations and proposed mitigation measures should be summarized in the Phase I report.

Page 5.5-40: Cultural Resources

The commenter identified recommended revisions to MM CUL-1. The following edits are located under MM CUL-1 on page 5.5-40.

- MM CUL-1** In accordance with Objective HCR-2 (specifically HCR-2-a through HCR-2-c) of the Fresno General Plan, and in accordance with DNCP Chapter 6 Goal 6.1, all ~~specific discretionary~~ development projects within the DNCP, FCSP, and DDC ~~should~~ shall undergo a standard Cultural Resources Assessment, Archaeological Resource Assessment, Historic Property Evaluation, or equivalent Phase I review.
- This CEQA-level evaluation ~~should~~ shall include, at minimum, a CHRIS records search for the project area and an appropriate search radius, a historical map/aerial photography and literature review for the project area, a pedestrian survey to identify specific historic-age structures within the project area, and any subsequent building/structure/object evaluations. The report ~~should~~ shall also address any project-specific archaeological sensitivity determinations and additional project-specific proposed mitigation measures, as necessary.
 - Any newly recorded prehistoric or historic resources ~~should~~ shall be evaluated for significance and potential standing with Fresno’s Local register of Historic Resources, the CRHR or NRHP, as necessary. Eligibility determinations and proposed mitigation measures ~~should~~ shall be summarized in the Phase I report.
 - To ensure that state and local historic resources databases are updated with new findings, the appropriate Department of Parks and Recreation (DPR) forms are

required to be completed for any newly recorded resources and submitted to the CHRIS Information Center with the completed Phase I report.

- Completed Phase I reports ~~should~~ shall be submitted to the City for incorporation into their local databases.

Page 5.5-43: Cultural Resources

The commenter correctly noted an error regarding locations used. The first sentence right after MM CUL-5 on page 5.5-43 has been revised as follows:

MM CUL-5 Monitoring by a qualified professional archaeologist shall be conducted during any ground-disturbing activities in the vicinity of the Fresno Chinatown Block ~~51~~ 50 Site, Fresno Block 534 Site, and the Block 1052 Isolate, which were identified by the current investigations. (“Vicinity” is defined here as lying within 300 feet of the identified site boundaries.) These are presently the only archaeological sites recorded within the FCSP/DNCP areas.

Page 5.5-46: Cultural Resources

The City has identified recommended revisions to mitigations on this page, with the following:

Mitigation Measures

~~The following mitigation measures were not included in the MEIR and remain applicable to this project:~~

Page 5.5-33: Cultural Resources

The commenter noted a typographical error in the second sentence under Project-Specific Impact Analysis on page 5.5-33, which has been revised as follows:

The most recent review of cultural resources (both historic and prehistoric) within the DNCP and FCSP areas is contained in the Archaeological Resources Assessment Report prepared by Greenwood and Associates in February of 2012.

Page 5.5-33: Cultural Resources

The commenter noted a typographical error in the first sentence under Records Search Results on page 5.5-33, which has been revised as follows:

As part of the Archaeological Resources Assessment Report prepared by Greenwood and Associates, a records search was conducted at the Southern San Joaquin Valley Information Center (SSJVIC) located at California State University, Bakersfield.

Page 5.5-34: Cultural Resources

The commenter noted a typographical error in the third sentence under Literature and Archival Review on page 5.5-34, which has been revised as follows:

The purpose of these maps was to aid insurance agents in assessing the degree of fire risk associated with a particular property.

Page 5.5-36: Cultural Resources

The commenter noted a typographical error in the second bullet point on page 5.5-36, which has been revised as follows:

- Proposed: “L” Street Historic District. Boundaries: Van Ness, Amador, Divisadero, N Street, Stanislaus, M Street to Calaveras (FCSP/DNCP).

Pages 5.9-6 and 5.9-7: Hydrology and Water Quality

The commenter suggested the replacement of fourth and fifth paragraphs under Stormwater and Drainage on page 5.9-6 and 5.9-7 with the following:

This Project Area has adopted drainage plans and most of this area has permanent drainage service. Within this area there are approximately 336,200 linear feet of existing pipeline used to convey storm water drainage and there are approximately 16,150 linear feet of pipeline to be constructed. These drainage facilities were planned and constructed over time, based on the existing and planned uses that were then current. If this Project generates more stormwater runoff than what was originally planned, then measures will need to be undertaken to mitigate the additional runoff to the planned rate. The developer may either make improvements to the existing public drainage system to provide additional capacity or construct a permanent peak reducing facility.

In addition, this Project Area was largely developed before the District’s implementation of the major storm breakover guideline. If the proposed development is located in an area that has historically provided passage for a major stormwater flow, then the grading of the proposed site shall be designed in such a manner that there are no adverse impacts for the passage of such flows.

~~Many areas throughout the City currently lack complete or adequate storm drain systems. This makes them prone to frequent localized flooding that damages properties and inconveniences residents, resulting in lower property values and higher insurance costs for both homeowners and businesses. Many of these areas have not historically generated sufficient tax revenue to fund the construction of modern drainage facilities, so a number of storm drain improvements are now being constructed with funding provided by the American Recovery and Reinvestment Act (ARRA). One of these projects is located on Divisadero Street, adjacent to an approximately twelve block area with no storm drain facilities that extends south from Divisadero into the Specific Plan area. These improvements will provide little direct relief for this neighborhood, but they will make it feasible to relieve existing flooding conditions by extending this system in the future.~~

~~Approximately 50 acres in the southern corner of the FCSP area also lack an existing storm drain network. No facilities are currently planned for this portion of the FCSP, but it is assumed that storm drains will eventually be needed to accommodate redevelopment, and these new facilities would be connected to the major storm drain lines that now serve the central portion of the Specific Plan area or to the lines that serve the neighborhood located immediately north of Divisadero Street.~~

Although there are no indications of significant drainage problems within the areas now served by these facilities, shallow, nuisance flooding has been reported after heavy rains. It is expected the addition of runoff from any newly served areas would exacerbate these problems, potentially limiting the Specific Plan area's development potential. As a result, any increase in runoff resulting from storm drain extensions may also trigger the need for capacity upgrades on the FMFCD's collection facilities (FCSP 2016).

Page 5.9-8: Hydrology and Water Quality

The commenter suggested removal of the first paragraph and an addition to the second paragraph under Flood Control on page 5.9-8 with the following:

~~Portions of the Plan areas have experienced localized flooding. To mitigate these flood hazards, storm drain improvements (such as replacing or supplementing existing pipes, adding inlets, or updating pump stations) are needed. Neighborhoods with deficient storm drain systems are subject to increased local flooding, lower property values, and higher insurance costs for homeowners and businesses. These areas have not historically generated sufficient tax revenue to fund the construction of modern drainage facilities (DNCP 2016).~~

As stated previously, the developed portions within this Project Area has permanent drainage facilities and service.

Page 5.9-27: Hydrology and Water Quality

The Cumulative mitigation measure was corrected as follows:

Cumulative

Implementation of Mitigation Measures ~~HYD-1~~, HYD-2a and HYD-2b is required.

Page 5.10-21: Land Use and Planning

Exhibit 5.10-3a: Proposed DNCP Land Use and Zoning Designations has been revised as follows, mostly within the Jane Addams Neighborhood:

- **Light Industrial (IL) changed to Business Park (BP)**
7217686.921638/43560 = 165.7 Acres
- **Residential Single-Family, Medium Low Density (RS-3) Changed to Mobile Home Park (RM-MH)**
2300703.429209/43560 = 52.82 Acres
- **Light Industrial (IL) changed to Neighborhood Mixed Use (NMX)**
357072.465763/43560 = 8.20 Acres
- **Heavy Industrial (IL) changed to Public and Institutional (PI)**
238959.073407/43560 = 5.49 Acres
- **Downtown Neighborhood (DTN) changed to Public and Institutional (PI)**
385955.389722/43560 = 8.86 Acres

Section 5.13: Public Services and Recreation

The City of Fresno identified recommended revisions to Section 5.13 to make it clear and concise. Throughout the section, the header has been edited as follows:

Public Services and Recreation

Page 5.13-1: Public Services and Recreation

The City of Fresno identified recommended revisions to this page to make it clear and concise. The following changes are located at the beginning of the page, and under study area for project impacts.

5.13—Public Services and Recreation

This section addresses potential impacts to public services and recreation such as police protection, fire protection, schools, parks/~~recreation~~, and libraries resulting from implementation of the Downtown Neighborhoods Community Plan (DNCP), the Fulton Corridor Specific Plan (FCSP), and the Downtown Development Code (DDC).

Study Area for Project Impacts

The study area for project impacts on public services and recreation includes the DNCP and FCSP areas.

Page 5.13-7: Public Services and Recreation

The City of Fresno identified recommended revisions to this page to make it clear and concise. The following changes are located under 5.13.3 – Regulatory Setting.

State and local regulations related to public services and recreation are described below.

Page 5.13-10: Public Services and Recreation

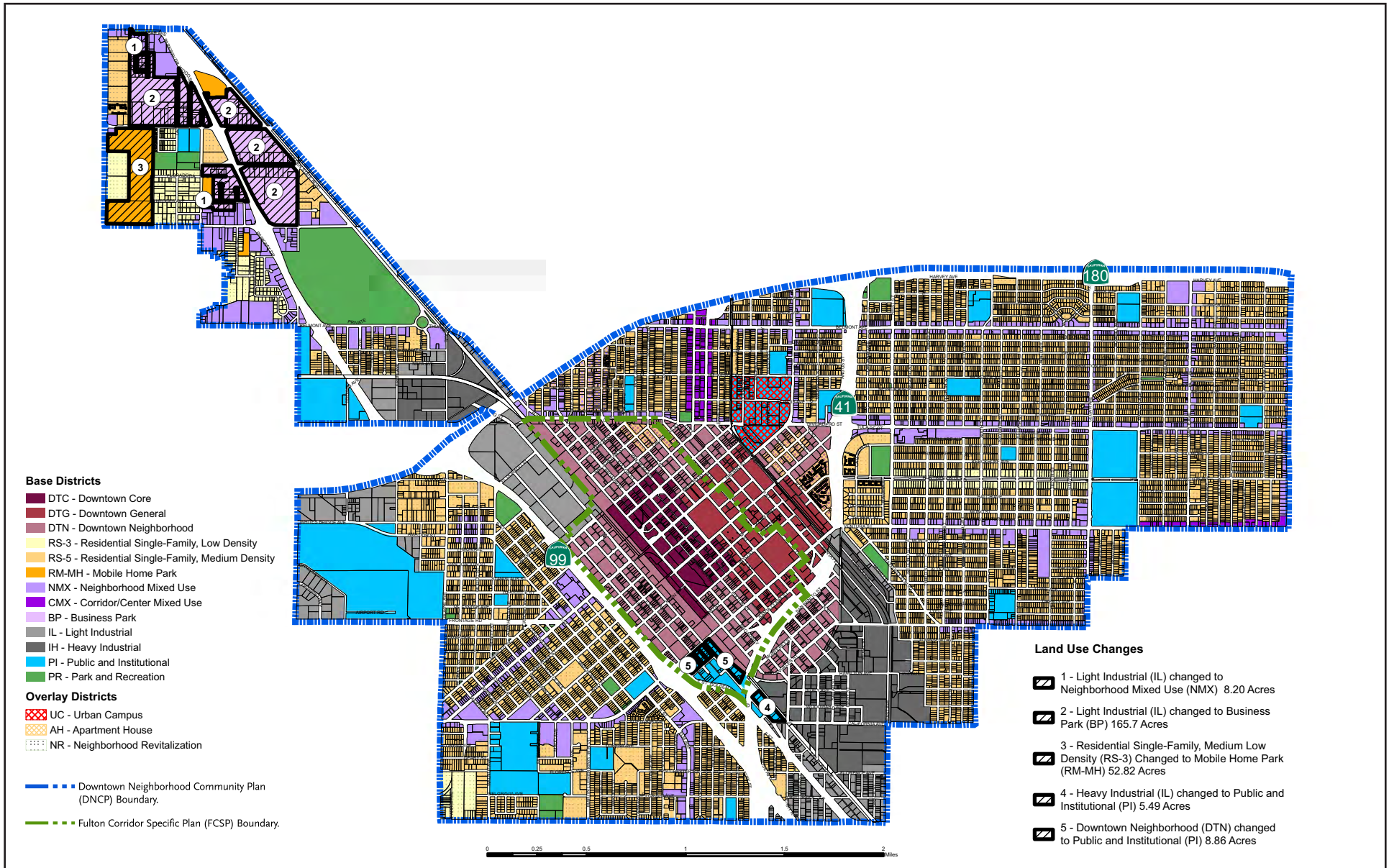
The City of Fresno identified recommended revisions to this page to make it clear and concise. The following changes are located under Fresno General Plan.

Below are summaries of the City’s General Plan objectives and policies regarding public services and recreation (i.e., police, fire, parks/~~recreation~~, and schools).

Page 5.13-15: Public Services and Recreation

The City of Fresno identified recommended revisions to this page to make it clear and concise. The following changes are located under the first paragraph.

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 and/or recreation:



Source: Moule & Polyzoides, 2016



Exhibit 5.10-3a Proposed DNCP Land Use and Zoning Designations

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Page 5.13-27: Public Services and Recreation

The City of Fresno identified recommended revisions to this page to make it clear and concise. The following changes are located at the beginning of the page

5.13—Public Services and Recreation 5.13-1

Page 5.14-3, 5.14-6, and 5.14-8: Transportation and Traffic

Text was added to pages 5.14.3 and 5.14-6 as follows:

“the proposed bicycle network identified in the 2010 City of Fresno Bicycle, Pedestrian, & Trails Master Plan”

Page 5.14-3: Transportation and Traffic

A comment recommended that the bullet be modified under the Road Diets & Bike Lanes on page 5.14-3, as follows:

- Tulare Street: Union Pacific Railroad to R Street (4 lane ~~d~~ivided to 3 lanes)

Page 5.14-5: Transportation and Traffic

The commenter suggested removal and addition of text within the second paragraph as follows:

The FCSP accommodates the construction of a high speed rail station within the plan area. However, the full construction of an operational California High Speed Rail system is not currently fully-funded and too speculative to include in this analysis. However, roadway changes associated with the HSR are included in the Cumulative analysis ~~The California High Speed Rail system is discussed further under the Cumulative Conditions~~ (see Section 5.14.6).

Page 5.14-9: Transportation and Traffic

The commenter suggested defining the BMP in Policy 9-14-2 language as follows:

- **Policy 9-14-2:** Provide safe and well-designed bicycle crossings of the railroad right-of-way at all places identified in the Bicycle, Pedestrian and Trails Master Plan (BMP)/ATP.

Page 5.14-52: Transportation and Traffic

The commenter suggested deleting the duplicate sentences within the second paragraph of City of Fresno Traffic Impact Study Report Guidelines as follows:

The guidelines include the preferred traffic analysis methodologies, significance criteria, and documentation requirements ~~This analysis is conducted using the preferred analysis methodologies and significance criteria~~ as outlined in the City’s guidelines.

Pages 5.14-106 through 5.14-130: Transportation and Traffic

The commenter suggested deleting reference to AM and PM peak-hour traffic operation every 3 years and replacing it with 5 years, as follows:

The City of Fresno shall monitor AM and PM peak-hour traffic operations at the impacted intersections at least every 5 years.

~~Surface water obtained under this agreement is treated at the City's SWTF along with its other surface supplies, and pumped into the potable distribution system.~~

Page 5.15-4: Utilities and Service Systems

The commenter recommended additional notes to Table 5.15-1 for consistency with previous references in the footnotes of other tables to as follows:

Table 5.15-1: Current and Planned Potable Water Supplies

Water Supply	Additional Detail on Water Supply	Projected Water Supply (af)									
		2020		2025		2030		2035		2040 (opt)	
		Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)	Reasonably Available Volume	Total Right or Safe Yield (optional)
Groundwater ¹	Kings Subbasin	130,400	—	135,100	—	139,700	—	144,300	—	148,900	—
Surface Water ²	FID—Agmt.	106,200	—	111,200	—	116,200	—	121,200	—	126,200	—
Surface Water ³	USBR—CVP	52,600	—	52,600	—	52,600	—	52,600	—	52,600	—
Recycled ⁴	Tertiary, disinfected	7,000	—	16,000	—	16,000	—	16,000	—	16,000	—
Recycled ⁵	Secondary, disinfected	10,000	—	10,000	—	10,000	—	10,000	—	10,000	—
Recycled ⁶	Tertiary, disinfected	2,500	—	5,000	—	7,500	—	10,000	—	12,500	—
Total		308,700	0	329,900	0	342,000	0	354,100	0	366,200	0

Notes:
¹ The value for “Reasonably Available Volume” includes the Safe Yield which increases as the City’s SOI expands as discussed in Sections 6.1.5.1 & 6.1.5.2 and in Table 6-3 of the 2015 UWMP. Additionally, this value includes water from prior year(s) operation of intentional recharge as shown in Table 6-3 (of the 2015 UWMP) for the same year.
² The City’s surface water supply from FID grows as the City’s annexed city limits expand as discussed in Section 6.2.1 of the 2015 UWMP.
³ The City’s USBR CVP Friant Division contract is for 60,000 af of Class 1 water. The 52,600 af/yr value is the historic average allocated value for the City per Figure 7-2 of the 2015 UWMP (rounded to nearest 100).
⁴ The 2020 value of 7,000 af/yr is based on the RWRF’s 5 mgd facility; the subsequent increase to 16,000 af/yr reflects the satellite WRF (8 mgd) being constructed and operational shortly after 2025.
⁵ The annual 10,000 af is the current amount presently directed to farm irrigation of non-food crops adjacent to the RWRF.
⁶ The City recently had extraction wells at the RWRF reclassified as providing “soil aquifer treated” recycled water. The projected values reflect the incorporation of this water into the flows returned to the metropolitan area and used for purposes as shown in Table 6-9 of the 2015 UWMP.
 Source: City of Fresno 2015 Urban Water Management Plan, 2016. Prepared by Provost & Pritchard Consulting Group.

Page 5.15-2: Utilities and Service Systems

The following edits were made to the third paragraph under Water Supply.

The Surface Water Treatment Facility (SWTF) located in northeast Fresno receives supplies from the United States Bureau of Reclamation (USBR), Fresno Irrigation District (FID) contract for Kings River Water, and a wastewater recycle exchange agreement with the Fresno Irrigation District. The USBR would supply 60,000 acre-feet per year (afy) in year 2010 through year 2025, and the FID would supply an estimated 108,200 afy in year 2010 (125,543 afy actual) (increasing to 132,400 afy by 2035) for the Kings River contracted water, ~~and the FID wastewater exchange agreement would supply 13,800 afy in year 2010 through year 2025 (City of Fresno 2016)~~

Page 5.15-6: Utilities and Service Systems

This comment recommended that the sentence be modified to reflect the most recent decreased water usage (in the last couple of years due to drought/conservation), or provide a range of years for which the average water use is shown. Under the Existing Water Demand—Citywide the first sentence of the first paragraph on page 5.15-6 has been revised as follows:

According to the the Fresno 2015 UWMP, the existing average water use for the City of Fresno is 300309 gallons per capita per day (gpcd), with a baseline period between 1999 through 2008. However, the actual per capital water use for the City in 2015 was 190 gpcd. The overall water usage patterns for the City have been reduced due to ongoing drought year-practices, and conservation measures the City has enacted. Total water demand for all sectors (industrial, public landscape irrigation, commercial/institutional, multi-family residential, single-family residential) in 2015 was 132,843 afy, and is projected by the 2015 Urban Water Management Plan (UWMP) to reach 262,500 afy by the year 2040. This projection includes conservation savings that will be achieved by the year 2040. Beginning late 2008 through January 2013, the City had initiated and completed the implementation of a residential water meter program through the installation of 113,000 water meters for single-family homes. From the period of 2008 through 2015, there has been a dramatic decline of water usage for all water use sectors, as such-; the City has met and exceeded the 2015 Interim target of 278 gpcd, as noted in the 2015 UWMP.

Mitigation Monitoring and Reporting Program for the City of Fresno Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code City of Fresno, Fresno County, California



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Table 1: DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 5.1—Aesthetics					
<p>The following mitigation measures were included in the MEIR and remain applicable to this project:</p> <p>Project-specific MM AES-4a: 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.</p>	On-site inspection to confirm implementation of mitigation measures.	Prior to final project approvals	City of Fresno		
<p>MM AES-4b: 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.</p>	On-site inspection to confirm implementation of mitigation measures.	Prior to final project approvals	City of Fresno		
<p>MM AES-4c: Lighting systems for non-residential uses, not including public facilities, shall provide shields on the light fixtures and orient the lighting system away from adjacent properties. Low-intensity light fixtures shall also be used if excessive spillover light onto adjacent properties will occur.</p>	On-site inspection to confirm implementation of mitigation measures.	Prior to final project approvals	City of Fresno		
<p>MM AES-4d: 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 that have an average light intensity of 2.0 horizontal footcandles or greater.</p>	On-site inspection to confirm implementation of mitigation measures.	Prior to final project approvals	City of Fresno		
<p>MM AES-4e: Materials used on building facades shall be non-reflective.</p>	On-site inspection to confirm implementation of mitigation measures.	Prior to final project approvals	City of Fresno		
<p>Cumulative Implementation of Mitigation Measures AES-4a through AES-4e is required.</p>	On-site inspection to confirm implementation of mitigation measures.	Prior to final project approvals	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 5.3—Air Quality					
<p>The following mitigation measures were not included in the MEIR but are applicable to this project:</p> <p>Project-specific</p> <p>The implementation of the proposed plans and relevant policies for this area are expected to reduce per capita motor vehicle emissions to the extent feasible. This is well stated in the FCSP: “By improving Downtown, this Plan helps to expand access and make Downtown more inviting and attractive to everyone. Over time, Downtown’s wide streets are put to better use, creating space for public transit, bicycles, and pedestrians, and connecting and creating synergy with adjacent neighborhoods and institutions that are within walking and biking distance of Downtown.”</p> <p>The FCSP follows principles including infill development, mix of land uses, an interconnected street system, and a high level of walkability and bikability that have been documented to reduce vehicle miles traveled (see CAPCOA’s 2010 report Quantifying Greenhouse Gas Mitigation Measures). No mitigation measures beyond General Plan policies, ordinances, and regulations are available to further reduce this impact.</p>	Implement proposed plans and relevant policies to reduce per capita motor vehicle emissions.	Prior to construction of the project	City of Fresno		
<p>The following mitigation measures were included in the MEIR and remain applicable to this project:</p> <p>Mitigation Measure AIR-1</p> <p>Projects that include five or more heavy-duty truck deliveries per day with sensitive receptors located within 300 feet of the truck loading area shall provide a screening analysis to determine if the project has the potential to exceed criteria pollutant concentration based standards and thresholds for NO₂ and PM_{2.5}. If projects exceed screening criteria, refined dispersion modeling and health risk assessment shall be</p>	Review and confirm that the applicant has prepared a screening analysis as specified.	Prior to construction of the project	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>accomplished and if needed, mitigation measures to reduce impacts shall be included in the project to reduce the impacts to the extent feasible. Mitigation measures include but are not limited to:</p> <ul style="list-style-type: none"> • Locate loading docks and truck access routes as far from sensitive receptors as reasonably possible considering site design limitations to comply with other City design standards. • Post signs requiring drivers to limit idling to 5 minutes or less. 					
<p>Mitigation Measure AIR-2 Projects that result in an increased cancer risk of 10 in a million [20 in a million under revised SJVAPCD thresholds] or exceed criteria pollutant ambient air quality standards shall implement site-specific measures that reduce TAC exposure to reduce excess cancer risk to less than 10 in a million [20 in a million under revised SJVAPCD thresholds]. Possible control measures include but are not limited to:</p> <ul style="list-style-type: none"> • Locate loading docks and truck access routes as far from sensitive receptors as reasonably possible considering site design limitations to comply with other City design standards. • Post signs requiring drivers to limit idling to 5 minutes or less • Construct block walls to reduce the flow of emissions toward sensitive receptors • Install a vegetative barrier downwind from the TAC source that can absorb a portion of the diesel PM emissions • For projects proposing to locate a new building containing sensitive receptors near existing sources of TAC emissions, install HEPA filters in HVAC systems to reduce TAC emission levels exceeding risk thresholds. • Install heating and cooling services at truck stops to eliminate the need for idling during overnight stops to run onboard systems. 	Implement the air pollution control measures, as necessary.	During project construction	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<ul style="list-style-type: none"> For large distribution centers where the owner controls the vehicle fleet, provide facilities to support alternative fueled trucks powered by fuels such as natural gas or bio-diesel. Utilize electric powered material handling equipment where feasible for the weight and volume of material to be moved. 					
<p>Mitigation Measure AIR-3 Require developers proposing projects on ARB’s list of projects in its Air Quality and Land Use Handbook (Handbook) warranting special consideration to prepare a cumulative health risk assessment when sensitive receptors are located within the distance screening criteria of the facility as listed in the ARB Handbook.</p>	Review and confirm that the applicant has prepared a cumulative health risk assessment as specified.	Prior to project construction	City of Fresno		
<p>Mitigation Measure AIR-4 Require developers of projects containing sensitive receptors to provide a cumulative health risk assessment at project locations exceeding ARB Land Use Handbook distance screening criteria or newer criteria that may be developed by the SJVAPCD (no longer required by CEQA).</p>	Review and confirm that the applicant has prepared a cumulative health risk assessment as specified.	Prior to project construction	City of Fresno		
<p>The following policy serves as mitigation measures, and were not included in the MEIR but are applicable to this project: Project-specific The implementation of the proposed plans and relevant policies for this area are expected to reduce per capita motor vehicle emissions to the extent feasible. This is well stated in the FCSP: “By improving Downtown, this Plan helps to expand access and make Downtown more inviting and attractive to everyone. Over time, Downtown’s wide streets are put to better use, creating space for public transit, bicycles, and pedestrians, and connecting and creating synergy with adjacent neighborhoods and institutions that are within walking and biking distance of Downtown.”</p>	Implement proposed plans and relevant policies to reduce per capita motor vehicle emissions.	Prior to construction of the project	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
The DNCP and FCSP follow principles including infill development, mix of land uses, an interconnected street system, and a high level of walkability and bikability that have been documented to reduce vehicle miles traveled (see CAPCOA’s 2010 report Quantifying Greenhouse Gas Mitigation Measures). No mitigation measures beyond General Plan policies, ordinances, and regulations are available to further reduce this impact.					
The following mitigation measures were included in the MEIR and remain applicable to this project: Project-specific Odor source types listed in Table 5.3 8 may result in a potentially significant impact that would require mitigation to ensure that the impact is reduced to less than significant.	Monitor odor source types and mitigate to less than significant.	During construction activities	City of Fresno		
MM AIR-5: Require developers of projects with the potential to generate significant odor impacts as determined through review of SJVAPCD odor complaint history for similar facilities and consultation with the SJVAPCD to prepare an odor impact assessment and to implement odor control measures recommended by the SJVAPCD or the City to the extent needed to reduce the impact to less than significant.	Review and confirm that the developer has prepared an odor impact assessment, as necessary.	Prior to construction of the project	City of Fresno		
Cumulative Implementation of Mitigation Measure AIR-3 is required.	Review and confirm that the applicant has prepared a cumulative health risk assessment as specified.	Prior to project construction	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 5.4—Biological Resources					
<p>The following mitigation measures were included in the MEIR and remain applicable to this project:</p> <p>Project-specific</p> <p>MM BIO-1a: Construction of a proposed project would avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Plan areas. If construction within potentially suitable habitat must occur, the presence/absence of any special-status plant or wildlife species must be determined prior to construction, to determine if the habitat supports any special-status species. If a special-status species is determined to occupy any portion of a project site, avoidance and minimization measures shall be incorporated into the construction phase of a project to avoid direct or incidental take of a special-status species to the greatest extent feasible. Avoidance and minimization measures include and are not limited to removing vegetation communities to be replanted off-site.</p>	<p>On-site inspection of any special-status species. Implement avoidance and minimization measures, as necessary.</p>	<p>Before ground-disturbing (preparation and construction activities)</p>	<p>City of Fresno</p>		
<p>MM BIO-1b: Direct or incidental take of any state or federally listed species would be avoided to the greatest extent feasible. If construction of a proposed project will result in the direct or incidental take of a listed species, consultation with the resource agencies and/or additional permitting may be required. Agency consultation through the California Department of Fish and Wildlife Section 2081 and United States Fish and Wildlife Service Section 7 or Section 10 permitting processes must take place prior to any action that may result in the direct or incidental take of a listed species. Specific mitigation measures for direct or incidental impacts to a listed species will be determined on a case-by-case basis through agency consultation.</p>	<p>Coordinate with the California Department of Fish and Wildlife and United States Fish and Wildlife Service for permitting. On-site inspection to confirm implementation mitigation measures.</p>	<p>Prior to construction of the project</p>	<p>California Department of Fish and Wildlife and United States Fish and Wildlife Service</p>		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM BIO-1c: Development within the Plan areas would avoid, where possible, special-status natural communities and vegetation communities that provide suitable habitat for special-status species. If a proposed project will result in the loss of a special-status natural community or suitable habitat for special-status species, compensatory habitat-based mitigation may be required under the California Environmental Quality Act and the California Endangered Species Act. Mitigation will consist of preserving on-site habitat, restoring similar habitat, or purchasing off-site credits from an approved mitigation bank. Compensatory mitigation will be determined through consultation with the City and/or resource agencies. An appropriate mitigation strategy and ratio will be produced by the developer and lead agency to reduce project impacts to special-status natural communities to a less than significant level. Agreed-upon mitigation ratios will depend on the quality of the habitat and presence/absence of a special-status species. The specific mitigation for project level impacts will be determined on a case-by-case basis.</p>	<p>Coordinate with resource agencies. On-site inspection to confirm implementation of mitigation measures.</p>	<p>Prior to construction of the project</p>	<p>City of Fresno</p>		
<p>MM BIO-1d: Proposed projects within the Plan areas would avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code Section 3500 and the Migratory Bird Treaty Act, if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey must be conducted to determine if any nesting birds or nesting activity is observed on or within 500 feet of a project site. If an active nest is observed during the survey, a biological monitor must be present on-site to ensure that no proposed project activities would impact the active nest. A suitable buffer will be established around the active nest until the nestlings have</p>	<p>Monitor the timing of construction. Review and confirm that the applicant has prepared a pre-construction clearance survey, as necessary. Confirm presence of biological monitor, as necessary.</p>	<p>Prior to and during construction activities</p>	<p>City of Fresno</p>		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the biological monitor.					
Cumulative Implementation of Mitigation Measures BIO-1a through BIO-1d is required.	Confirm implementation of mitigation measures.	Prior to and during construction activities	City of Fresno		
The following mitigation measures were included in the MEIR and remain applicable to this project: Project-specific MM BIO-3a: If a proposed project will result in the significant alteration or fill of a federally protected wetland, a formal wetland delineation conducted according to United States Army Corps of Engineers (USACE) accepted methodology is required for each project to determine the extent of wetlands on a project site. The delineation shall be used to determine if federal permitting and mitigation strategy are required to reduce project impacts. Acquisition of permits from USACE for the fill of wetlands and USACE approval of a wetland mitigation plan would ensure a “no net loss” of wetland habitat within the planning area. Appropriate wetland mitigation/creation shall be implemented in a ratio according to the size of the impacted wetland.	Review and confirm that the applicant has prepared a formal wetland delineation, as necessary. Confirm implementation of wetland mitigation.	Prior to construction of the project	United States Army Corps of Engineers (USACE)		
MM BIO-3b: In addition to regulatory agency permitting, Best Management Practices identified from a list provided by the USACE shall be incorporated into the design and construction phase of the proposed project to ensure that no pollutants or siltation drain into a federally protected wetland. Project design features such as fencing, appropriate drainage, and incorporating detention basins shall help to ensure that project-related impacts to wetland habitat are minimized to the greatest extent feasible.	Confirm BMPs are incorporated into design and construction phases.	Before ground-disturbing (preparation and construction activities)	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Cumulative Implementation of Mitigation Measures BIO-3a and BIO-3b is required.</p>	Confirm implementation of mitigation measures.	Prior to construction of the project and before ground-disturbing	City of Fresno		
<p>The following mitigation measures were included in the MEIR and remain applicable to this project: Project-specific MM CUL-1: In accordance with Objective HCR-2 (specifically HCR-2-a through HCR-2-c) of the Fresno General Plan, and in accordance with DNCP Chapter 6 Goal 6.1, all discretionary development projects within the DNCP, FCSP, and DDC should undergo a standard Cultural Resources Assessment, Archaeological Resource Assessment, Historic Property Evaluation, or equivalent Phase I review.</p> <ul style="list-style-type: none"> • This CEQA-level evaluation should include, at minimum, a CHRIS records search for the project area and an appropriate search radius, a historical map/aerial photography and literature review for the project area, a pedestrian survey to identify specific historic-age structures within the project area, and any subsequent building/structure/object evaluations. The report should also address any project-specific archaeological sensitivity determinations and additional project-specific proposed mitigation measures, as necessary. • Any newly recorded prehistoric or historic resources should be evaluated for significance and potential standing with Fresno’s Local Register of Historic Resources, the CRHR, and the NRHP, as necessary. Eligibility determinations and proposed mitigation measures should be summarized in the Phase I report. • To ensure that state and local historic resources databases are updated with new findings, the appropriate Department 	Review and confirm that the applicant has prepared a Cultural Resources Assessment, Archaeological Resource Assessment, Historic Property Evaluation, or Phase I review.	Prior to construction of the project	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>of Parks and Recreation (DPR) forms are required to be completed for any newly recorded resources and submitted to the CHRIS Information Center with the completed Phase I report.</p> <ul style="list-style-type: none"> Completed Phase I reports should be submitted to the City for incorporation into their local databases. 					
<p>MM CUL-2: In accordance with Objective HCR-3 (specifically HCR-3-a) of the Fresno General Plan, and in accordance with DNCP Chapter 6 Goal 6.1 (specifically Policy 6.2.1 through 6.2.7), all efforts should be made (within appropriate safest standards) to preserve, rehabilitate, and re-use historic-age structures (whether determined eligible or not).</p>	<p>Confirm compliance with applicable objectives and goals.</p>	<p>Prior to construction of the project</p>	<p>City of Fresno</p>		
<p>MM CUL-3: Subsurface excavations or mass grading for new developments within areas determined to have moderate to high archaeological sensitivity (whether in this Specific Plan or in subsequent Phase I reports) should be monitored by a City-approved archaeologist. The Archaeologist will provide training to the construction crew at a “tailgate” meeting regarding state laws and protocols for archeological measures prior to the initiation of any ground-disturbing activities at these locations. The archaeologist will discuss the project-specific sensitivity potential to encounter both prehistoric and historic materials; present (verbally or graphically) examples of potential types of prehistoric and historic materials that may be encountered; discuss the responsibilities and empowerments of the cultural resources monitor(s); and briefly address the procedures to address inadvertent finds.</p>	<p>Confirm presence of City-approved archaeologist.</p>	<p>During subsurface earthwork activities</p>	<p>City of Fresno</p>		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM CUL-4: If previously unknown cultural resources are encountered during grading activities, construction shall stop in the immediate vicinity of the find and an 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 Section 15064.5 of the CEQA Guidelines and the City’s Historic Preservation Ordinance.</p> <ul style="list-style-type: none"> • Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in terms of CEQA criteria. • 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 archaeologist 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 resources. 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. 	<p>Cease construction when there is a potentially significant archaeological resource and perform technical analyses.</p>	<p>During subsurface earthwork activities</p>	<p>City of Fresno</p>		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Cumulative Implementation of Mitigation Measure CUL-1 through CUL-4 is required.</p>	Confirm implementation of mitigation measures	Prior to construction of the project and during subsurface earthwork activities	City of Fresno		
<p>Mitigation Measure CUL-1 is required in order to assess the prehistoric archaeological sensitivity of specific project developments. If no previously recorded prehistoric resources are identified and no additional mitigation measures re proposed in the Phase I investigation, Mitigation Measure CUL-4 is required to address potential inadvertent finds.</p>	Cease construction when there is a potentially significant archaeological resource and perform technical analyses.	During subsurface earthwork activities	City of Fresno		
<p>In addition to Mitigation Measure CUL-1 and CUL-4, the following mitigation measures, which were included in the MEIR and remain applicable to this project, are also required: MM CUL-5: Monitoring by a qualified professional archaeologist shall be conducted during any ground-disturbing activities in the vicinity of the Fresno Chinatown Block 50 Site, Fresno Block 534 Site, and the Block 1052 Isolate, which were identified by the current investigations. (“Vicinity” is defined here as lying within 300 feet of the identified site boundaries.) These are presently the only archaeological sites recorded within the FCSP/DNCP areas.</p>	Confirm presence of a qualified archaeological monitor.	During ground-disturbing activities	City of Fresno		
<p>MM CUL-6: Ground-disturbing activities shall also be monitored in the vicinity of any archaeological sites identified in the future, as follows: A qualified professional archaeologist and a Native American representative shall monitor any ground-disturbing activities in the vicinity of known archaeological sites. An archaeological monitoring plan shall be developed in accordance with professional standards by an archaeologist who meets the Secretary of the Interior’s Professional Qualifications Standards for Archaeology. The monitors will ensure that any portions of</p>	Confirm presence of a qualified archaeological monitor.	During ground-disturbing activities	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>previously identified significant resources are avoided and protected. In addition, they will identify any new cultural resources encountered during ground-disturbing activities. If potentially important cultural resources are discovered, the archaeologist will immediately divert such activity within 100 feet of the find, or a distance determined to be appropriate. The potential significance of the find will be assessed and mitigation measures formulated, if warranted. Appropriate mitigation may include avoidance of the resource, testing, and/or data recovery. Ground disturbance in the area of suspended activity shall not recommence until authorized by the archaeologist. Upon completion of the monitoring, an archaeological report will be prepared for the City in accordance with professional standards. A copy of the report will be submitted to the SSJV Information Center. Provisions will be made for curation of any significant cultural materials recovered.</p>					
<p>Cumulative Implementation of Mitigation Measure CUL-1, as well as Mitigation Measures CUL-4, CUL-5, and CUL-6 are required.</p>	Confirm implementation of mitigation measures	Prior to and during construction activities	City of Fresno		
<p>The following mitigation measure was included in the MEIR and remains applicable to this project: Project-specific MM CUL-7: 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:</p> <ul style="list-style-type: none"> • 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 	Review and confirm that the applicant has conducted a field survey and literature search.	Prior to construction of the project	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>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.</p> <ul style="list-style-type: none"> • 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 					

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
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.					
<p>The following mitigation measure was included in the MEIR and remains applicable to this project:</p> <p>Project-specific MM CUL-8: 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.</p>	Cease construction when there are human remains unearthed and contact appropriate agency.	During construction activities	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Cumulative Implementation of Mitigation Measure CUL-4 is required.</p>	Confirm implementation of mitigation measure.	During subsurface earthwork activities	City of Fresno		
<p>Section 5.8—Hazards and Hazardous Materials</p>					
<p>The following mitigation measure were not included in the MEIR but are applicable to this project Project-specific The following recommendations from the Phase I ESAs for the DNCP and the FCSP have been incorporated as mitigation measures and are anticipated to reduce potential impacts regarding hazardous materials to a less than significant level. The following mitigation measures shall be implemented on a property-by-property basis as development and/or redevelopment progresses throughout the DNCP and FCSP areas: MM HAZ-1a: Prior to the issuance of a grading permit, the property owners and/or developers of properties shall ensure that a Phase I ESA shall be conducted for each individual property prior to development or redevelopment to ascertain the presence or absence of Recognized Environmental Conditions, Historical Recognized Environmental Condition, and Potential Environmental Concerns as defined in the Phase I Environmental Site Assessment for the Downtown Neighborhoods Community Specific Plan and the Fulton Corridor Specific Plan relevant to the property under consideration. The findings and conclusions of the Phase I ESA shall become the basis for potential recommendations for follow-up investigation, if found to be warranted.</p>	Review and confirm that the applicant has prepared a Phase I ESA.	Prior to issuance of a grading permit	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM HAZ-1b: In the event that the findings and conclusions of the Phase I ESA for a property result in evidence of RECs, HRECs and/or PECs warranting further investigation, the property owners and/or developers of properties shall ensure that a Phase II ESA shall be conducted to determine the presence or absence of a significant impact to the subject site from hazardous materials.</p> <p>The Phase II ESA may include but may not be limited to the following: (1) Collection and laboratory analysis of soils and/or groundwater samples to ascertain the presence or absence of significant concentrations of constituents of concern; (2) Collection and laboratory analysis of soil vapors and/or indoor air to ascertain the presence or absence of significant concentrations of volatile constituents of concern; and/or (3) Geophysical surveys to ascertain the presence or absence of subsurface features of concern such as USTs, drywells, drains, plumbing, and septic systems. The findings and conclusions of the Phase II ESA shall become the basis for potential recommendations for follow-up investigation, site characterization, and/or remedial activities, if found to be warranted.</p>	<p>Review and confirm that the applicant has prepared a Phase II ESA, as necessary.</p>	<p>Prior to issuance of a grading permit</p>	<p>City of Fresno</p>		
<p>MM HAZ-1c: In the event the findings and conclusions of the Phase II ESA reveal the presence of significant concentrations of hazardous materials warranting further investigation, the property owners and/or developers of properties shall ensure that site characterization shall be conducted in the form of additional Phase II ESAs in order to characterize the source and maximum extent of impacts from constituents of concern. The findings and conclusions of the site characterization shall become the basis for formation of a remedial action plan and/or risk assessment.</p>	<p>Review and confirm that the applicant has prepared additional Phase II ESA, as necessary.</p>	<p>Prior to issuance of a grading permit</p>	<p>City of Fresno</p>		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM HAZ-1d: If the findings and conclusions of the Phase II ESAs, site characterization and/or risk assessment demonstrate the presence of concentrations of hazardous materials exceeding regulatory threshold levels, prior to the issuance of a grading permit, property owners and/or developers of properties shall complete site remediation and potential risk assessment with oversight from the applicable regulatory agency including, but not limited to, the Cal-EPA Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Board (RWQCB), and Fresno County Department of Environmental Health Services (FCEHS). Potential remediation could include the removal or treatment of water and/or soil. If removal occurs, hazardous materials shall be transported and disposed at a hazardous materials permitted facility.</p>	<p>Review and confirm that the property owners and/or developers have completed site remediation and potential risk assessment.</p>	<p>Prior to issuance of a grading permit</p>	<p>Cal-EPA Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Board (RWQCB), and Fresno County Department of Environmental Health Services (FCEHS)</p>		
<p>MM HAZ-1e: In the event of planned renovation or demolition of residential and/or commercial structures on the subject site, prior to the issuance of demolition permits, asbestos and LBP surveys shall be conducted in order to determine the presence or absence of asbestos-containing construction materials and/or LBP. Removal of friable and non-friable ACCMs that have the potential to become friable during demolition and/or renovation shall conform to the standards set forth by the National Emissions Standards for Hazardous Air Pollutants.</p> <p>The San Joaquin Valley Unified Air Pollution Control District is the responsible agency on the local level to enforce the National Emission Standards for Hazardous Air Pollutants and shall be notified by the property owners and/or developers of properties (or their designee(s)) prior to any demolition and/or renovation activities. If asbestos-containing materials are left in place, an Operations and Maintenance Program (O&M Program) shall be developed for the management of asbestos-containing materials.</p>	<p>Confirm asbestos and LBP surveys were conducted. Confirm conformity to the standards set forth by the National Emissions Standards for Hazardous Air Pollutants.</p>	<p>Prior to issuance of demolition permits</p>	<p>San Joaquin Valley Unified Air Pollution Control District</p>		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>Project-specific The following mitigation measures were not included in the MEIR and are new for this project: MM HAZ-3a: A Business Plan must be submitted by businesses that handle a hazardous material, or a mixture containing a hazardous material, in quantities equal to or greater than 500 pounds of a solid, 55 gallons of a liquid, 200 cubic feet of a compressed gas at standard room temperature and pressure, the Federal Threshold Planning Quantity (TPQ) for Extremely Hazardous Substances, radioactive materials in quantities for which an Emergency Plan is required in accordance with Parts 30, 40, or 70, Chapter 1 of Title 10 of Code of Federal Regulations. A Risk Management Plan shall be completed for any business that has more than a threshold quantity of a regulated substance in a process included any use, storage, manufacturing, handling, or on-site movement or any combination of these activities. Regulated substances are those chemicals on either the Federal list or the State list.</p>	Confirm a business plan was submitted and a Risk Management Plan was completed.	Prior to final project approvals	City of Fresno		
<p>MM HAZ-3b: In the event that unknown soil contamination is discovered during grading activities, the property owners and/or developers of properties shall ensure that site characterization shall be conducted in the form of a Phase II ESA in order to characterize the source and maximum extent of impacts from constituents of concern. The findings and conclusions of the site characterization shall become the basis for formation of a remedial action plan and/or risk assessment.</p>	Confirm property owners and/or developers ensure site characterization.	During grading activities	City of Fresno		
<p>MM HAZ-3c: If the findings and conclusions of the Phase II ESA, site characterization and/or risk assessment demonstrate the presence of concentrations of hazardous materials exceeding regulatory threshold levels, property owners and/or developers of properties shall complete site remediation and potential risk assessment with oversight from the applicable</p>	Review and confirm preparation of a site remediation and risk assessment.	Prior to construction of project	Cal-EPA DTSC or RWQCB, and Fresno County Department of Environmental Health Services		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
regulatory agency, including but not limited to the Cal-EPA DTSC or RWQCB, and Fresno County Department of Environmental Health Services. Potential remediation could include the removal or treatment of water and/or soil. If removal occurs, hazardous materials shall be transported and disposed at a hazardous materials permitted facility.					
Section 5.9—Hydrology and Water Quality					
The following mitigation measures were included in the MEIR and remain applicable to this project: Project-specific MM HYD-2a: The City shall develop and implement water conservation measures to continue to reduce the per capita water use to 247 gallons per capita per day by General Plan Buildout.	Confirm development and implementation of water conservation measures.	Ongoing	City of Fresno		
MM HYD-2b: The City shall continue to be an active participant in the Kings Water Authority and the implementation of the Kings Basin Integrated Regional Water Management Plan.	Confirm active participation in the Kings Water Authority and implementation of Kings Basin Integrated Regional Water Management Plan.	Ongoing	City of Fresno		
Section 5.11—Noise					
The following mitigation measures were not included in the MEIR but are applicable to this project: Project-specific MM NOI-2: Any noise-sensitive land use development that would construct structures within 80 feet of the edge of existing or future rail lines within the Plan Areas shall be required to prepare a vibration impact analysis to determine potential vibration impacts from railroad operations and to mitigate any impacts to below the FTA’s significance criteria shown in Table 5.11 8.	Confirm preparation of a vibration impact analysis.	Prior to construction of project	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
Section 5.14—Transportation and Traffic					
<p>The following mitigation measures were not included in the MEIR but are applicable to this project:</p> <p>Cumulative MM TRANS-2a: The City of Fresno shall monitor AM and PM peak-hour traffic operations at the impacted intersections at least every 5 years. Once the impacted intersections reach LOS D/E operations during either the AM or PM peak hour, a Transportation Management Association (TMA) shall be formed and funded to actively implement feasible transportation demand management (TDM) strategies that reduce peak-hour vehicle trips to and from the project area, as supported by DNCP Policy 3.3.3 and General Plan Policy MT-2-g. The TMA will implement TDM measures such as:</p> <ul style="list-style-type: none"> • Provide discounted transit passes. • Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible. • Organize ridesharing, bike-share, or car-share programs. • Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers. • Operate a commute trip reduction program that includes measures such as: <ul style="list-style-type: none"> - Preferential carpool parking. - Encouraging flexible work schedules/telecommuting. - Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes. - Encouraging the use of a transportation coordinator for the project area - Provide end-of-trip facilities for bicyclists. 	<p>Confirm AM and PM peak hour traffic operations at impacted intersections are monitored. When needed, confirm that a TMA is formed and funded. Confirm implementation of feasible TDM strategy.</p>	<p>Every 5 years</p>	<p>City of Fresno</p>		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM TRANS-2b: The City of Fresno shall monitor AM and PM peak-hour traffic operations at the impacted intersections at least every 5 years. The monitoring program will identify improvements that are needed, if any, to mitigate the project’s impacts to traffic operations at these impacted locations. If the monitoring program determines that the proposed project causes an intersection to operate at unacceptable levels (LOS E or F), or adds more than five seconds of delay to an intersection already operating at an unacceptable LOS, the City of Fresno shall implement mitigation measures that improve operations to mitigate the project’s impact, if feasible. These measures may include, but are not limited to, feasible TDM strategies to reduce peak-hour vehicle trips or physical improvements, such as adding traffic signals, turn lanes, travel lanes, roundabouts, or the specific improvements listed for each impacted study intersection below.</p> <ul style="list-style-type: none"> • Belmont Avenue/Golden State Boulevard-Wesley Avenue <ul style="list-style-type: none"> - Signalize the intersection. - Widen the westbound approach to two through lanes and one protected left-turn lane. • Belmont Avenue/Palm Avenue <ul style="list-style-type: none"> - Convert the northbound shared through/left-turn lane to separate through and left-turn lanes. - Convert the eastbound and westbound shared through/left-turn lane to a single left-turn lane. - Convert the left-turn movements to protected phasing. - Add a second eastbound left-turn lane. - Convert the eastbound shared through/right-turn lane to separate through and right-turn lanes. - Add a second northbound left-turn lane. - Optimize the signal timings. 	<p>Confirm AM and PM peak hour traffic operations at impacted intersections are monitored. When needed, confirm implementation of mitigation measures such as, feasible TDM strategy.</p>	<p>Every 5 years</p>	<p>City of Fresno</p>		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>The following mitigation measures were not included in the MEIR but are applicable to this project:</p> <p>Project-specific MM TRANS-3a: The City of Fresno shall monitor AM and PM peak-hour traffic operations at the impacted intersections at least every 5 years. Once the impacted intersections reach LOS D operations during either the AM or PM peak hour, a Transportation Management Association (TMA) shall be formed and funded to actively implement feasible transportation demand management (TDM) strategies to reduce peak-hour vehicle trips to and from the project area, as supported by DNCP Policy 3.3.3 and General Plan Policy MT-2-g. The TMA will implement TDM measures such as:</p> <ul style="list-style-type: none"> • Provide discounted transit passes. • Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible. • Organize ridesharing, bike-share, or car-share programs. • Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers. • Operate a commute trip reduction program that includes measures such as: <ul style="list-style-type: none"> - Preferential carpool parking. - Encouraging flexible work schedules/telecommuting. - Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes. - Encouraging the use of a transportation coordinator for the project area. - Provide end-of-trip facilities for bicyclists. 	<p>Confirm AM and PM peak hour traffic operations at impacted intersections are monitored. Confirm that a TMA is formed and funded. Confirm implementation of feasible TDM strategy.</p>	<p>Every 5 years</p>	<p>City of Fresno</p>		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MMTRANS-3b: Implement General Plan Policy MT-2-j and MT-2-l pursuant to Fresno General Plan MEIR impact TRANS-1 to seek funding for a multimodal transportation system and funding mechanism to address region-wide traffic impacts.</p>	Confirm implementation of mitigation measures	Ongoing	City of Fresno		
<p>Cumulative MM TRANS-3a: The City of Fresno shall monitor AM and PM peak-hour traffic operations at the impacted intersections at least every 5 years. Once the impacted intersections reach LOS D/E operations during either the AM or PM peak hour, a Transportation Management Association (TMA) shall be formed and funded to actively implement feasible transportation demand management (TDM) strategies to reduce peak-hour vehicle trips to and from the project area, as supported by DNCP Policy 3.3.3 and General Plan Policy MT-2-g. The TMA will implement TDM measures such as:</p> <ul style="list-style-type: none"> • Provide discounted transit passes. • Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible. • Organize ridesharing, bike-share, or car-share programs. • Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers. • Operate a commute trip reduction program that includes measures such as: <ul style="list-style-type: none"> - Preferential carpool parking. - Encouraging flexible work schedules/telecommuting. - Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes. - Encouraging the use of a transportation coordinator for the project area - Provide end-of-trip facilities for bicyclists. 	Confirm AM and PM peak hour traffic operations at impacted intersections are monitored. Confirm that a TMA is formed and funded. Confirm implementation of feasible TDM strategy.	Every 5 years	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM TRANS-3b: Implement General Plan Policy MT-2-j and MT-2-l pursuant to Fresno General Plan MEIR impact TRANS-1 to seek funding for a multimodal transportation system and funding mechanism to address region-wide traffic impacts.</p>	Confirm implementation of mitigation measures	Ongoing	City of Fresno		
<p>Project-specific MM TRANS-4a: The City of Fresno shall monitor AM and PM peak-hour traffic operations at the impacted locations at least every 5 years. Once the impacted locations reach LOS D/E operations during either the AM or PM peak hour, a Transportation Management Association (TMA) shall be formed and funded to actively implement feasible transportation demand management (TDM) strategies to reduce peak-hour vehicle trips to and from the project area, as supported by DNCP Policy 3.3.3 and General Plan Policy MT-2-g. The TMA will implement TDM measures such as:</p> <ul style="list-style-type: none"> • Provide discounted transit passes. • Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible. • Organize ridesharing, bike-share, or car-share programs. • Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers. • Operate a commute trip reduction program that includes measures such as: <ul style="list-style-type: none"> - Preferential carpool parking. - Encouraging flexible work schedules/telecommuting. - Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes. - Encouraging the use of a transportation coordinator for the project area. - Provide end-of-trip facilities for bicyclists. 	Confirm AM and PM peak hour traffic operations at impacted locations are monitored. Confirm that a TMA is formed and funded. Confirm implementation of feasible TDM strategy.	Every 5 years	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM TRANS-4b: Implement General Plan Policy MT-2-j and MT-2-l pursuant to Fresno General Plan MEIR impact TRANS-1 to seek funding for a multimodal transportation system and funding mechanism to address region-wide traffic impacts.</p>	Confirm implementation of mitigation measures	Ongoing	City of Fresno		
<p>Cumulative MM TRANS-4a: The City of Fresno shall monitor AM and PM peak-hour traffic operations at the impacted locations at least every 5 years. Once the impacted locations reach LOS D/E operations during either the AM or PM peak hour, a Transportation Management Association (TMA) shall be formed and funded to actively implement feasible transportation demand management (TDM) strategies to reduce peak-hour vehicle trips to and from the project area, as supported by DNCP Policy 3.3.3 and General Plan Policy MT-2-g. The TMA will implement TDM measures such as:</p> <ul style="list-style-type: none"> • Provide discounted transit passes. • Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible. • Organize ridesharing, bike-share, or car-share programs. • Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers. • Operate a commute trip reduction program that includes measures such as: • Preferential carpool parking. <ul style="list-style-type: none"> - Encouraging flexible work schedules/telecommuting. - Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes. - Encouraging the use of a transportation coordinator for the project area. - Provide end-of-trip facilities for bicyclists. 	Confirm AM and PM peak hour traffic operations at impacted locations are monitored. Confirm that a TMA is formed and funded. Confirm implementation of feasible TDM strategy.	Every 5 years	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM TRANS-4b: Implement General Plan Policy MT-2-j and MT-2-l pursuant to Fresno General Plan MEIR impact TRANS-1 to seek funding for a multimodal transportation system and funding mechanism to address region-wide traffic impacts.</p>	Confirm implementation of mitigation measures	Ongoing	City of Fresno		
<p>Project-specific MM TRANS-5a: The City of Fresno shall monitor AM and PM peak-hour traffic queuing at the impacted ramps at least every 5 years. Once the queues at the impacted ramps extend into the deceleration zone as defined in Caltrans Highway Design Manual (HDM) during either the AM or PM peak hour, a Transportation Management Association (TMA) shall be formed and funded to actively implement feasible transportation demand management (TDM) strategies to reduce peak-hour vehicle trips to and from the project area, as supported by DNCP Policy 3.3.3 and General Plan Policy MT-2-g. The TMA will implement TDM measures such as:</p> <ul style="list-style-type: none"> • Provide discounted transit passes. • Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible. • Organize ridesharing, bike-share, or car-share programs. • Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers. • Operate a commute trip reduction program that includes measures such as: <ul style="list-style-type: none"> - Preferential carpool parking. - Encouraging flexible work schedules/telecommuting. - Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes. - Encouraging the use of a transportation coordinator for the project area - Provide end-of-trip facilities for bicyclists. 	Confirm AM and PM peak hour traffic queuing at impacted ramps are monitored. Confirm that a TMA is formed and funded. Confirm implementation of feasible TDM strategy.	Every 5 years	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
<p>MM TRANS-5b: Implement General Plan Policy MT-2-j and MT-2-l pursuant to Fresno General Plan MEIR impact TRANS-1 to seek funding for a multimodal transportation system and funding mechanism to address region-wide traffic impacts.</p>	Confirm implementation of mitigation measures	Ongoing	City of Fresno		
<p>Cumulative MM TRANS-5a: The City of Fresno shall monitor AM and PM peak-hour traffic queuing at the impacted ramps at least every 5 years. Once the queues at the impacted ramps extend into the deceleration zone as defined in Caltrans HDM during either the AM or PM peak hour, a Transportation Management Association (TMA) shall be formed and funded to actively implement feasible transportation demand management (TDM) strategies to reduce peak-hour vehicle trips to and from the project area, as supported by DNCP Policy 3.3.3 and General Plan Policy MT-2-g. The TMA will implement TDM measures such as:</p> <ul style="list-style-type: none"> • Provide discounted transit passes. • Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible. • Organize ridesharing, bike-share, or car-share programs. • Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers. • Operate a commute trip reduction program that includes measures such as: <ul style="list-style-type: none"> - Preferential carpool parking. - Encouraging flexible work schedules/telecommuting. - Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes. - Encouraging the use of a transportation coordinator for the project area - Provide end-of-trip facilities for bicyclists. 	Confirm AM and PM peak hour traffic queuing at impacted ramps are monitored. Confirm that a TMA is formed and funded. Confirm implementation of feasible TDM strategy.	Every 5 years	City of Fresno		

Table 1 (cont.): DNCP, FCSP, and DDC Mitigation Monitoring and Reporting Program

Mitigation Measures	Method of Verification	Timing of Verification	Responsible for Verification	Verification of Completion	
				Date	Initial
MM TRANS-5b: Implement General Plan Policy MT-2-j and MT-2-l pursuant to Fresno General Plan MEIR impact TRANS-1 to seek funding for a multimodal transportation system and funding mechanism to address region-wide traffic impacts.	Confirm implementation of mitigation measures.	Prior to final project approval	City of Fresno		
Project-specific MM TRANS-7: The City shall update the Bicycle, Pedestrian, and Trails Master Plan to reflect the proposed changes in the DNCP and FCSP. The implementation of this mitigation measure would maintain consistency among the City’s plans for bicycle facilities and lessen proposed project’s impact to less than significant.	Review and confirm updated Bicycle, Pedestrian, and Trails Master plan.	Prior to final project approval	City of Fresno		
The following mitigation measures were not included in the MEIR but are applicable to this project: Project-specific MM TRANS-8: Implementation of the DNCP and FCSP would include improvements to the existing at-grade railroad crossings to ensure that they have adequate vehicle, bicycle, and pedestrian facilities, and that the crossing gates meet PUC standards. The implementation of these improvements would improve conditions at at-grade railroad crossings and lessen potential project impacts to less than significant.	Inspect at-grade railroad crossings.	Prior to final project approvals	City of Fresno		

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