

## Exhibit G

### Resolution Certifying final Program EIR

1. Final EIR
  - a. Response to Comment and Errata
  - b. Draft EIR (available at <http://www.fresno.gov/NR/rdonlyres/C67797A8-18B8-4FD2-859F-1EC72BA629EF/0/31680017FresnoDowntownDraftEIR.pdf>)
  - c. Appendences A-K (available at <http://www.fresno.gov/Government/DepartmentDirectory/DARM/AdvancedPlanning/EIR.htm>)
2. CEQA findings of Fact
  - a. Significant Unavoidable Impacts
  - b. Impacts Mitigated to a Level of Insignificance
  - c. Feasibility of Project Alternatives
3. Statement of Overriding Considerations
4. Mitigation Monitoring and Reporting Program

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CERTIFYING ENVIRONMENTAL IMPACT REPORT SCH No. 2012041009 AS RELATED TO THE DOWNTOWN NEIGHBORHOODS COMMUNITY PLAN, THE FULTON CORRIDOR SPECIFIC PLAN, AND THE DOWNTOWN DEVELOPMENT CODE; ADOPTING FINDINGS OF FACT AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(a) AND CEQA GUIDELINES, SECTION 15091, APPROVING A MITIGATION MONITORING PROGRAM AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081.6 AND CEQA GUIDELINES SECTION 15097, ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS AS REQUIRED BY PUBLIC RESOURCES CODE SEC. 21081(b) AND CEQA GUIDELINES SECTION 15093, AS RELATED TO THE ADOPTION OF THE DOWNTOWN NEIGHBORHOODS COMMUNITY PLAN, THE FULTON CORRIDOR SPECIFIC PLAN, AND THE DOWNTOWN DEVELOPMENT CODE

WHEREAS, pursuant to Fresno Municipal Code section 15-5803, the Director of the Development and Resources Management Department initiated the adoption of the Downtown Neighborhoods Community Plan (DNCP), the Fulton Corridor Specific Plan (FCSP), and the Downtown Development Code (DDC), a rezone within the planning area of the above plans to rezone parcels to be consistent with the DNCP and FCSP, repeal of the Central Area Community Plan, repeal of the Fulton-Lowell Specific Plan, an amendment to the Fresno General Plan text and Land Use Map to incorporate the DNCP and FCSP, and corresponding amendments to the Edison, Roosevelt, and West Area Community Plans, the Fresno Chandler Executive Airport Land Use Compatibility Plan, and the Fresno-Chandler Downtown Airport Master and Environs Specific Plan (collectively "Downtown Plans and Code"); and

1 of 12

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

WHEREAS, the Director of Planning and Development determined that a program-level environmental impact report (PEIR) shall be prepared for the Downtown Plans and Code, and the City contracted with a professional environmental consultant to conduct the requisite studies and analyses of the potential environmental impact and proposed mitigation measures, as applicable, for the Fresno General Plan; and

WHEREAS, on April 2, 2012, and again on September 4, 2015, the Development and Resource Management Department duly issued and circulated a Notice of Preparation, pursuant to CEQA Guidelines Section 15082 and Public Resources Code Section 21080.4; and

WHEREAS, on April 17, 2012, and again on September 29, 2015, the Development and Resource Management Department held a scoping meeting pursuant to CEQA Guidelines Section 15082(c) and Public Resources Code Section 21080.4 attended by members of the public and at which written and verbal comments were submitted; and

WHEREAS, on July 28, 2016, the Development and Resource Management Department staff exercising their independent judgment, completed the draft program-level environmental impact report (hereinafter Draft PEIR), and the city provided due public Notice of Availability of the Draft PEIR for public comments pursuant to Public Resources Code Section 21092 and CEQA Guidelines Section 15087; and

WHEREAS, on July 28, 2016, the city issued a Notice of Completion pursuant to Public Resources Code Section 21161 and CEQA Guidelines Section 15085; and,

WHEREAS, on July 28, 2014, public Notice of Availability of the Draft PEIR was posted in the office of the Fresno County Clerk pursuant to Section 15087(d) of the CEQA Guidelines; and

WHEREAS, for at least 45 days following the date of publication of the Notice of Availability, the public was given opportunity to comment, in writing, on the adequacy of the Draft PEIR as an informational document; and

WHEREAS, the City caused the preparation of a Final PEIR (SCH No. 2012041009) , dated October 7, 2016 ("Final PEIR" or "FPEIR") pursuant to CEQA Guidelines Sections 15088, 15089 and 15132, which included the Draft PEIR, responses to public comments on the Draft PEIR, and minor corrections; and

WHEREAS, October 12, 2016, the Planning Commission held a duly noticed public hearing at which the Commission considered and discussed the adequacy of proposed Final PEIR (which included the Draft PEIR and a draft version of the Responses to Comments and Errata), as an informational document and voted to recommend to the City Council certification of the Final PEIR; and

WHEREAS, pursuant to CEQA Guidelines Section 15132 the Final PEIR is required to be completed in compliance with CEQA; and

WHEREAS, pursuant to Section 21092.5 of CEQA, the City mailed written responses to comments to all public agencies as well as private parties that commented on the Draft PEIR; and

WHEREAS, on October 20, 2016, the City Council conducted a public hearing and considered the record of proceedings for the PEIR, which includes, but is not limited to the following:

- (1) The Notice of Preparation for the Project (the "NOP"), and all other public notices issued by the City in connection with the Project;
- (2) The Final PEIR dated October 7, 2016;
- (3) The Draft PEIR dated July 28, 2016;
- (4) All written comments submitted by agencies or members of the public during any public review comment period on the Draft PEIR;

- (5) All written and verbal public testimony presented during a noticed public hearing for the Project (consistent with City Council policy) at which such testimony was taken, including without limitation, the Report to Council, including all attachments, any all presentations by City staff, the City's consultants, the applicant and the applicant's consultants, the public, and any other interested party; and
- (6) The Mitigation Monitoring and Reporting Program for the Project (the "MMRP");
- (7) The reports, studies and technical memoranda included and/or referenced in the DPEIR and the FPEIR and or their appendices;
- (8) All documents, studies, EIRs, or other materials incorporated by reference in the DPEIR and the FPEIR;
- (9) All Ordinances and Resolutions presented to and/or adopted by the City in connection with the Project; and all documents incorporated by reference therein, specifically including, but not limited to, this resolution and all of its exhibits, the plan amendment resolutions, and the text amendment ordinance bill, and the rezone ordinance bill;
- (10) Matters of common knowledge to the City, including but not limited, to federal, state, and local laws and regulations, adopted City plans, policies, and the professional qualifications of its staff members;
- (11) Any documents expressly cited in this Resolution and its exhibits, the Report to Council, the Final PEIR or the Draft PEIR; and
- (12) Any other relevant materials required to be in the record of proceedings under Section 21167 .6(e) of the Public Resources Code; and

WHEREAS, the City Council concluded the public comment portion of the hearing on October 20, 2016, deliberated the matter on the same day; and

WHEREAS, on October 20, 2016, the City Council considered and discussed the adequacy of the proposed Final PEIR as an informational document and applied its own independent judgment and analysis to the review and hereby desires to take action to certify the Final PEIR, as having been completed in compliance with CEQA, based on the findings found herein; and

WHEREAS, notice of the October 20, 2016, Council hearing was properly noticed at least 10 days before the hearing, by publication in the Fresno Bee; and

WHEREAS, CEQA guidelines require the following for certification of a final environmental impact report:

Section 15090. Certification of the Final EIR

- (a) Prior to approving a project the lead agency shall certify that:
  - (1) The final EIR has been completed in compliance with CEQA;
  - (2) The final EIR was presented to the decision making body of the lead agency and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and
  - (3) The final EIR reflects the lead agency's independent judgment and analysis.

Section 15091. Findings.

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding.

The possible findings are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

(c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subdivision (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Section 15092. Approval

(a) After considering the final EIR and in conjunction with making findings under Section 15091, the lead agency may decide whether or how to approve or carry out the project.

(b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:

(1) The project as approved will not have a significant effect on the environment, or

(2) The agency has:

(A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and

(B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

(c) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

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#### Section 15093. Statement of Overriding Considerations

(a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposal project



outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

(b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Findings. Council finds based upon the substantial evidence in the record of proceedings, and its independent judgment and analysis that:
  - (a) Compliance with CEQA. The Final PEIR in Exhibit 1 to this Resolution, which is attached hereto and incorporated herein by this reference, includes the Draft PEIR SCH No. 2012041009 dated July 28, 2016 and all related appendices, the Response to Comments, the Errata and all related appendices and attachments to the Final PEIR. The Final PEIR was prepared, in both substance and procedures, in compliance with the requirements of the California Environmental Quality Act (CEQA).
  - (b) Ratification of Findings and Analysis in the FPEIR. In making the findings in this Resolution, the City ratifies, adopts, and incorporates the analysis and explanation in the Final PEIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions in the Final

PEIR relating to environmental impacts and mitigation measures.

- (c) Findings Regarding Significant Effects that Can be Mitigated to Less Than Significant. Council adopts the statements and findings in Exhibit 2 (Section 3) to this resolution, which is attached hereto and incorporated herein by this reference. The Project has significant effects that can be mitigated to a less than significant level through the imposition of mitigation measures. These avoidable significant effects are identified in Exhibit 2 (Section 3). These avoidable significant effects will be reduced to a less than significant effect with the changes that have been required in, or incorporated into, the project through the imposition of mitigation measures as described in Exhibit 2 (Section 3). These mitigation measures identified in Exhibit 2 will be imposed pursuant to the MMRP attached at Exhibit 4. All mitigation measures in the MMRP are feasible.

To the extent that any of the mitigation measures are within the responsibility and jurisdiction of another public agency and not the City, those mitigation measures can and will be adopted and imposed by the other agency based on state and/or federal law, communications by those agencies, and/or existing policies and/or intergovernmental relationships with those agencies.

- (d) Findings Regarding Unavoidable Significant Impacts. Council adopts the statements and findings in Exhibit 2 (Section 2) to this resolution, which is attached hereto and incorporated herein by this reference. The Project has significant effects that cannot be mitigated to a less than significant level through the imposition of mitigation measures. These significant effects are identified in Exhibit 2 (Section 2).

Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the FPEIR for the significant impacts identified in Exhibit 2 (Section 2), including considerations based upon the findings in Exhibit 2 (Section 2) to this resolution, and the findings in Exhibit 2 (Section 4) regarding the proposed alternatives. Therefore, those impacts are found to be significant and unavoidable.

- (e) Finding Regarding Insignificant Impacts. Any and all potential significant impacts discussed in the Final PEIR that are not subject to paragraph 2(c) or 2(d), above, as either an avoidable significant impact, or as an unavoidable significant impact, are insignificant impacts to the environment.
  - (f) Alternatives. The City Council adopts the Statement of Findings on Rejection of Project Alternatives in Exhibit 2 (Section 4) to this resolution, which is attached hereto and incorporated herein by this reference.
- 3. FPEIR Reviewed and Considered. The Council certifies that the Final PEIR:
  - (a) has been completed in compliance with CEQA;
  - (b) was presented to the Council and that the Council has reviewed and considered the information contained in the Final PEIR prior to approval of the Project, and all of the information contained therein has substantially influenced all aspects of the decision by the Council; and
  - (c) reflects Council's independent judgment and analysis.
- 4. Statement of Overriding Considerations. The Council adopts the Statement of Overriding Considerations in Exhibit 3 to this resolution, which is attached hereto and incorporated herein by this reference. Council finds that each of the Significant and Unavoidable Impacts identified in Exhibit 2 (Section 2) may be considered acceptable.
- 5. Mitigation Monitoring. Pursuant to Public Resources Code Section 21081.6, the mitigation monitoring and reporting program ("MMRP") set forth in Exhibit 4 to this resolution, which is attached hereto and incorporated herein by this reference, is hereby adopted to ensure that all mitigation measures adopted for the Fresno General Plan and Development Code Update are fully implemented.
- 6. Location and Custodian of Documents. The record of project approval shall be kept in the office of the City Clerk, City of Fresno, City Hall, 2600 Fresno Street, Fresno, California 93721 which shall be held by the City Clerk as the custodian of the documents; all other record of proceedings shall be kept with the Development and Resources Management Department and the Director of the Development and Resources Management Department shall be the custodian of the documents.
- 7. Certification. Based on the above facts and findings, the Council of the City of Fresno certifies the Final PEIR in Exhibit 1 for the Downtown Plans and Code as accurate and adequate. The City

Council further certifies that the FPEIR was completed in compliance with CEQA and the CEQA Guidelines. The Director of Development and Resource Management Department is directed to file a Notice of Determination as required by the Public Resources Code and CEQA Guidelines.

\*\*\*\*\*

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

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

AYES :  
NOES :  
ABSENT :  
ABSTAIN :

Mayor Approval: \_\_\_\_\_, 2016  
Mayor Approval/No Return: \_\_\_\_\_, 2016  
Mayor Veto: \_\_\_\_\_, 2016  
Council Override Vote: \_\_\_\_\_, 2016

YVONNE SPENCE, CMC  
City Clerk

By: \_\_\_\_\_  
Deputy

APPROVED AS TO FORM:  
DOUGLAS T. SLOAN  
City Attorney

By: \_\_\_\_\_  
Talía Kolluri-Barbick Date  
Supervising Deputy City Attorney

TKB/dy [72722dy/tkb] 10/14/16

Exhibits:

- 1 - Final EIR
- 2 - CEQA Findings of Fact which include:
  - Significant Unavoidable Impacts
  - Impacts Mitigated to a Level of Insignificance
  - Feasibility of Project Alternatives
- 3 - Statement of Overriding Considerations
- 4 - Mitigation Monitoring and Reporting Program

## 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  
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*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](mailto: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

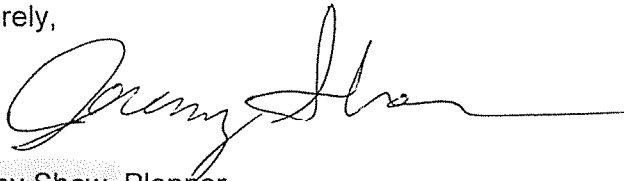
In the preface to the Fulton Street Corridor Specific Plan, there is a photo of downtown Fresno with the caption "View of Fulton Street at Tulare Street (1936)" credit Pop Laval collection. An identical photo is shown on page 4:8 with the caption ("Fulton Street in the 1920's"). The two photos should 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](mailto: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*

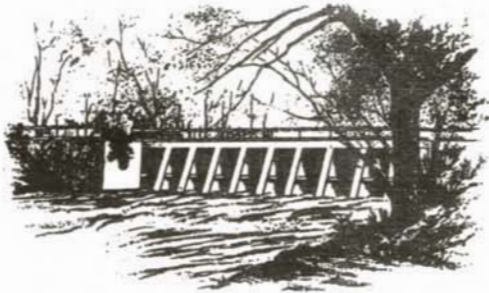
The commenter identified recommended revisions that are not applicable to this document. This comment has been noted. These recommended revisions do not alter the environmental evaluations and findings identified in the EIR. Since no comment on the environmental conclusions of the EIR was provided, no 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 22<sup>nd</sup>, 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 11<sup>th</sup> 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 ~~54~~50 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

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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 5<sup>th</sup> 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](http://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 5<sup>th</sup> 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  
Development and Resource Management Department  
2600 Fresno Street, Room 3065  
Fresno, CA 93721  
newplan@fresno.gov

*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.

G.2-1  
CONT

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.")

G.2-2

**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.2-3

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  
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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  
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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  
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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.<sup>1</sup>
- 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

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<sup>1</sup> 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 farmland<sup>2</sup>:

- 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

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<sup>2</sup> 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  
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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  
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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")<sup>3</sup>.

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.

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<sup>3</sup> 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  
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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**

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Letter G.3  
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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 5<sup>th</sup> 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 5<sup>th</sup> 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 4<sup>th</sup> 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 4<sup>th</sup> cycle. The element should be revised to reflect this shortfall.

G.3-1  
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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 5<sup>th</sup> 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”, “II<sub>1</sub>”, “II<sub>2</sub>”, “II<sub>3</sub>”,  
“RR”, “TT”, “UU<sub>2</sub>”, “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/m<sup>3</sup> 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

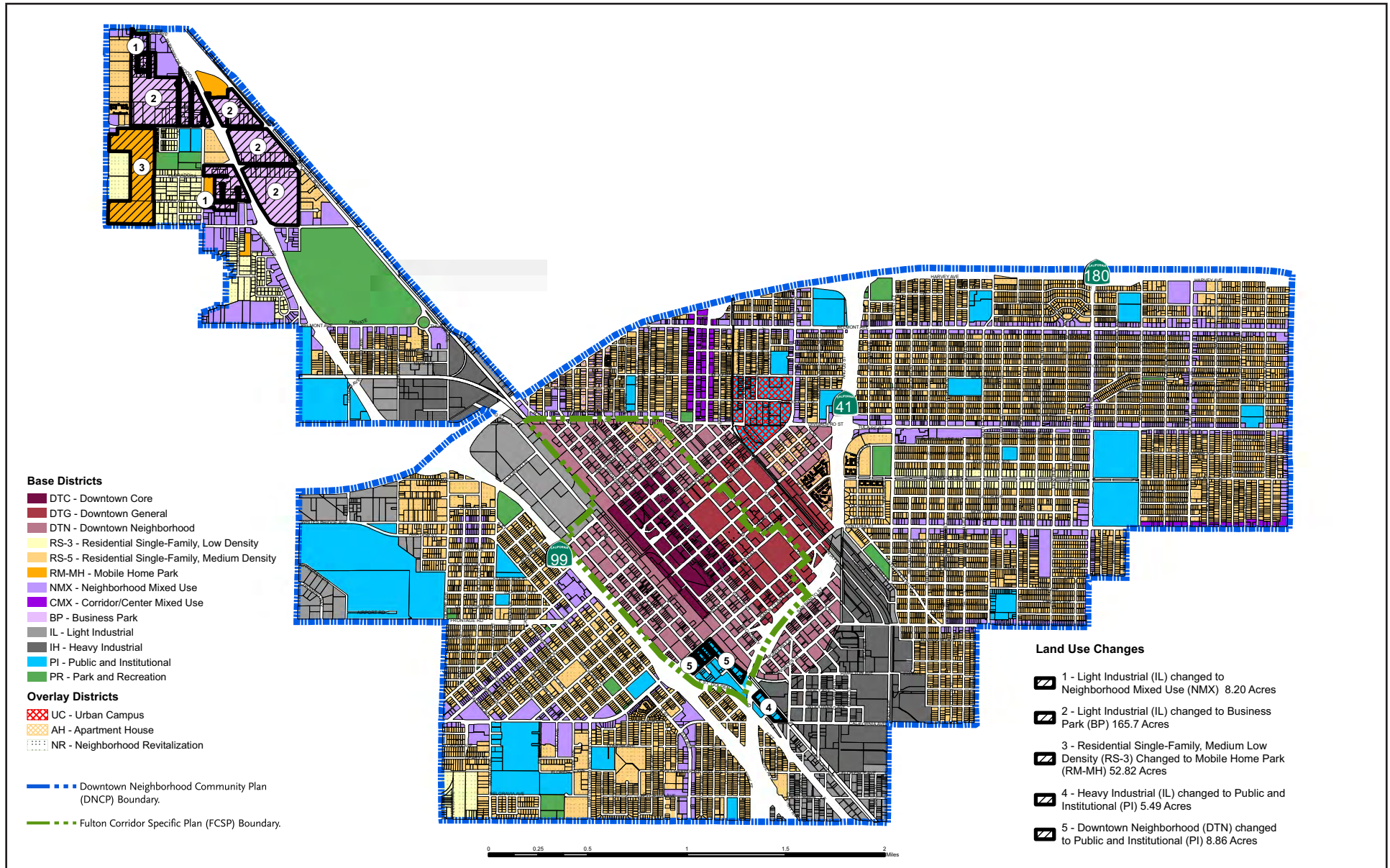
The City of Fresno identified recommended revisions to this page to make it clear and concise. The following changes are located under Fresno General Plan.

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 <sup>1</sup>	Kings Subbasin	130,400	—	135,100	—	139,700	—	144,300	—	148,900	—
Surface Water <sup>2</sup>	FID—Agmt.	106,200	—	111,200	—	116,200	—	121,200	—	126,200	—
Surface Water <sup>3</sup>	USBR—CVP	52,600	—	52,600	—	52,600	—	52,600	—	52,600	—
Recycled <sup>4</sup>	Tertiary, disinfected	7,000	—	16,000	—	16,000	—	16,000	—	16,000	—
Recycled <sup>5</sup>	Secondary, disinfected	10,000	—	10,000	—	10,000	—	10,000	—	10,000	—
Recycled <sup>6</sup>	Tertiary, disinfected	2,500	—	5,000	—	7,500	—	10,000	—	12,500	—
<b>Total</b>		308,700	0	329,900	0	342,000	0	354,100	0	366,200	0

Notes:  
<sup>1</sup> 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.  
<sup>2</sup> 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.  
<sup>3</sup> 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).  
<sup>4</sup> 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.  
<sup>5</sup> The annual 10,000 af is the current amount presently directed to farm irrigation of non-food crops adjacent to the RWRF.  
<sup>6</sup> 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.

**Findings of Fact  
Environmental Impact Report  
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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September 2, 2016



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## SECTION 1: INTRODUCTION

### 1.1 - Background

In compliance with the requirements of the California Environmental Quality Act (CEQA) Public Resources Code Section 21000 et seq. and the CEQA Guidelines, the City of Fresno (City) has conducted an environmental review of the proposed City of Fresno Downtown Neighborhoods Community Plan (DNCP), Fulton Corridor Specific Plan (FCSP), and Downtown Development Code (DDC). A Notice of Preparation (NOP) was released for public review in April 2012, along with a revision of the NOP in September 2015. In July 2016, the Draft Environmental Report (Draft EIR) was released. After receiving public comment on the Draft EIR, the City prepared a document entitled Response to Comments on the Draft EIR (RTC). The RTC document includes the verbatim comments received on the Draft EIR, a list of persons, entities, and agencies providing comments, the City's responses to the significant environmental points raised in the comment, review and consultation process, and the various written responses to the comments prepared by the City's technical consultants and City staff. These Findings are based upon the information contained in the record of proceedings, including the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report (DEIR), which includes the Draft EIR and technical appendices, the RTC, the staff report, and the Mitigation Monitoring and Reporting Program (MMRP).

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

CEQA's mandates and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are required. For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three conclusions:

- (1) “[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC DEIR,”
- (2) “[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding [and] [s]uch changes have been adopted by such other agency or can and should be adopted by such other agency,” or
- (3) “[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC DEIR.”

(Public Resources Code Section 21081; CEQA Guidelines, 14 California Code of Regulations Section 15091.)

CEQA defines “feasible” to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, legal, environmental, social and technological factors.” (Public Resources Code Section 21061.1; CEQA Guidelines, 14 California Code of Regulations Section 15364.)

Because the City of Fresno DNCP, FCSP and DDC Draft EIR identified significant effects that may occur as a result of the project, and in accordance with the provisions of CEQA and the CEQA Guidelines, the City of Fresno hereby adopts these Findings of Fact. For each of the significant effects identified in Section 2, as set forth in greater detail in these Findings below, the City of Fresno makes the finding under Public Resources Code Section Public Resources Code Section 21081(a)(2) and/or 21081(a)(3). For each of the significant effects identified in Section 3, as set forth in greater detail in these Findings below, the City of Fresno makes the finding under Public Resources Code Section Public Resources Code Section 21081(a)(1).

Section 15091 of the State CEQA Guidelines does not require specific findings to address environmental effects that an EIR identifies as having “no impact” or a “less than significant” impact. Therefore, these effects are not addressed in these Findings.

In accordance with the provisions of CEQA and the CEQA Guidelines, the City Council of the City of Fresno has independently reviewed the Record of Proceedings and based on the evidence in the Record of Proceedings adopts these Findings of Fact.

## 1.2 - Project Location

The City of Fresno is located within Fresno County, which is in central San Joaquin Valley. The City is located approximately 220 miles north of the Los Angeles and 170 miles south of Sacramento. The City is located on the State Route (SR) 99 corridor that links it to other Central Valley cities. To the north of Fresno is Madera County. The City of Clovis adjoins the City to the northeast. Smaller cities including the City of Fowler, City of Kingsburg, City of Parlier, City of Reedley, City of Sanger and City of Selma are located east-southeast. The City of Kerman is located to the west. The remaining area surrounding the City to the east, south, and west are unincorporated lands.

The DNCP boundaries are located within the southern portion of the City of Fresno. The DNCP boundaries encompass 7,290 acres. The DNCP area is generally bounded to the east by Chestnut Avenue, to the south by Church Avenue, to the west by Thorne, West, and Marks Avenues, and to the north by SR 180 (Exhibit 3-2). Along the western side of the DNCP, the boundaries extend as far north as Clinton Avenue. The DNCP area is divided by State Routes 99, 41, and 180, as well as the Union Pacific and BNSF railroad right-of-ways.

The FCSP area is located within the boundaries of the DNCP (Exhibit 3-2). The FCSP boundaries encompass 655 acres. The FCSP area is generally bounded to the north by Divisadero Street, to the west by SR 99, to the south by SR 41, and to the east by N Street, O Street, and the alley between M

and N Streets (Exhibit 3-3). The FCSP is divided by the Union Pacific railroad right-of-way. The Fulton District is also within the boundaries of the FCSP.

The DDC is a form-based zoning code that contains the standards and requirements for development and land use activity within the boundaries of the DNCP and FCSP. It implements the DNCP and the FCSP and would apply to all 7,290 acres of property within the plan boundaries. While this code will be referenced as the “Downtown Development Code” throughout the DEIR, upon adoption it would be incorporated into the Citywide Development Code.

## 1.3 - Project Objectives

### 1.3.1 - Downtown Neighborhoods Community Plan Objectives

The primary objectives of the DNCP are as follows:

- To make the Downtown Neighborhoods attractive, healthy, mixed-income places to live, thanks to their historic character and their proximity to a revitalized Downtown.
- To revive the underlying structure of the Downtown Neighborhoods to create identifiable neighborhoods, districts, and corridors.
- To integrate the public realm of streets with a multi-modal transportation network that renders them walkable and livable.
- To regenerate parks and public spaces and make them safe and accessible to residents.
- To reinforce the identity of each of the Plan’s planning areas by including all of the remaining ingredients for quality of life from childhood to old age within a walkable range.
- To reintroduce missing street trees, irrigation, and sidewalks, and slow down traffic on primary thoroughfares through various traffic-calming measures.
- To introduce a range of well-designed buildings that provide a variety of housing choices within easy access of parks, services, and jobs.
- To design residential buildings to promote safety and community on the sidewalk and street.
- To design commercial buildings with facades that are adjacent to sidewalks, are constructed of quality and durable materials, can accommodate a mix of uses at any one time, and can be reused over time under different programs.
- To introduce the High Speed Rail in a manner that has the most beneficial impact possible on the surrounding homes, businesses, and open spaces, while preserving Downtown’s interconnected street network to the maximum extent possible.

### 1.3.2 - Fulton Corridor Specific Plan Objectives

The primary objectives of the FCSP are to define:



- A vision for the future of Downtown that recognizes the importance of history and tradition while embracing opportunities for continued reinvestment, growth, and beneficial change.
- Goals and policies that work in tandem with and refine those of the General Plan and the DNCP to achieve the revitalization of the Plan area.
- New land use policies for the Plan area will guide upcoming zoning regulations. These new policies are calibrated to deliver new development that is consistent with Fresno’s physical character, history, and culture, as well as the community’s vision for its future growth.
- The implementation strategy for transforming the Plan area’s streets, infrastructure, parks, and other public spaces.
- Revitalization of the Fulton District and promote it as a key asset and urban place. Strike a balance between the original character and value of the pedestrian-only Mall and its importance as the economic engine of the Downtown.

The above objectives provide private property owners with a clear understanding of the future context within which they are investing and reinvesting in their properties.

### 1.3.3 - Downtown Development Code Objectives

The objectives of the DDC are summarized as follows:

- Property shall be occupied with land use activity to improve health; stabilize and improve property values; provide continuity of Fresno’s heritage; maximize compatibility; offer a range of housing choices; increase reinvestment in the Downtown Neighborhoods; provide a wide range of services and shopping; revitalize mixed-use corridors; and support convenient transit.
- Buildings and their additions shall be designed and maintained to support reinvestment; front the adjacent street(s); enhance the building’s relationship to the public realm; use appropriate landscape materials; generate long-term value.
- Frontages shall be designed and maintained to support the intended physical environment; support active and continuous pedestrian-oriented environments; provide appropriate physical transitions between the public right-of-way and the property; and express creativity.
- Signage shall be designed and maintained to promote the aesthetic and environmental values of the community; provide an effective channel of communication; avoid traffic safety hazards; and safeguard and protect the public health, safety, and general welfare.
- Open spaces, landscaping and streetscapes shall be designed and maintained to preserve and promote the aesthetic character and environmental quality of Fresno as a place to live, work, and shop; correspond to the adjacent streetscapes; incorporate urban agriculture at all scales, as practical; and contribute to mitigating environmental degradation.
- Each new or modified block and street shall be designed and maintained to interconnect and form/maintain a network; support the intended physical context; generate pedestrian-

oriented block lengths; transform large sites into pedestrian-oriented blocks; increase the number of blocks; and support a multi-modal transportation system.

## 1.4 - Record of Proceedings

For purposes of CEQA and these Findings, the Record of Proceedings for the proposed project consists of the following documents and other evidence, at a minimum:

- The Notice of Preparation (NOP) and all other public notices issued by the City of Fresno in conjunction with the proposed project.
- The Draft EIR and the technical appendices for the proposed project.
- All written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- All responses to written comments submitted by agencies or members of the public during the public review comment period on the Draft EIR.
- The Final Environmental Impact Report (City of Fresno DNCP, FCSP, and DDC DEIR) for the proposed project, which consists of the Draft EIR, the technical appendices, and the Response to Comments.
- All written and verbal public testimony presented during a noticed public hearing for the proposed project at which such testimony was taken.
- The MMRP.
- The documents, reports, and data included or referenced in the technical appendices of the EIR.
- All documents, studies, EIRs, or other materials incorporated by reference in the Draft EIR and Response to Comments.
- The City of Fresno Staff Report
- The Resolution adopted by the City of Fresno in connection with the proposed project, and all documents incorporated by reference therein.
- Any documents expressly cited in these Findings or in the resolution adopting these Findings.
- Any other relevant materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e) (excluding privileged materials).

## 1.5 - Custodian and Location of Records

The documents and other materials that constitute the administrative record for the City of Fresno's actions related to the project are located at the City of Fresno City Clerk Office at 2600 Fresno Street,

***Introduction***

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Fresno, CA 93721. Copies of these documents, which constitute the record of proceedings, are, and at all relevant times, have been and will be available upon request at the City of Fresno City Clerk Office. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and CEQA Guideline Section 15091(e).

## SECTION 2: SIGNIFICANT AND UNAVOIDABLE EFFECTS

The City of Fresno DNCP, FCSP, and DDC DEIR identified project-specific and/or cumulative impacts to aesthetics, air quality, cultural resources, greenhouse gases, noise, transportation and traffic that cannot be mitigated to less than significant. Each of the significant and unavoidable impacts are discussed further below.

The City of Fresno finds, based on the facts set forth in the record, which include but are not limited to the facts as set forth below, those facts contained in the Fresno General Plan (and the MEIR) and the Response to Comments, and any other facts set forth in materials prepared by the City of Fresno and/or City consultants, that there are no feasible mitigation measures, changes, or alterations available to reduce the impacts to aesthetics, agricultural resources, air quality, cultural resources, greenhouse gases, noise, transportation and traffic, and utilities and service systems.

### 2.1 - Air Quality

#### 2.1.1 - Air Quality Standards/Violations – Program-Level Impacts

##### Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified program-level significant impacts that would violate an air quality standard or contribute substantially to an existing or projected air quality.*

Violations of air quality standards occur when official air monitoring stations within the Air Basin exceed air quality standards as defined by EPA criteria and statistical sampling methods. Monitoring stations are located in areas that are representative of air quality in the Air Basin and are not necessarily located in all areas impacted by local sources. The DNCP and FCSP do not identify specific projects that would allow quantification of localized impacts from project-level emissions. Additional discussion regarding localized impacts on sensitive receptors is provided under Impact AIR-4.

Although monitoring stations in Fresno currently experience violations of ozone and PM<sub>2.5</sub> air quality standards, the impacts of the project for these pollutants are better assessed on a cumulative basis, because a single project alone would not result in a violation of the ozone standard (see Impact AIR-3). Ozone is generated by photochemical reactions of the cumulative emissions of ROG and NO<sub>x</sub> in the Air Basin. PM<sub>10</sub> and PM<sub>2.5</sub> are generated by direct emissions and by secondary reactions in the atmosphere, and have localized and cumulative regional impacts.

The SJVAPCD has adopted project-level quantitative thresholds for ozone precursors, ROG and NO<sub>x</sub> of 10 tons per year, and 15 tons per year for PM<sub>10</sub> and PM<sub>2.5</sub>. The threshold for CO is 100 tons per year. The threshold for SO<sub>x</sub> is 27 tons per year. These thresholds are based on the SJVAPCD's New Source Review (NSR) offset thresholds contained in Rule 2201—New and Modified Stationary Source Review. Application of the District's NSR offset thresholds to development projects provides a measure of the project's impact in comparison to an important regulatory threshold. Projects that

exceed these thresholds may be considered to contribute substantially to an existing or projected violation. The results of the quantitative analysis for comparison with SJVAPCD thresholds is provided under this impact.

Although these thresholds are intended for use on individual development projects, no other quantitative plan level threshold has been adopted by the SJVAPCD. The DNCP and FCSP provide for the development of numerous individual development projects that will be subject to the project-level thresholds at the time they are proposed. Large individual projects are likely to exceed the thresholds during project construction and operation.

The DNCP and FCSP include estimates of increases in population, housing, and jobs anticipated from implementation of the plans. One of the primary goals of the plans is to increase development densities through infill and redevelopment of underutilized locations within the plan areas. The DNCP and FCSP reflect the cumulative projects anticipated for the City from the present until buildout of the plan areas, which is predicted for 2039. A more appropriate metric for cumulative contribution at the plan level is whether the cumulative impact of development predicted by the DNCP and FCSP would conflict with plans adopted to achieve the applicable standards (see discussion under Impact AIR-1). A conflict would result when growth in emissions exceed the amounts required for attainment by the years mandated by state and federal regulations. After the attainment year, the emissions inventory must stay below the attainment inventory even with continued growth in order to maintain the standard. Once standards are achieved, no significant impact to health would occur as long as standards are maintained.

The project area is designated nonattainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>. Ozone is not directly emitted but is formed in the atmosphere by ozone precursors (ROG and NO<sub>2</sub>). In addition, PM<sub>10</sub> and PM<sub>2.5</sub> are emitted directly and also form in the atmosphere as a secondary pollutant from emissions of NO<sub>2</sub> and ammonia. Ammonia is not a criteria pollutant and the SJVAPCD PM control strategy is based primarily on NO<sub>2</sub> controls and reductions of directly emitted PM<sub>10</sub> and PM<sub>2.5</sub>. Therefore, this section addresses the cumulative emissions of the pollutants ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The ambient concentrations of other criteria pollutants, CO and SO<sub>2</sub> are well below state and federal standards. CO is addressed under Impact AIR-4 for its potential to create a localized CO hotspot. There are no substantial sources of SO<sub>2</sub> emissions proposed in the plan area, so no additional analysis is warranted for this pollutant.

### ***Analysis Approach***

The quantitative analysis of project criteria pollutant emissions was accomplished using CalEEMod version 2013.2.2. The analysis uses growth assumptions contained in the DNCP and FCSP to estimate the amounts of each land use type anticipated for development within the plan areas through buildout. The Traffic Study prepared by Fehr & Peers for the plans identified the land use categories, square feet and units of each development type, and trip generation rates for each land use that are used in CalEEMod to estimate project emissions. Construction emissions are based on the amount of land expected to be disturbed during construction projects and the square feet of buildings that would be constructed. Model default assumptions were used for the vehicle fleet mix, trip length, construction equipment fleet, energy consumption, and area source emissions.

The land use and trip generation assumptions used in the analysis are provided in Appendix E.3.

Development of the planning areas would result in air pollutant emissions from short-term construction activities and long-term project operation described below.

#### *Construction*

Construction activity from implementing the planning areas would cause temporary, short-term emissions of various air pollutants at each project site developed through project buildout. Due to the size of the project, the activity would generate construction emissions at locations within the planning area throughout the 23-year buildout period. ROG and NO<sub>x</sub> (ozone precursors), PM<sub>10</sub>, and PM<sub>2.5</sub> would be emitted by construction equipment during various activities, which may include but are not limited to grading, excavation, building construction, or demolition.

Soil disturbance during construction activities emits fugitive dust, a fraction of which consists of PM<sub>10</sub> and PM<sub>2.5</sub>. CalEEMod assumes emissions from each construction phase would occur sequentially, no matter what the size of the project, unless each project is assessed separately. For example, all grading for all projects is assumed to occur in the first years of the buildout period and architectural coatings are assumed to be applied in the last years of buildout. The actual order and timing of individual construction projects is unknown. To more accurately assess annual construction emissions, the total emissions for each year were added and then divided by the number of years anticipated to reach buildout, in order to arrive at an annual average emission rate.

SJVAPCD and state regulations reduce potential construction emissions. The ARB has adopted regulations for New Off-Road Diesel Engines and Equipment that result in cleaner equipment being placed in service as older, higher emitting equipment is retired. The ARB also adopted the In-Use Off-Road Diesel Vehicle Regulation requiring NO<sub>x</sub> and PM<sub>10</sub> emission reductions from equipment and vehicles currently in operation. SJVAPCD Regulation VIII includes requirements to control fugitive dust emissions during construction activities and requires commercial projects over 5 acres and residential projects over 10 acres to file a Dust Control Plan. The SJVAPCD 2015 GAMAQI states that compliance with Regulation VIII does not constitute mitigation because it is required by law. The SJVAPCD also provides Enhanced and Additional Control Measures that will provide a greater degree of PM<sub>10</sub> reduction than required by Regulation VIII. Rule 9510—Indirect Source Review requires projects to reduce exhaust-related construction emissions by 20 percent for NO<sub>x</sub> and 50 percent for PM<sub>10</sub>; however, significance for these emissions is based on whether projects exceed the SJVAPCD annual quantitative thresholds.

The District indicates that the control measures in Regulation VIII are required by regulation for all construction sites to reduce fugitive dust emissions. The District's 2002 GAMAQI lists additional measures that may be required because of sheer project size or proximity of the project to sensitive receptors. The additional measures are referred to as "enhanced control measures" in the GAMAQI. These enhanced control measures have been added as amendments to Regulation VIII, so they are no longer considered mitigation measures that could be imposed on very large or sensitive projects, but standard control measures required for rule compliance. Each commercial project over 5 acres in size and residential project over 10 acres in size is required to submit a Dust Control Plan to the

SJVAPCD for approval, and requires control measures adequate to prevent significant fugitive dust impacts. If measures included in the Dust Control Plan prove inadequate to control fugitive dust, construction contractors must implement additional controls or cease dust generating construction activities. In addition, projects smaller than the Dust Control Plan size thresholds must still comply with most other Regulation VIII requirements. Therefore, fugitive dust impacts from construction activities are considered less than significant.

The buildout of the planning areas will result in hundreds of individual development projects spread out over many years. Information regarding specific development projects, soil conditions, and the location of sensitive receptors in relation to the various projects would be needed in order to determine localized impacts associated with construction activity. The average annual emissions from construction of the planning areas is provided in Table 1. The annual emissions would substantially exceed the SJVAPCD project-level thresholds for the pollutants of ROG and NO<sub>x</sub>. The inventory represents a worst-case emission estimate for construction activity. Emissions from construction activities are expected to decline over time as new, cleaner equipment replaces older, higher-emitting equipment. However, on a cumulative basis, construction emissions would continue to exceed SJVAPCD annual thresholds, even with the regulatory reductions.

**Table 1: DNCP and FCSP Construction Emissions**

Source	Emissions (tons/year)			
	ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
Downtown Neighborhood Community Plan	111.21	182.11	117.83	36.37
Fresno Corridor Specific Plan	149.33	219.52	155.81	47.07
Total	260.60	401.63	273.64	83.44
<b>Annual Average</b>	<b>10.86</b>	<b>16.73</b>	<b>11.40</b>	<b>3.48</b>
<b>SJVAPCD Annual Thresholds</b>	<b>10</b>	<b>10</b>	<b>15</b>	<b>15</b>
<b>Exceeds District Significance Thresholds (yes or no)</b>	<b>Yes</b>	<b>Yes</b>	<b>No</b>	<b>No</b>
Note: Annual average emissions are calculated by adding the modeling results for each year of construction and dividing by the 24-year buildout period. The modeling results can be viewed in the Air Quality Analysis Report Appendix 4. Source: FirstCarbon Solutions and CalEEMod.				

Emissions related to projected construction activities are included in emission forecasts used to demonstrate attainment of the applicable air quality standards, and would therefore not interfere with or obstruct SJVAPCD attainment plans. However, the combined impact of all construction projects to reach buildout is a cumulative impact that makes it more difficult to attain the air quality standards, compared with a scenario where no growth takes place. Although individual projects may exceed SJVAPCD project-level thresholds, using a project threshold to address the impact of hundreds of projects that would be constructed to reach buildout of the planning areas is a highly conservative measure of project-level significance for an impact that is cumulative in nature.

Rule 9510—Indirect Source Review requires reductions of construction emissions in order to mitigate the impacts of growth. The rule requires NO<sub>x</sub> reductions of 20 percent and PM<sub>10</sub> reductions of 45 percent compared with the statewide average by using clean construction equipment at the project site or paying mitigation fees to the SJVAPCD to obtain off-site reductions. Rule 9510 serves to mitigate both project-level and cumulative effects of construction on ozone and particulate matter emissions. Individual projects that exceed project-level significance thresholds after accounting for Rule 9510 reductions would be required to implement additional mitigation measures to reduce significant emissions, or the City would be required to prepare an EIR and adopt a statement of overriding considerations if emissions remain significant after applying all feasible mitigation measures.

ARB off-road equipment regulations would result in reductions in NO<sub>x</sub> and PM emissions as new equipment meeting current and future standards replaces older higher emitting equipment. The regulations provide substantial reductions near-term and mid-term. ARB also requires retrofits of existing equipment to reduce particulate emissions that will help reduce emissions from older equipment. Regulations are normally implemented over a 5- to 10-year period at which time a new round of regulations are proposed if still needed to attain the air quality standards. The ARB has a long history of tightening regulations as technology advances increase the feasibility of additional controls. Large individual projects that exceed the SJVAPCD project thresholds will be required to include feasible mitigation measures that reduce the significant impact. The measures could include additional on-site controls or off-site mitigation fees that reduce emissions to less than significant levels.

Based on the continued emission reductions anticipated from adopted ARB and SJVAPCD regulations, the attainment of ozone and particulate standards, accounting for projected growth, are on track. In the event that the SJVAB fails to reach Rate of Progress requirements, fails to reach attainment of the air quality standards on schedule, or falls out of attainment in the future, the SJVAPCD will be required to implement contingency measures to address the shortfall or be subject to Clean Air Act sanctions. The SJVAPCD could obtain additional reductions from any source within its regulatory authority, which includes the construction emissions regulated under Rule 9510. No action by the SJVAPCD or the City of Fresno is required until such time the planned reductions prove insufficient.

When project construction emissions are viewed in relation to the applicable air quality plans adopted by the SJVAPCD, the emissions would not result in a significant cumulative contribution since the emissions would not interfere with attainment of air quality standards. However, estimated annual project construction emissions exceed project-level thresholds by a substantial margin for all pollutants. Therefore, construction emissions are considered potentially significant.

#### *Operation*

Operational emissions would increase each year as projects within the plan area are completed and occupied. In order to illustrate the cumulative growth over time, emissions were estimated based on the cumulative amount of development estimated for the years 2020, 2030, and the buildout year 2039.



The main sources of operational criteria air pollutants in the City of Fresno are on-road motor vehicles, off-road motor vehicles, natural gas combustion, and stationary/area sources. Operational emissions were modeled using CalEEMod Version 2013.2.2.

City of Fresno air pollutant emissions for the planning areas at 2020 and 2039 (buildout) are shown in Table 2. As shown in Table 2, the greatest sources of emissions are from on-road and off-road vehicles. Off-road vehicle emissions are generated by sources such as recreational equipment, lawn and garden equipment, and construction/mining equipment. Analysis of emission projections accounting for the effects of adopted regulations shows that there would be a net decrease in emissions with buildout of the planning areas. This is because the emission rates for the most important sources of these pollutants substantially decrease due to SJVAPCD and state regulations.

As shown in Table 2, total emissions of ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> exceed the District’s project-level significance thresholds; however, as discussed earlier, the project thresholds are a highly conservative measure of significance for a long-range plan.

**Table 2: DNCP and FCSP Annual Air Pollutant Emissions**

Year	Source	Emissions (tons/year)			
		ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
<b>Downtown Neighborhood Community Plan</b>					
2020	Area	7.17	0.05	0.04	0.04
	Energy	0.03	0.83	0.06	0.06
	Mobile	6.66	17.68	8.76	2.53
	<i>Total</i>	<i>13.86</i>	<i>18.56</i>	<i>8.86</i>	<i>2.63</i>
2030	Area	29.67	0.18	0.15	0.15
	Energy	0.38	3.38	0.26	0.26
	Mobile	20.14	46.00	36.29	10.38
	<i>Total</i>	<i>50.19</i>	<i>49.56</i>	<i>36.70</i>	<i>10.79</i>
2039	Area	43.05	0.32	0.26	0.26
	Energy	0.56	4.97	0.39	0.39
	Mobile	27.14	63.81	52.47	15.03
	<i>Total</i>	<i>70.75</i>	<i>69.10</i>	<i>53.12</i>	<i>15.68</i>
<b>Fresno Corridor Specific Plan</b>					
2020	Area	9.68	0.09	0.07	0.07
	Energy	0.10	0.88	0.07	0.07
	Mobile	12.88	32.12	15.37	4.43
	<i>Total</i>	<i>22.66</i>	<i>33.09</i>	<i>15.51</i>	<i>4.57</i>

**Table 2 (cont.): DNCP and FCSP Annual Air Pollutant Emissions**

Year	Source	Emissions (tons/year)			
		ROG	NO <sub>x</sub>	PM <sub>10</sub>	PM <sub>2.5</sub>
2030	Area	33.84	0.31	0.26	0.26
	Energy	0.35	3.06	0.24	0.24
	Mobile	32.41	70.63	53.58	15.35
	<i>Total</i>	<i>66.60</i>	<i>74.00</i>	<i>54.08</i>	<i>15.85</i>
2039	Area	44.89	0.32	0.26	0.26
	Energy	0.47	4.18	0.33	0.33
	Mobile	45.73	100.03	77.45	22.21
	<i>Total</i>	<i>91.09</i>	<i>104.53</i>	<i>78.04</i>	<i>22.80</i>
<b>2020 Total</b>		<b>36.52</b>	<b>51.65</b>	<b>24.37</b>	<b>7.20</b>
<b>2030 Total</b>		<b>116.79</b>	<b>123.56</b>	<b>90.78</b>	<b>26.64</b>
<b>2039 Total</b>		<b>161.84</b>	<b>173.63</b>	<b>131.16</b>	<b>38.48</b>
<b>SJVAPCD project significance thresholds</b>		<b>10</b>	<b>10</b>	<b>15</b>	<b>15</b>
<b>Significant Impact? (yes or no)</b>		<b>Yes</b>	<b>Yes</b>	<b>Yes</b>	<b>Yes</b>
Source: FirstCarbon Solutions and CalEEMod.					

The emissions shown in Table 2 reflect the benefits of adopted regulations incorporated in the air quality models used to estimate emissions in each analysis year. The rate of decline is rapid through 2020 and goes beyond reflecting the benefits of currently adopted regulations. Mobile source regulations are dependent on technological advancements in pollution controls and fuels. The state cannot require manufacturers to produce new equipment and vehicles that are not technologically or economically feasible. ARB updates regulations as technologies come to fruition, or provides adequate lead times for compliance with technology forcing regulations. The latest on-road standards adopted by the ARB in 2013 are not yet reflected in the emission model (EMFAC 2011) used in CalEEMod to estimate emissions. Those standards would provide reductions well beyond 2020 that are not reflected in Table 2.

The State of California and the SJVAPCD are very likely to adopt additional regulations on most sources of emissions to be implemented during the plan buildout period and result in much greater reductions than is predicted with the adopted regulations included in the current version of CalEEMod or with off-model quantification methods available pending the next model update. Expanded use of renewable fuels, zero emission vehicles, and replacing combustion sources with electrically powered alternatives for greenhouse gas reductions will also result in reductions in criteria pollutant emissions. In addition, the General Plan includes policies and development patterns that will result in lower vehicle miles traveled and energy use compared with development projects constructed in the recent past that provide the basis for future emission projections.

Development within the planning area will result in increases in annual emissions that exceed SJVAPCD significance thresholds for all nonattainment pollutants. Although the growth in emissions is accounted for in SJVAPCD attainment plans and total emissions within the Air Basin will decline even when accounting for growth, this analysis identifies the impact as significant under the ton per year quantitative threshold criterion as listed in Table 2.

#### *Stationary Sources*

A variety of industrial and commercial processes (food processing plants, glass manufacturers, gas stations, dry cleaning, etc.) allowed under the project would also be expected to emit criteria pollutant emissions. These are referred to as stationary and stationary/area sources in this assessment.

Emissions from stationary sources are regulated at the local and regional level through SJVAPCD permitting and prohibitory rules. Under Rule 2201—New and Modified Stationary Source Review, sources emitting more than two pounds per day of any regulated pollutant are required to obtain an Authority to Construct (ATC) and Permit to Operate (PTO) from the SJVAPCD, and to implement best available control technology (BACT). Emission offsets are required for stationary sources that exceed offset thresholds contained in Rule 2201. The SJVAPCD has also adopted prohibitory rules that set emission limits and/or identify control technologies that apply to new and existing sources and further reduce emissions. The net effect of this regulatory system is continued reductions in stationary source emissions including proposed buildout of planning areas. Therefore, stationary source emissions from the project are considered less than significant.

#### *Policies, Ordinances, and Regulations that Mitigate Project Impacts*

It is important to note that the DNCP and the FCSP are a primary General Plan implementation strategy to reduce mobile source emissions in the City of Fresno, which as shown in Table 2 are responsible for over 90 percent of air quality impacts with the plan area. The increases in development densities, mixed-use development, and transportation infrastructure supportive of walking, bicycling, transit, are expected to provide substantial reductions in emissions compared with more traditional suburban automobile oriented development.

The City of Fresno has previously adopted comprehensive policies and strategies aimed at improving the environment for the people of Fresno. Initiatives include the following:

**Fresno Green: The City of Fresno’s Strategy for Achieving Sustainability.** The City adopted the Handbook for Fresno Green Residential and Non-Residential Checklist in October 2009. The program provides incentives for projects that achieve a minimum of 20 points spread over five major sustainability categories, including those with air quality benefits. The incentives include:

- 25 percent reduction on Planning entitlement fees
- 20 percent minor deviation from development standards (parking, setbacks, etc.)
- Expedited processing
- Recognition

**Fresno Bus Rapid Transit Master Plan.** The City of Fresno prepared the Bus Rapid Transit (BRT) Master Plan in 2008. The overall vision of the BRT Master Plan is to demonstrate how improved efficiency, speed, and service can attract new transit ridership, improve customer satisfaction, and benefit the broader community by providing a quality of service similar to light rail systems through the use of bus technology. The City has received a grant from the federal government to implement BRT in Fresno. Construction has begun on the first BRT segment along Blackstone Avenue, with an expected completion date of 2017.

**General Plan Policies.** The General Plan includes policies designed specifically to address a variety of air quality impacts through measures that reduce vehicle and other operational-related air quality emissions. A list of policies that would reduce air pollutant emissions is provided below.

- Policies to reduce motor vehicle emissions by encouraging compact communities, smart growth, mixed use, infill development, pedestrian and bicycle accessibility, transit use, alternative fuel, and jobs/housing balance:
  - UF-1-c, UF-12-a, UF-12-b, UF-12-d, UF-12-e, UF-12-f, UF-14-a, UF-14-b, UF-14-c, LU-2-a, LU-2-b, LU-3-b, LU-3-c, LU-5-f, LU-5-e, LU-6-b, LU-6-f, LU-6-g, LU-8-b, RC-4-d, RC-4-e, RC-4-f, RC-4-g, RC-8-b, HC-3-b, and policies under the objectives MT-1, MT-4, MT-5, MT-6, MT-8, and MT-9.
- Policies to reduce the City government operational emissions:
  - RC-4-j, RC-8-f, RC-8-g.
- Policies encouraging the environmental review of projects to reduce air pollutant emissions:
  - RC-4c, RC-4d, RC-8c.

**SJVAPCD Land Use Related Regulations.** Individual projects to be developed under the proposed project would be subject to District Rules and Regulations, including Rule 9510 (Indirect Source Review) and Regulation VIII (Fugitive Dust Prohibitions). Existing businesses and new projects that are large employers (over 100 employees) will be subject to Rule 9410 (Employer Based Trip Reduction). Rule 9510 was adopted with the purpose of mitigating the impacts of growth on air quality throughout the San Joaquin Valley. Rule 9510 is by far the most stringent development related to air regulation in California and the nation. Reductions from Rule 9510 are surplus, meaning they are not required to demonstrate attainment of air quality standards. Rule 9410's purpose is to reduce emissions related to employee commute trips. These two rules provide substantial emission reductions from the General Plan buildout and provide assurance that the project would not result in significant air quality impacts.

**SJVAPCD Voluntary Emission Reduction Agreements (VERA).** The SJVAPCD offers VERAs as a method for development projects that exceed SJVAPCD thresholds after accounting for Rule 9510 reductions to mitigate significant criteria pollutant impacts. VERAs require emission reductions in addition to those required by Rule 9510. The developers of individual projects enter into contracts with the SJVAPCD to purchase emission reductions obtained through projects funded under SJVAPCD grant and incentive programs. The SJVAPCD will also verify emission reductions from projects identified by the developer and manage the implementation and long-term monitoring of the

projects. The use of a VERA may not be feasible for all projects, but should be considered for large projects with significant impacts.

## Finding

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

## Facts in Support of Finding

Although the existing policies, ordinances, regulations and objectives will reduce criteria pollutant emissions, the planning areas would exceed the SJVAPCD project-level thresholds of significance for ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. Therefore, there are no feasible mitigation measures that could reduce this impact to less than significant. As a result, the project's criteria pollutant impact is significant and unavoidable.

### *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.”

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.

## 2.1.2 - Air Quality Standards/Violations – Cumulative Impacts

### Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified significant cumulative impacts that would violate an air quality standard or contribute substantially to an existing or projected air quality violation.*

The study area for the analysis of cumulative regional air quality impacts such as ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> is the SJVAB, which includes the counties of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and a portion of Kern. This analysis will be based on a summary of projections approach as provided in Section 15130(b)(1)(B) of the CEQA Guidelines. Section 15130(b) of the CEQA Guidelines states:

The following elements are necessary to an adequate discussion of significant cumulative impacts: 1) Either: (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.

The District's 2015 GAMAQI states the following regarding cumulative criteria air pollutants:

As discussed in section 8.4 (Thresholds of Significance—Criteria Pollutant Emissions) the District's thresholds of significance for criteria pollutants are based on District Rule 2201 (New Source Review) offset requirements. Furthermore, New Source Review (NSR) is a major component of the District's attainment strategy. The District's attainment plans demonstrate that project specific emissions below New Source Review (NSR) offset requirements will not prevent the District from achieving attainment. Consequently, if project specific criteria pollutant emissions are below their respective thresholds of significance, the project would be consistent with the overall District attainment plan and would be determined to have a less than cumulatively significant impact on air quality.

Under the amended CEQA Guidelines, cumulative impacts may be analyzed using other plans that evaluate relevant cumulative effects. The air quality attainment plans describe and evaluate the future projected emissions sources in the Basin and set forth a strategy to meet both state and federal Clean Air Act planning requirements and federal ambient air quality standards. Therefore, the attainment plans are relevant plans for a CEQA cumulative impacts analysis. As discussed in Impact AIR-1, the project is consistent with the air quality attainment plans. Therefore, this is a less than significant impact under this criterion. However, since the project exceeds the SJVAPCD quantitative thresholds for ROG and NO<sub>x</sub>, cumulative air emissions impacts are considered potentially significant.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

There are no feasible mitigation measures beyond General Plan policies, ordinances, and regulations that could reduce this cumulative impact to less than significant. As a result, the project's contribution to cumulative the criteria pollutant impact is significant and unavoidable.

### 2.1.3 - Criteria Pollutant – Program-Level Impacts

#### Significant Impact

The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified project-specific significant impacts that could expose sensitive receptors to substantial pollutant concentrations.

#### **Program-Level Impact Analysis of the DNCP and FCSP**

To result in a less than significant impact, the following criteria must be true:

1. Regional analysis: emissions of nonattainment pollutants must be below the District's regional significance thresholds. This is an approach recommended by the District in its GAMAQI.
2. Summary of projections: the project must be consistent with current air quality attainment plans including control measures and regulations. This is an approach consistent with Section 15130(b) of the CEQA Guidelines.
3. Cumulative health impacts: the project must result in less than significant cumulative health effects from the nonattainment pollutants. This approach correlates the significance of the regional analysis with health effects, consistent with the court decision, *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4<sup>th</sup> 1184, 1219-20.

#### **Step 1: Regional Analysis**

If an area is in nonattainment for a criteria pollutant, then the background concentration of that pollutant has historically exceeded the ambient air quality standard. It follows that if a project exceeds the regional threshold for that nonattainment pollutant, it would result in a cumulatively considerable net increase of that pollutant and result in a significant cumulative impact.

The Air Basin is in nonattainment for PM<sub>10</sub>, PM<sub>2.5</sub>, and ozone. Therefore, if the project exceeds the regional thresholds for PM<sub>10</sub>, or PM<sub>2.5</sub>, then it contributes to a cumulatively considerable impact for those pollutants. If the project exceeds the regional threshold for NO<sub>x</sub> or ROG (ozone precursors), then it follows that the project would contribute to a cumulatively considerable impact for ozone.

Regional emissions include those generated from all on-site and off-site activities. Regional significance thresholds have been established by the District because emissions from projects in the Air Basin can potentially contribute to the existing emission burden and possibly affect the attainment and maintenance of ambient air quality standards. Projects within the Air Basin region with regional emissions in excess of any of the thresholds presented previously are considered to have a significant regional air quality impact.

The criteria pollutant emissions analysis assessed whether the project would exceed the District's thresholds of significance. As shown in Table 2, criteria pollutant emissions would exceed the threshold of significance during project construction for ROG and NO<sub>x</sub>; however, buildout of the DNCP and FCSP is the cumulative result of hundreds of separate projects requiring separate approvals. Therefore, the combination of project emissions with the criteria pollutants from other

sources within the Air Basin would not cumulatively contribute to a significant impact according to this criterion.

### **Step 2: Plan Approach**

Section 15130(b) of the CEQA Guidelines states the following:

The following elements are necessary to an adequate discussion of significant cumulative impacts: 1) Either: (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.

In accordance with CEQA Guidelines 15130(b), this analysis of cumulative impacts is based on a summary of projections analysis.

The Fresno MEIR includes development projections through the year 2056. The growth anticipated by the DNCP and the FCSP are included in the growth projections used for the MEIR. The Master Environmental Impact Report (MEIR) prepared for the Fresno General Plan found the regional criteria pollutant impacts to be significant and unavoidable. The MEIR included the following mitigation measures to reduce the impacts from the General Plan:

#### *Mitigation Measure AIR-1*

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 NO<sub>2</sub> and PM<sub>2.5</sub>. If projects exceed screening criteria, refined dispersion modeling and health risk assessment shall be 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:

- 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.

#### *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:

- 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.
- 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.

*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.

*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).

The projects within the planning areas will be required to follow these mitigation measures in order to reduce impacts from TAC emissions. Additionally, no other mitigation measures beyond General Plan policies, ordinances, and regulations were available to further reduce this impact.

The impacts of the Fulton Mall Reconstruction Project on cumulative criteria pollutant emissions were assessed in a DEIR prepared specifically for the project. The analysis in the DEIR found that project construction emissions would not exceed SJVAPCD regional criteria pollutant threshold and therefore would not produce a significant cumulative contribution to this impact. The operational emissions assessed in the current analysis assume the completion of the reconstruction project.

The District attainment plans are based on a summary of projections that accounts for projected growth throughout the Air Basin and the controls needed to achieve ambient air quality standards. This analysis considers the current CEQA Guidelines, which includes the amendments approved by the Natural Resources Agency and effective on March 18, 2010. The Air Basin is in nonattainment or maintenance status for ozone and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), which means that concentrations of those pollutants currently exceed the ambient air quality standards for those pollutants or that the standards have recently been attained. When concentrations of ozone, PM<sub>10</sub>, or PM<sub>2.5</sub> exceed the ambient air quality standard, then those sensitive to air pollution (such as

children, the elderly, and the infirm) could experience health effects such as decrease of pulmonary function and localized lung edema in humans and animals, increased mortality risk, and risk to public health implied by altered connective tissue metabolism and altered pulmonary morphology in animals after long-term exposures and pulmonary function decrements in chronically exposed humans. See Section 2.3: Existing Air Quality Conditions for additional correlation of the health impacts with the existing pollutant concentrations experienced in the Fresno area.

Under the amended CEQA Guidelines, cumulative impacts may be analyzed using other plans that evaluate relevant cumulative effects. The geographic scope for cumulative criteria pollution from air quality impacts is the Air Basin, because that is the area in which the air pollutants generated by the sources within the Air Basin circulate and are often trapped. The SJVAPCD is required to prepare and maintain air quality attainment plans and a State Implementation Plan to document the strategies and measures to be undertaken to reach attainment of ambient air quality standards. While the SJVAPCD does not have authority over land use decisions, it is recognized that changes in land use and circulation planning would help the Air Basin achieve clean air mandates. The District evaluated emissions from land uses and transportation in the entire Air Basin when it developed its attainment plans.

In accordance with CEQA Guidelines Section 15064, subdivision (h)(3), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program.

The history and development of the SJVAPCD's current Ozone Attainment Plan is described in Section 2.4, Air Quality Plans. The 2007 8-Hour Ozone Plan contains measures to achieve reductions in emissions of ozone precursors and sets plans towards attainment of ambient ozone standards by 2023. The 2012 PM<sub>2.5</sub> Plan and the 2015 PM<sub>2.5</sub> Plan for the 1997 PM<sub>2.5</sub> Standard require fewer NO<sub>x</sub> reductions to attain the PM<sub>2.5</sub> standard than the Ozone Plan, so the Ozone Plan is considered the applicable plan for reductions of the ozone precursors NO<sub>x</sub> and ROG. The 2012 PM<sub>2.5</sub> Plan requires reductions in directly emitted PM<sub>2.5</sub> from combustion sources such as diesel engines and fireplaces and from fugitive dust to attain the ambient standard and is the applicable plan for PM<sub>2.5</sub> emissions. PM<sub>2.5</sub> is also formed in secondary reactions in the atmosphere involving NO<sub>x</sub> and ammonia to form nitrate particles. Reductions in NO<sub>x</sub> required for ozone attainment are also sufficient for PM<sub>2.5</sub> attainment. As discussed in Impact AIR-1, the project is consistent with all applicable control measures in the air quality attainment plans. The planning areas would comply with any District rules and regulations that may pertain to implementation of the AQPs. Therefore, impacts would be less than significant with regard to compliance with applicable rules and regulations.

### **Step 3: Cumulative Health Impacts**

The study area for the analysis of cumulative regional air quality impacts such as ROG, NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub> is the SJVAB, which includes the counties of San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare and a portion of Kern. This analysis will be based on a summary of projections approach as provided in Section 15130(b)(1)(B) of the CEQA Guidelines. Section 15130(b) of the CEQA Guidelines states:

The following elements are necessary to an adequate discussion of significant cumulative impacts: 1) Either: (A) A list of past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency, or (B) A summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact.

The District's 2015 GAMAQI states the following regarding cumulative criteria air pollutants:

As discussed in section 8.4 (Thresholds of Significance—Criteria Pollutant Emissions) the District's thresholds of significance for criteria pollutants are based on District Rule 2201 (New Source Review) offset requirements. Furthermore, New Source Review (NSR) is a major component of the District's attainment strategy. The District's attainment plans demonstrate that project specific emissions below New Source Review (NSR) offset requirements will not prevent the District from achieving attainment. Consequently, if project specific criteria pollutant emissions are below their respective thresholds of significance, the project would be consistent with the overall District attainment plan and would be determined to have a less than cumulatively significant impact on air quality.

Under the amended CEQA Guidelines, cumulative impacts may be analyzed using other plans that evaluate relevant cumulative effects. The air quality attainment plans describe and evaluate the future projected emissions sources in the Basin and set forth a strategy to meet both state and federal Clean Air Act planning requirements and federal ambient air quality standards. Therefore, the attainment plans are relevant plans for a CEQA cumulative impacts analysis. As discussed in Impact AIR-1, the project is consistent with the air quality attainment plans. Therefore, this is a less than significant impact under this criterion. However, since the project exceeds the SJVAPCD quantitative thresholds for ROG, NO<sub>x</sub>, PM<sub>10</sub>, PM<sub>2.5</sub>, cumulative air emissions impacts are considered potentially significant.

The Air Basin is in nonattainment for ozone, PM<sub>10</sub>, (State only) and PM<sub>2.5</sub>, which means that the background levels of those pollutants are at times higher than the ambient air quality standards. The air quality standards were set to protect public health, including the health of sensitive individuals (such as children, the elderly, and the infirm). Therefore, when the concentration of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population would experience health effects that were described. However, the health effects are a factor of the dose-response curve. Concentration of the pollutant in the air (dose), the length of time exposed, and the response of the individual are factors involved in the severity and nature of health impacts. If a significant health impact results from project emissions, it does not mean that 100 percent of the population would experience health effects.

Since the Basin is nonattainment for ozone, PM<sub>10</sub>, and PM<sub>2.5</sub>, it is considered to have an existing significant cumulative health impact without the project. When this occurs, the analysis considers

whether the project's contribution to the existing violation of air quality standards is cumulatively considerable. The SJVAPCD regional thresholds for NO<sub>x</sub>, VOC, PM<sub>10</sub>, or PM<sub>2.5</sub> are applied as cumulative contribution thresholds. Projects that exceed the regional thresholds would have a cumulatively considerable health impact. As shown in Table 1, the regional analysis of construction emissions indicates that the project would exceed the District's significance thresholds for ROG and NO<sub>x</sub>; however, buildout of the DNCP and FCSP is the cumulative result of hundreds of separate projects requiring separate approvals. Therefore, the project would not result in significant cumulative health impacts.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

There are no feasible mitigation measures beyond General Plan policies, ordinances, and regulations that could reduce this cumulative impact to less than significant. As a result, the project's contribution to cumulative the criteria pollutant impact is significant and unavoidable.

### **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."

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.

### **Cumulative**

As stated above, the plans provide an effective framework for reducing per capita emissions that would reduce the projects cumulative impacts. No mitigation measures beyond General Plan policies, ordinances, and regulations are available to further reduce this impact.

## 2.2 - Greenhouse Gases

### 2.2.1 - Greenhouse Gas Emissions – Project Impact

#### Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report Draft EIR identified project-specific significant impacts that would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*

Greenhouse gas impacts are by their nature cumulative impacts. Localized impacts of climate change are the result of the cumulative impact of global emissions. The combined benefits of reductions achieved by all levels of government help to slow or reverse the growth in greenhouse gas emissions. In the absence of comprehensive international agreements on appropriate levels of reductions achieved by each country, another measure of cumulative contribution is required. California has defined reductions required by the State in AB 32 (1990 emission levels by 2020). This serves to define California's share of the reductions regardless of the activities or lack of activities of other areas of the U.S. or the world. Therefore, a cumulative threshold based on consistency with state targets and actions to reduce greenhouse gases is an appropriate standard of comparison for significance determinations at the program level of analysis, as supported by data contained within the City's GHG Plan. Greenhouse gas impacts are by their nature cumulative impacts. Localized impacts of climate change are the result of the cumulative impact of global emissions. The combined benefits of reductions achieved by all levels of government help to slow or reverse the growth in greenhouse gas emissions. In the absence of comprehensive international agreements on appropriate levels of reductions achieved by each country, another measure of cumulative contribution is required. California has defined reductions required by the State in AB 32 (1990 emission levels by 2020). This serves to define California's share of the reductions regardless of the activities or lack of activities of other areas of the U.S. or the world. Therefore, a cumulative threshold based on consistency with state targets and actions to reduce greenhouse gases is an appropriate standard of comparison for significance determinations at the program level of analysis, as supported by data contained within the City's GHG Plan.

The cumulative impacts of DNCP and FCSP implementation after 2020 has no comprehensive state target that provides a similar basis of comparison. The regional targets adopted to comply with SB 375 only apply to a fraction of the mobile source inventory in 2020 and 2035. The GHG Plan includes an interim target of a 40 percent reduction from BAU for 2035. Continued implementation and reductions from the City's strategy are predicted to achieve the interim target. As described earlier, the State is in the process of identifying a reduction target for 2030, but the actual strategy required to reach a target has not been determined. Finally, in preliminary assessments of options to achieve the 2050 goal, the State concluded that reliance on technical advancements and accelerated market penetration of new technologies would be required. Developing a community 2050 target without an adopted state strategy would be highly speculative. The General Plan and GHG Plan will likely be updated several times before 2050. Each update will provide an opportunity to identify community targets to coincide with state targets and to adjust the strategy to ensure that the City of Fresno does its part in achieving greenhouse gas reductions.

## Finding

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report.

## Facts in Support of Finding

The General Plan policies and GHG Plan strategies will continue to provide greenhouse gas reductions beyond 2020 since they apply to all development that will occur between adoption and buildout unless superseded by new policies. Although the interim targets contained in the GHG Plan are expected to be achieved, the actual amount of local reductions needed beyond 2020 is uncertain pending adoption of state targets for later years. In addition, the long-term effectiveness of the General Plan policies and programs that avoid, reduce, or minimize greenhouse gas emissions is not known. Therefore, cumulative impacts related to the growth under the DNCP and FCSP are significant and unavoidable.

### 2.2.2 - Greenhouse Gas Emissions – Cumulative Impact

#### Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified significant cumulative impacts that would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.*

Greenhouse gas impacts are by their nature cumulative impacts. Localized impacts of climate change are the result of the cumulative impact of global emissions. The combined benefits of reductions achieved by all levels of government help to slow or reverse the growth in greenhouse gas emissions. In the absence of comprehensive international agreements on appropriate levels of reductions achieved by each country, another measure of cumulative contribution is required. California has defined reductions required by the State in AB 32 (1990 emission levels by 2020). This serves to define California's share of the reductions regardless of the activities or lack of activities of other areas of the U.S. or the world. Therefore, a cumulative threshold based on consistency with state targets and actions to reduce greenhouse gases is an appropriate standard of comparison for significance determinations at the program level of analysis, as supported by data contained within the City's GHG Plan.

The cumulative impacts of DNCP and FCSP implementation after 2020 has no comprehensive state target that provides a similar basis of comparison. The regional targets adopted to comply with SB 375 only apply to a fraction of the mobile source inventory in 2020 and 2035. The GHG Plan includes an interim target of a 40 percent reduction from BAU for 2035. Continued implementation and reductions from the City's strategy are predicted to achieve the interim target. As described earlier, the State is in the process of identifying a reduction target for 2030, but the actual strategy required to reach a target has not been determined. Finally, in preliminary assessments of options to achieve the 2050 goal, the State concluded that reliance on technical advancements and accelerated market

penetration of new technologies would be required. Developing a community 2050 target without an adopted state strategy would be highly speculative. The General Plan and GHG Plan will likely be updated several times before 2050. Each update will provide an opportunity to identify community targets to coincide with state targets and to adjust the strategy to ensure that the City of Fresno does its part in achieving greenhouse gas reductions.

The General Plan policies and GHG Plan strategies will continue to provide greenhouse gas reductions beyond 2020 since they apply to all development that will occur between adoption and buildout unless superseded by new policies. Although the interim targets contained in the GHG Plan are expected to be achieved, the actual amount of local reductions needed beyond 2020 is uncertain pending adoption of state targets for later years. In addition, the long-term effectiveness of the General Plan policies and programs that avoid, reduce, or minimize greenhouse gas emissions is not known. Therefore, cumulative impacts related to the growth under the DNCP and FCSP are significant and unavoidable.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

The General Plan policies and GHG Plan strategies will continue to provide greenhouse gas reductions beyond 2020 since they apply to all development that will occur between adoption and buildout unless superseded by new policies. Although the interim targets contained in the GHG Plan are expected to be achieved, the actual amount of local reductions needed beyond 2020 is uncertain pending adoption of state targets for later years. In addition, the long-term effectiveness of the General Plan policies and programs that avoid, reduce, or minimize greenhouse gas emissions is not known. Therefore, cumulative impacts related to the growth under the DNCP and FCSP are significant and unavoidable.

## **2.3 - Noise**

### **2.3.1 - Noise Levels in Excess of Standards – Project Impact**

#### **Significant Impact**

##### **Long-Term Project Impacts**

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified project-specific significant impacts that would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.*

Based on existing noise measurements taken in the City (Table 1 and Table 2), as well as on existing and future noise modeling (Figures NS-2 and NS-3 of the General Plan), noise levels in excess of

existing standards set forth by the City of Fresno currently occur and would continue to occur throughout the City, potentially affecting residential and other noise-sensitive uses.

Based on the traffic noise levels shown in Figure NS-3 of the General Plan, future noise levels along many major roadway segments in the Plan Areas currently exceed, or would exceed with implementation of the project, the City's desirable and generally acceptable exterior noise standard of 65 dBA  $L_{dn}$  for transportation noise sources. Future development activities within the Plan Areas would result in higher land use densities, which would result in increased traffic volumes and increases in commercial and industrial uses that would incrementally increase noise levels in some areas. Substantial noise level exposures can also be expected for project-related, noise-sensitive development that could occur near existing railroad lines.

#### *Roadway Noise Sources*

The FHWA highway traffic noise prediction model (FHWA RD-77-108) was used to evaluate traffic noise impacts related to implementation of the project. Traffic data used in the model were obtained from the traffic impact analysis prepared by Fehr & Peers for the proposed project. The existing, existing with project, and cumulative with project traffic volumes are based on the maximum traffic volumes anticipated to be experienced for each roadway classification.

In order to determine the proposed project's contribution to roadway noise contours, each of the City of Fresno's roadway classifications were modeled by applying the FHWA's noise modeling procedure, using roadway, speed, and traffic mix data, and the greatest project increase anticipated for each roadway type, which have been based on traffic volume levels provided by the engineering firm of Fehr & Peers. Noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway. For analysis comparison purposes, the noise levels are calculated at the right-of-way of each roadway type, which is the nearest location where development may occur to each roadway. In establishing noise contours for land use planning, it is customary to ignore noise attenuation afforded by buildings, roadway elevations, and depressions, and to minimize the barrier effect of natural terrain features. The result is a worst-case estimate of the existing and future noise environment. The developed noise contours are conservative, meaning that the contours are modeled with minimal noise attenuation by natural barriers and buildings.

Table 3 shows the anticipated noise levels for each roadway type for existing, existing with project, cumulative with project, and other representative traffic volume levels at the right-of-way. The distance from the centerline to the 55-, 60-, 65-, and 70-dBA noise levels have been calculated and are also shown in Table 3 with the noise calculation spreadsheets provided in Appendix I.



**Table 3: Traffic Noise Contours**

Roadway	Scenario	dBA CNEL at Right-of- Way	Increase over Existing (dBA)	Distance to Contour (feet)			
				70 dBA CNEL	65 dBA CNEL	60 dBA CNEL	55 dBA CNEL
2-Lane Collector	Existing	66	NA	36	79	169	365
2-Lane Collector	Existing Plus Project	66	0	39	84	182	391
2-Lane Collector	Cumulative Plus Project	66	0	41	89	191	412
4-Lane Collector	Existing	61	NA	RW	51	109	235
4-Lane Collector	Existing Plus Project	62	1	RW	55	119	257
4-Lane Collector	Cumulative Plus Project	62	1	RW	56	120	258
4-Lane Arterial	Existing	67	NA	62	133	287	619
4-Lane Arterial	Existing Plus Project	68	1	78	169	363	782
4-Lane Arterial	Cumulative Plus Project	69	2	81	175	376	811
4-Lane Super Arterial	Existing	66	NA	64	137	295	636
4-Lane Super Arterial	Existing Plus Project	68	2	96	208	448	965
4-Lane Super Arterial	Cumulative Plus Project	68	2	97	209	450	970
6-Lane Arterial	Existing	68	NA	89	192	414	893
6-Lane Arterial	Existing Plus Project	69	1	101	217	468	1,009
6-Lane Arterial	Cumulative Plus Project	69	1	106	229	494	1,063
Scenic Arterial	Existing	61	NA	RW	70	151	326
Scenic Arterial	Existing Plus Project	63	2	RW	95	204	439
Scenic Arterial	Cumulative Plus Project	63	2	RW	96	207	446
6-Lane Expressway	Existing	70	NA	119	256	551	1,188
6-Lane Expressway	Existing Plus Project	71	1	138	296	639	1,376
6-Lane Expressway	Cumulative Plus Project	72	2	141	304	655	1,410
Scenic Expressway	Existing	68	NA	97	208	448	966
Scenic Expressway	Existing Plus Project	69	1	122	262	565	1,218
Scenic Expressway	Cumulative Plus Project	70	2	132	284	613	1,320
SR 41 Freeway	Existing	73	NA	251	540	1,164	2,508
SR 41 Freeway	Existing Plus Project	75	2	308	663	1,427	3,075
SR 41 Freeway	Cumulative Plus Project	75	2	316	680	1,465	3,155
SR 180 Freeway	Existing	72	NA	263	566	1,220	2,628
SR 180 Freeway	Existing Plus Project	74	2	332	716	1,542	3,322
SR 180 Freeway	Cumulative Plus Project	74	2	337	725	1,563	3,367

**Table 3 (cont.): Traffic Noise Contours**

Roadway	Scenario	dBA CNEL at Right-of-Way	Increase over Existing (dBA)	Distance to Contour (feet)			
				70 dBA CNEL	65 dBA CNEL	60 dBA CNEL	55 dBA CNEL
SR 99 Freeway	Existing	73	NA	202	435	937	2,019
SR 99 Freeway	Existing Plus Project	76	3	287	619	1,334	2,875
SR 99 Freeway	Cumulative Plus Project	76	3	298	642	1,383	2,979
SR 168 Freeway	Existing	71	NA	194	418	901	1,941
SR 168 Freeway	Existing Plus Project	72	1	235	505	1,089	2,345
SR 168 Freeway	Cumulative Plus Project	73	2	257	554	1,195	2,574

Notes:  
 RW = Noise contour is located within right-of-way of roadway.  
 Source: FirstCarbon Solutions, 2014.

Table 3 shows that the majority of roadway classification scenarios currently exceed or would exceed (under plus project conditions) the City’s 65 dBA CNEL standard for sensitive land uses as measured at the right-of-way of the modeled roadways. This would be considered a significant impact.

Project-related traffic noise impacts to existing land uses are discussed under Impact NOI-3: Permanent Increase in Ambient Noise Levels, below.

**Railroad Noise Sources**

As shown in the existing conditions discussion above, existing railroad operations in the Plan Areas could expose proposed development that could occur with implementation of the project to noise levels in excess of the City’s transportation noise standard.

Implementation of the project is not expected to directly result in expanded railroad operations and therefore would not result in increased railroad noise impacts. General Plan Policies NS-1-a through NS-1-o establish exterior and interior noise level standards, require the incorporation of noise reduction design features, use of best available technology, and require site-specific acoustical studies, among other measures, as requirements that would assist in reducing railroad noise impacts for new noise-sensitive land use development. However, development may occur in areas exposed to excessive railroad noise levels that, even with implementation of the best technology measures and compliance with the policies of the General Plan it may not be feasible to reduce railroad noise impacts to below the City’s exterior transportation noise level standard for the receiving land use. Therefore, similar to the findings of the General Plan MEIR, this impact would remain significant and unavoidable.

### **Stationary Noise Sources**

Stationary noise sources can also have an effect on existing or future development. Stationary noise sources can involve a wide spectrum of uses and activities, including various industrial uses, commercial operations, agricultural production, school playgrounds, high school football games and marching bands, HVAC units, generators, lawn maintenance equipment, and swimming pool pumps.

Even with incorporation of the best available noise control technology, noise emanating from industrial uses can be substantial and exceed the daytime or nighttime noise standards. These noise sources can be continuous and may contain tonal components that may be annoying to nearby receptors. Although new industrial uses in the Plan Area would typically be located in industrial districts near freeways and commercial uses and away from residences and other sensitive noise receptors, noise sources associated with new commercial uses such as automotive repair facilities, recycling centers, and loading docks may occur in the vicinity of residential uses.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

General Plan Policies NS-1-a through NS-1-l, and NS-1-n and NS-1-o establish exterior and interior noise level standards, require the incorporation of noise reduction design features, use of best available technology, and require site-specific acoustical studies, among other measures, as requirements that would assist in reducing stationary source noise impacts for new land use development. In addition, the proposed DDC includes setback requirements for new mechanical equipment that would assist in reducing noise impacts to off-site sensitive uses. However, even with implementation of the best technology measures and compliance with all of the policies of the General Plan it may not be feasible to reduce stationary source noise impacts to below the City's exterior noise level standards for receiving land uses. Therefore, similar to the findings of the General Plan MEIR, stationary source noise impacts would remain significant and unavoidable.

## **2.3.2 - Noise Levels in Excess of Standards – Cumulative Impact**

### **Significant Impact**

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified significant cumulative impacts that would result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.*

### **Long-Term Project Impacts**

**Significant and unavoidable impact.** Similar to the Project-specific Impact Analysis above, development that could occur with implementation of the DNCP, the FCSP and the DDC, could result in exposure of new receptors to traffic and railroad noise levels in excess of the City's transportation

noise standard. In addition, such development could also result in new stationary noise sources or introduction of new noise-sensitive land uses to existing stationary noise sources that could result in exposure of persons to noise levels in excess of the City's stationary noise source standards.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report.

### **Facts in Support of Finding**

In most instances, compliance with the General Plan Policies NS-1-a through Policy NS-1-o, as provided above, would reduce long-term project noise impacts to less than significant levels. However, these policies and measures that individual projects would implement are ultimately limited, as even advanced policies and measures are limited in what they can do to remediate or reduce the magnitude of noise effects on many existing noise-sensitive land uses in areas with current high noise exposures or where substantial noise increases are expected. Thus, the continuing exposure of existing noise-sensitive land uses to noise levels in excess of standards established by the City, or to substantial noise increases as a result of future growth that could occur with implementation of the project, would be deemed a cumulatively considerable impact that could not in all cases be reduced to less than significant. Therefore, similar to the findings of the General Plan MEIR, traffic, railroad, and stationary source noise impacts would remain a significant and unavoidable cumulatively considerable impact.

## **2.3.3 - Permanent Increase in Ambient Noise Levels – Project Impact**

### **Significant Impact**

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified project-specific significant impacts that would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.*

According to General Plan Policy NS-1-j, a significant increase in ambient noise levels is assumed if the project would increase noise levels in the immediate vicinity of a project by 3 dBA  $L_{dn}$  or CNEL or more above the ambient noise levels existing without the project. Permanent increases in ambient noise levels could result from new traffic and stationary noise sources resulting from buildout associated with implementation of the project. Implementation of the project is not expected to directly result in expanded railroad operations and therefore would not result in project-related permanent increases in railroad noise impacts.

Future development activities within the Plan Areas would result in increased traffic volumes, thus incrementally increasing noise levels in some areas. As is shown in Table 3, all but one modeled roadway segment would result in a less than 3 dBA increase compared to ambient noise conditions existing without the project. The greatest noise increase for the modeled roadway segments would occur along portions of the SR 99 Freeway. For this segment, existing plus project traffic noise levels

would result in a maximum increase of 3 dBA over existing traffic noise level conditions. This would be considered a significant impact.

Implementation of the project could also result in the introduction of new stationary noise sources that could result in substantial permanent increases in ambient noise levels at existing noise-sensitive land uses. Even with incorporation of the best available noise control technology, noise emanating from industrial uses can be substantial and exceed the daytime or nighttime noise standards. Stationary noise sources can be continuous and may contain tonal components that may be annoying to nearby receptors. Although new industrial uses in the Plan Area would typically be located in industrial districts near freeways and commercial uses and away from residences and other sensitive noise receptors, noise sources associated with new commercial uses such as automotive repair facilities, recycling centers, and loading docks may occur in the vicinity of residential uses. Thus, new stationary noise sources that could be developed with implementation of the project could result in increases in ambient noise levels by 3 dBA CNEL or greater as measured at adjacent land uses which would be considered a significant impact.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report.

### **Facts in Support of Finding**

General Plan Policies NS-1-a through NS-1-o establish exterior and interior noise level standards, require the incorporation of noise reduction design features, use of best available technology, and require site-specific acoustical studies, among other measures, as requirements that would assist in reducing stationary source noise impacts for new land use development. In addition, the proposed DDC includes setback requirements for new mechanical equipment that would assist in reducing noise impacts to off-site sensitive uses. However, even with implementation of the best technology measures and compliance with all of the policies of the General Plan it may not be feasible to reduce new traffic and stationary source noise impacts to not result in a substantial permanent increase in ambient noise levels at existing land uses. Therefore, similar to the findings of the General Plan MEIR, new traffic and stationary noise source impacts that could occur with implementation of the proposed project would remain significant and unavoidable.

## **2.3.4 - Permanent Increase in Ambient Noise Levels – Cumulative Impact**

### **Significant Impact**

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified significant cumulative impacts that would result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.*

Cumulative conditions in the Plan Areas are expected to result in increased traffic volumes, thus incrementally increasing noise levels in some areas. Substantial noise level exposures can also be

expected from railroad operations, as well as new stationary noise sources under cumulative conditions.

Table 3 shows that under cumulative plus project conditions, some roadway segments would experience increases in traffic noise by as much as 3 dBA CNEL over existing conditions. This would be considered a significant impact.

While implementation of the project is not expected to directly result in expanded railroad operations, under cumulative conditions, expanded railroad operations are expected to occur within the Plan Areas. While these future cumulative projects would be required to complete their own environmental review in compliance with CEQA requirements, they may still result in substantial permanent increases in ambient noise levels along the existing or future railroad alignments. Therefore, new development that could occur with implementation of the project could result in the exposure of new noise-sensitive land uses to substantial increases in railroad noise operations.

Substantial cumulative noise level exposures could also be expected from stationary noise sources. Even with incorporation of the best available noise control technology, noise emanating from new stationary noise sources, such as industrial uses, can be substantial and could result in increases in ambient noise levels by 3 dBA CNEL or greater as measured at adjacent land uses. This would be considered a significant impact.

## **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

## **Facts in Support of Finding**

In most instances, compliance with the General Plan Policies NS-1-a through Policy NS-1-o, as provided above, would reduce long-term cumulative noise impacts to less than significant levels. However, these policies and measures that individual projects would implement are ultimately limited, as even advanced policies and measures are limited in what they can do to remediate or reduce the magnitude of noise effects on many existing noise-sensitive land uses in areas with current high noise exposures or where substantial noise increases are expected. Thus, the continuing exposure of existing noise-sensitive land uses to substantial noise increases as a result of future growth that could occur with implementation of the project, would be deemed a cumulatively considerable impact that could not in all cases be reduced to less than significant. Therefore, similar to the findings of the General Plan MEIR, traffic, railroad, and stationary source noise impacts would remain a significant and unavoidable cumulatively considerable impact.

## 2.4 - Transportation and Traffic

### 2.4.1 - Traffic Increase – Project Impact

#### Significant Impact

### 2.4.2 - Traffic Increase – Cumulative Impact

#### Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified significant cumulative impacts that would conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.*

**Significant and unavoidable impact.** The proposed project will contribute to increasing traffic volumes at City of Fresno study intersections outside the Core Area. Based on these results and the significance criteria presented in Section 5.14.3, the proposed project's incremental effects on intersection operations would be cumulatively considerable at the following two City of Fresno study intersections during the AM, PM, or both peak hours:

- Belmont Circle/Golden State Boulevard–Wesley Avenue
- Belmont Avenue/Palm Avenue

The specific improvements listed below for the impacted City of Fresno study intersections would address the proposed project's cumulatively considerable incremental effects on intersection traffic operations.

#### *Belmont Avenue/Golden State Boulevard-Wesley Avenue*

The proposed project would contribute to increased traffic delay at the Belmont Avenue/Golden State Boulevard-Wesley Avenue intersection during the AM and PM peak hours contributing to LOS F conditions. This contribution to traffic delay is defined as cumulatively considerable, and therefore a significant impact. The following improvements would improve operations to LOS C during the AM and PM peak hour under Cumulative conditions:

- Signalize the intersection.
- Widen the westbound approach to two through lanes and one protected left-turn lane.

These improvements or improvements providing similar operational benefits as approved by the City Traffic Engineer will be needed when the intersection degrades to LOS F operations. These improvements are not included in the Fresno COG 2014 RTP/SCS, Fresno Major Streets Impact (FMSI) fee program, Traffic Signal Mitigation Impact (TSMI) fee program, or Regional Transportation Mitigation Fee (RTMF).

Although these improvements would mitigate the proposed project’s cumulatively considerable incremental effect, full funding for these improvements is uncertain and this impact would remain **significant and unavoidable**.

*Belmont Avenue/Palm Avenue*

The proposed project would contribute to increased traffic delay at the Belmont Avenue/Palm Avenue intersection during the PM peak hour contributing to LOS F conditions. This contribution to traffic delay is defined as cumulatively considerable, and therefore a significant impact. The following improvements would improve operations by reducing delay:

- 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.

These improvements or improvements providing similar operational benefits as approved by the City Traffic Engineer will be needed upon project build out. While the LOS remains unacceptable during the AM and PM peak hours, these improvements reduce delay, mitigating the proposed project’s cumulative contribution.

The roadway is constrained by existing development on all four corners at this intersection, making the addition of dual left-turn lanes on the northbound and eastbound approaches potentially infeasible. A portion of these improvements are included in the Traffic Signal Mitigation Impact (TSMI) fee program, but not all are identified and funded.

Although these improvements would mitigate the proposed project’s cumulatively considerable incremental effect, due to right of-way and funding constraints, this impact would remain **significant and unavoidable**.

The specific improvements listed below for the impacted City of Fresno study intersections would address the proposed project’s cumulatively considerable incremental effects on intersection traffic operations.

*Belmont Avenue/Golden State Boulevard-Wesley Avenue*

The proposed project would contribute to increased traffic delay at the Belmont Avenue/Golden State Boulevard-Wesley Avenue intersection during the AM and PM peak hours contributing to LOS F conditions. This contribution to traffic delay is defined as cumulatively considerable, and therefore a significant impact. The following improvements would improve operations to LOS C during the AM and PM peak hour under Cumulative conditions:

- Signalize the intersection.
- Widen the westbound approach to two through lanes and one protected left-turn lane.



These improvements or improvements providing similar operational benefits as approved by the City Traffic Engineer will be needed when the intersection degrades to LOS F operations. These improvements are not included in the Fresno COG 2014 RTP/SCS, Fresno Major Streets Impact (FMSI) fee program, Traffic Signal Mitigation Impact (TSMI) fee program, or Regional Transportation Mitigation Fee (RTMF).

These improvements or improvements providing similar operational benefits as approved by the City Traffic Engineer will be needed upon project build out. While the LOS remains unacceptable during the AM and PM peak hours, these improvements reduce delay, mitigating the proposed project's cumulative contribution.

The roadway is constrained by existing development on all four corners at this intersection, making the addition of dual left-turn lanes on the northbound and eastbound approaches potentially infeasible. A portion of these improvements are included in the Traffic Signal Mitigation Impact (TSMI) fee program, but not all are identified and funded.

Although these improvements would mitigate the proposed project's cumulatively considerable incremental effect, due to right-of-way and funding constraints, this impact would remain **significant and unavoidable**.

The results of the AM and PM peak-hour queueing analysis at each off-ramp study intersection are referred to in Appendix J). Based on these results, the proposed project would cause the 95<sup>th</sup> percentile queues to extend into the deceleration zone, or increase baseline 95<sup>th</sup> percentile queues to extend further into the deceleration zone, at the following locations:

- SR 99 SB Off-Ramp/Belmont Avenue
- SR 99 NB Off-Ramp/Belmont Avenue
- SR 180 EB Off-Ramp/Fulton Street
- SR 99 SB Off-Ramp/Stanslaus Street
- SR 99 SB Off-Ramp/Fresno Street
- SR 99 NB Off-Ramp/Fresno Street
- SR 41 SB Off-Ramp/Divisadero Street
- SR 99 NB Off-Ramp/Ventura Avenue
- SR 41 SB Off-Ramp/Van Ness Avenue

The resulting queues are due to a combination of traffic generated by development associated with the proposed project in combination with existing traffic and future traffic growth from reasonably foreseeable projects. The City of Fresno General Plan includes the following policy related to transportation funding and regional-level coordination:

- **Policy MT-2-j:** Funding for Multi-Modal Transportation Systems. Continue to seek and secure adequate financing to construct and maintain a complete multi-modal system through such measures as development of impact fees, local sales tax measures, special tax measures, assessment/improvement districts, and regional state, and federal transportation funds and grants.

- **Policy MT-2-I:** Region-wide Transportation Impact Fees. Continue to support the implementation of a metropolitan-wide and region-wide transportation impact fees to cover the proportional share of a development's impacts to and need for a comprehensive multi-modal transportation system that is not funded by other sources. Work with the Council of Fresno County Governments, transportation agencies (e.g., Caltrans, Federal Transportation Agency) and other jurisdictions in the region to develop a method for determining:
  - Regional transportation impacts of new development;
  - Regional highways, streets, trails, public transportation, goods movement system components consistent with the General Plan necessary to mitigate those impacts and serve projected demand;
  - Projected full lifetime costs of the regional transportation system components, including construction, operations, and maintenance;
  - Cost covered by establishing funding sources.

**Significant Impact.** Appendix J summarizes the AM and PM peak-hour level of service (LOS) at the freeway mainline segments and ramp junctions, respectively (refer to Appendix J for calculations). In general, the LOS results for ramp junctions are worse than the freeway mainline, and are controlling the freeway operations. Based on the significance criteria, the project causes a significant impact at the following freeway locations during the AM and/or PM peak hour:

**SR 99 Northbound**

- Jensen Avenue to SR 41
- Stanislaus Street to SR 180
- SR 180 to Belmont Avenue
- Belmont Avenue to Olive Avenue
- Ventura Avenue On-Ramp
- Fresno Street Off-Ramp
- Stanislaus Street On-Ramp
- SR 180 Off-Ramp
- SR 180 WB On-Ramp
- Belmont Avenue Off-Ramp
- Belmont Avenue On-Ramp
- Olive Avenue Off-Ramp

**SR 99 Southbound**

- Olive Avenue to Belmont Avenue
- SR 180 to Stanislaus Street
- Olive Avenue On-Ramp
- Belmont Avenue Off-Ramp
- Belmont Avenue to SR 180
- SR 180 EB On-Ramp
- Stanislaus St Off-Ramp
- Fresno Street Off-Ramp
- Fresno Street to Ventura Avenue
- SR 41 to Jensen Avenue

**SR 41 Northbound**

- SR 99 to Van Ness Avenue
- M Street to Tulare Street SR 99 On-Ramp
- Van Ness Avenue Off-Ramp
- M Street On-Ramp
- Tulare Street Off-Ramp
- Divisadero Street to SR 180
- SR 180 to McKinley Avenue

**SR 41 Southbound**

- McKinley Avenue to SR 180
- SR 180 to Divisadero Street
- O Street Off-Ramp
- Van Ness Avenue Off-Ramp

**SR 180 Eastbound**

- SR 99 Off-Ramp
- SR 99 to Fulton Street
- Van Ness Avenue to Abby Street
- Abby Street to SR 41

**SR 180 Westbound**

- SR 41 NB On-Ramp
- SR 41 to Blackstone Avenue
- Blackstone Avenue to Fulton Street
- Fulton Street to SR 99
- SR 99 On-Ramp

The resulting LOS E or F operations are due to a combination of traffic generated by development associated with the proposed project in combination with existing traffic and future traffic growth from reasonably foreseeable projects. The City of Fresno General Plan includes the following policy

**Policy MT-2-I: Region-wide Transportation Impact Fees.** Continue to support the implementation of a metropolitan-wide and region-wide transportation impact fees to cover the proportional share of a development's impacts to and need for a comprehensive multi-modal transportation system that is not funded by other sources. Work with the Council of Fresno County Governments, transportation agencies (e.g., Caltrans, Federal Transportation Agency) and other jurisdictions in the region to develop a method for determining:

- Regional transportation impacts of new development;
- Regional highways, streets, trails, public transportation, goods movement system components consistent with the General Plan necessary to mitigate those impacts and serve projected demand;
- Projected full lifetime costs of the regional transportation system components, including construction, operations, and maintenance;
- Cost covered by establishing funding sources.
- There are no currently identified funding sources for improvements at the impacted locations.
- Ultimately, improvements to the freeway system would affect roadways under Caltrans's jurisdiction. Since full funding for improvements at these impacted locations has not been identified and the City of Fresno does not have control over its timing or implementation, this impact would remain **significant and unavoidable**.

## **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(3), specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report.

## **Facts in Support of Finding**

These improvements or improvements providing similar operational benefits as approved by the City Traffic Engineer will be needed upon project build out. While the LOS remains unacceptable during the AM and PM peak hours, these improvements reduce delay, mitigating the proposed project's cumulative contribution.

The roadway is constrained by existing development on all four corners at this intersection, making the addition of dual left-turn lanes on the northbound and eastbound approaches potentially infeasible. A portion of these improvements are included in the Traffic Signal Mitigation Impact (TSMI) fee program, but not all are identified and funded.

Although these improvements would mitigate the proposed project’s cumulatively considerable incremental effect, due to right of-way and funding constraints, this impact would remain **significant and unavoidable**.

As noted in the Traffic Impact Fee Programs section of this report, the current RTMF administered by Fresno COG will provide 57 percent of the funding for improvements at the following interchanges in the study area:

- SR 99/Belmont Avenue
- SR 41/Tulare Street–Divisadero Street
- SR 180/Fulton Street–Van Ness Avenue

While the RTMF provides 57 percent of the funding for improvements at a few of the impacted locations, there is no identified funding source for the remaining cost at these locations. Furthermore, a funding source has not been identified for the improvements outside of these three interchanges receiving RTMF funding.

Ultimately, improvements to the freeway system would affect roadways under Caltrans’s jurisdiction. Since full funding for improvements at these impacted locations has not been identified and the City of Fresno does not have control over its timing or implementation, this impact would remain **significant and unavoidable**.

## SECTION 3: ADVERSE PROJECT-SPECIFIC AND CUMULATIVE IMPACTS WHICH CAN BE MITIGATED TO A LEVEL OF INSIGNIFICANCE

The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified significant project-specific and cumulative adverse impacts of the proposed project and proposed mitigation measures to avoid or substantially lessen those impacts. Those impacts and mitigation measures are identified in the following section. The City of Fresno finds, based on the facts set forth in the record, which include but are not limited to the facts as set forth below, that the incorporation of the identified mitigation measures will mitigate the following identified significant project-specific and cumulative adverse impacts to a level that is considered less than significant.

### 3.1 - Aesthetics

#### Glare or Glare – Project-Specific Impact

##### Potentially Significant Impact.

*The City of Fresno DNCP, FCSP, and DDC DEIR identified that the project would create a new source of substantial light or glare which would adversely affect views in the area.*

##### **Downtown Neighborhoods Community Plan**

**Potentially significant impact.** Development in accordance with the DNCP will result in land use changes by increasing densities and intensities of land uses within the Plan area. These land use changes include the development of new residential and non-residential land uses.

Development under the DNCP, including the reconstruction of Fulton Mall, would include introducing contextual infill development, as part of revitalizing the Downtown neighborhoods. The addition of infill development would increase the amount of light from street lights, exterior lighting systems on private and public property, exterior lighting from buildings, and vehicular headlights. New development could also increase light with new illuminated signs and lighting systems to illuminate active play areas and to enhance nighttime safety throughout the Plan area. The increase in lighting within the city limits could result in light spillover onto adjacent properties and an increase in urban light illuminating the sky at night. This increase in light is considered a significant impact. Implementation of Mitigation Measures AES-1 through AES-5 is required.

New development in the Plan area will increase the number and/or the size of structures that could create new sources of glare. These new sources of glare could be from materials used on building facades, parking lots, signs, roadway surfaces, and motor vehicles. Within the city limits, there are currently many sources of glare, and future development will add to these existing sources. Within the rural and agricultural areas outside of but adjacent to the Plan area, there are limited sources of glare. The primary sources of glare that will be added within the Community Plan area will occur from vertical structures such as building facades and signs. Parking lots, roadway surfaces and motor vehicles do not create substantial amount of glare. Because of the anticipated amount of new building square footage planned for the DNCP area, DNCP implementation will result in a substantial

increase in glare. This increase could result in significant glare impacts. Implementation of Mitigation Measures AES-4a through AES-4e is required.

### **Fulton Corridor Specific Plan**

**Potentially significant impact.** The intent of the FCSP is to concentrate development within the heart of Downtown Fresno. FCSP Section 2.3, Design Principles—one of the design principles that forms the basis for the DDC as well as the goals, policies, and actions set forth in the FCSP—relates to infill development. The FCSP calls for effective use of existing private and public land and infrastructure investments to fill in available urban sites to create a more vibrant public realm. As described above for the DNCP, this addition of infill development would result in additional sources of light and glare in the Plan area.

The FCSP also includes the following goals and policies for enhanced lighting throughout the Plan area:

- **Goal 6-1:** Allocate the necessary resources to stabilize and then revitalize Downtown Fresno as the economic and cultural heart of the City and the Region.
- **Policy 6-1-1:** Introduce new buildings in conformance with the Downtown Development Code that generate a safe, positive, and attractive mixed-use environment that encourages neighborhood pride and identity.
- **Goal 6-3:** Build new buildings in order to make Downtown a safe and inviting place to live, work, and visit.
- **Policy 6-3-1:** Promote passive security on streets (“eyes on the street”) by:
  - b. Introducing pedestrian-scaled street lighting on all streets within the Plan Area.
- **Policy 6-3-2:** Promote perceived and actual security on and around building sites by requiring new development to provide sufficient lighting along street- and alley-facing frontages and in shared open spaces.
- **Policy 6-3-3:** Promote passive security in parks (“eyes on the park”) by:
  - e. Providing sufficient lighting.
- **Goal 8-9:** Enhance the streetscape through appropriate street lighting.
- **Policy 8-9-1:** Install pedestrian-scaled street light poles and fixtures that emit warm light.
- **Policy 8-9-2:** Ensure safe lighting levels of at least 1 foot-candle at the sidewalk level, while meeting the needs of the intended physical character of the particular area.
- **Policy 8-9-3:** Encourage business and property owners to keep storefronts and offices window display lighting illuminated throughout the night.

Infill development of vacant sites and enhanced safety lighting throughout the Specific Plan area has the potential to add sources of light and glare to the FCSP area and result in a potentially significant impact with regard to light and glare. Implementation of Mitigation Measures AES-4a through AES-4e is required.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC DEIR.

## Facts in Support of Finding

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC DEIR and incorporated into the project.

- 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.
- 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.
- 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.
- 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.
- MM AES-4e** Materials used on building facades shall be non-reflective.

Implementation of Mitigation Measures AES-4a through AES-4e will reduce impacts on the illumination of the sky at night. Lighting on properties adjacent to lighting systems will be less than significant. Glare impacts will be less than significant with implementation of the mitigation measures identified above.

## Light or Glare – Cumulative Impact

### Potentially Significant Impact

**Potentially significant impact.** Growth within the DNCP and FCSP areas, combined with growth in the nearby areas within the City of Fresno, would result in a cumulatively significant impact on light and glare. Future development in the City, including the DNCP and FCSP areas, will increase population and development, which will in turn increase the amount of lighting and glare. Overall, cumulative development is anticipated to result in a significant increase in lighting. Since the proposed project is expected to result in potentially significant lighting impacts, the project's contribution to cumulative lighting impacts is potentially cumulatively considerable. Implementation of Mitigation Measures AES-4a through AES-4e is required.

With future development outside of the Plan areas, there will be increases in the amount of structures that could create new sources of glare. These new sources of glare could be from

materials used on building facades, parking lots, signs, roadway surfaces, and motor vehicles. Therefore, cumulative development could create significant glare impacts. Since the proposed project is expected to result in potentially significant glare impacts, the project's contribution to cumulative glare impacts is potentially cumulatively considerable. Implementation of Mitigation Measures AES-4a through AES-4e is required.

**City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC DEIR.

**Facts in Support of Finding**

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC DEIR and incorporated into the project.

- 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.
- 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.
- 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.
- 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 which have an average light intensity of 2.0 horizontal footcandles or greater.
- MM AES-4e** Materials used on building facades shall be non-reflective.

Implementation of Mitigation Measures AES-4a through AES-4e will reduce impacts to the project's contribution of the illumination of the sky at night. Lighting impact on properties adjacent to lighting systems will be less than cumulatively significant. Glare impacts will also be less than cumulatively significant.



## 3.2 - Air Quality

### Odors – Program-Level Impact

#### Potentially Significant Impact

The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project would create objectionable odors affecting a substantial number of people.

#### Thresholds of Significance

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc. warrant the closest scrutiny, but consideration should also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas.

The project-level odor impacts of the Fulton Mall Reconstruction Project were assessed in an Environmental Impact Report prepared by the City (State Clearinghouse Number 2013101046). The DEIR found the Fulton Mall project would result in less than significant impacts related to odors.

Two situations create a potential for odor impact. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing source of odor. The *CBIA v. BAAQMD* court opinion described earlier also applies to the impacts of existing odor sources on new sensitive receptors. The second impact in this situation is not subject to CEQA analysis or an obligation to mitigate potential impacts. The following analysis discloses the potential impacts from existing odor sources on future sensitive receptors, but does not make a conclusion regarding its significance in a CEQA context.

The District has determined the common land use types that are known to produce odors in the Air Basin. These types are shown in Table 4.

**Table 4: Screening Levels for Potential Odor Sources**

Odor Generator	Screening Distance
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile

**Table 4 (cont.): Screening Levels for Potential Odor Sources**

Odor Generator	Screening Distance
Rendering Plant	1 mile
Source: SJVAPCD, 2015.	

According to the SJVAPCD GAMAQI, analysis of potential odor impacts should be conducted for the following two situations:

- **Generators:** projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate, and
- **Receivers:** residential or other sensitive receptor projects, or other projects built for the intent of attracting people locating near existing odor sources (not subject to CEQA).

Formerly, if the project were to result in sensitive receptors being located closer than the recommended distances to an odor generator included within Table 4, a more detailed analysis including a review of SJVAPCD odor complaint records is recommended. The detailed analysis would involve contacting the SJVAPCD's Compliance Division for information regarding odor complaints. For a project locating near an existing source of odors, the potential for exposure of future residents to odors should be disclosed to the public. The criteria for requiring disclosure of potential exposure to odors are if a project is proposed for a site that is closer to an existing odor source than any location where there have been:

- More than one *confirmed* complaint per year averaged over a three-year period, or
- Three *unconfirmed* complaints per year averaged over a three-year period.

#### *Potential Odor Sources in the DNCP and FCSP*

The City of Fresno has many sources with the potential to generate odors including wastewater treatment facilities, landfills, transfer stations, recycling centers, manufacturing plants, food processors, painting operations, and rendering plants. The implementation of the DNCP and FCSP could result in the odor sources identified in Table 4 being located within the screening threshold distances, and could result in significant impacts on sensitive receptors.

The DNCP and FCSP could also result in sensitive receptors being constructed within the screening level distances from existing odor sources. Under this situation, these potential odor impacts on new sensitive receptors are not subject to CEQA review. However, when potential odor impacts on these new sensitive receptors occur, the SJVAPD has authority under Rule 4102 to require the owner of the odor-generating source to take actions that would reduce impacts to less than significant.

#### *Odor Complaints in DNCP and FCSP*

Odor impacts from waste and recycling facilities is one of the primary factors considered in the location decision and are regulated by the State of California through CalRecycle and the Local

Enforcement Agency delegated by the State. The SJVAPCD addresses odor issues through Rule 4102—Nuisance. Facilities creating nuisance odors generating public complaints can result in SJVAPCD enforcement action. Individual development projects are required to determine if odors would be a potentially significant impact as part of CEQA review. The DNCP and FCSP does not identify specific projects that are likely to result in an increase in odors. However, projects meeting the screening criteria are likely to be proposed in the planning areas. In addition, projects containing sensitive receptors are likely to be proposed near existing odor sources. Projects proposing new receptors within screening level distances will reduce the impact to less than significant through procedures provided by Rule 4102. Proposal of a new source within the screening distance would require the applicant to demonstrate that the proposed facility includes odor controls within its design and through implementation of odor management practices to reduce odors to less than significant. Therefore, impacts from the project are potentially significant.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

#### ***Project-specific***

Odor source types listed in Table 4 may result in a potentially significant impact that would require mitigation to ensure that the impact is reduced to less than significant. The following mitigation measure was included in the MEIR and remains applicable to this project:

**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.

The implementation of the mitigation measure identified above would reduce impacts associated with odors to less than significant.

### **Odors – Cumulative Impact**

#### **Potentially Significant Impact**

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project would create objectionable odors affecting a substantial number of people.*

The geographic scope of the cumulative odor analysis is the local area. Impacts relative to objectionable odors are generally limited to the area in close vicinity to the source and are not cumulative in nature. As the emissions that cause odors disperse, the odor becomes less and less detectable. Odor impacts can occur when a project is an odor generator with the potential to impact sensitive receptors. There are no specific land uses or policies proposed in the DNCP and FCSP that would result in a concentration of odor sources at any particular location. With the buildout of the planning areas, impact from projects could result in a cumulative impact. Therefore, cumulative odor impacts are potentially significant.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report and incorporated into the project.

Implementation of Mitigation Measure AIR-5 as previously discussed above is required.

The implementation of the mitigation measure identified above would reduce impacts associated with glare to less than significant.

## **3.3 - Biological Resources**

### **Effect on Species – Cumulative Impact**

#### **Potentially Significant Impact**

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified that the project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*

Development within the Plan areas could result in the loss of natural vegetation communities that provide suitable habitat for nine special-status species (two plants and seven wildlife species) that have the potential to occur within or adjacent to the Plan areas. As described above, under “Environmental Setting,” the bulk of the Plan areas are categorized as urban/developed land. However, there are small dispersed patches of land categorized by the CDFW as irrigated row and field crops (agricultural) and lacustrine habitats within the DNCP plan area that, depending on the condition of the land, could provide suitable habitat for these special-status species, as described in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report.

Implementation of the DNCP and FCSP could result in the loss or degradation of these habitat types, which could result in a substantial adverse effect to a special-status plant or animal species, if it is determined that a special-status species exists on-site and will be impacted, either directly or through habitat modifications.

Direct project impacts to species listed as a candidate, sensitive, or special-status species by local, state, and federal agencies should be avoided to the greatest extent feasible; however, it is acknowledged that future projects may not be able to fully avoid these species. Project-related impacts that result in the direct take of a special-status species would be considered a significant impact. The presence/absence of a special-status species on a project site and the potential to impact a special-status species must be determined prior to project construction. Development within the Plan areas that results in the direct take or loss of suitable habitat for any special-status species would require project-level mitigation to avoid such loss. Project impacts to special-status species listed as threatened or endangered by CDFW and/or USFWS would also require agency consultation and/or take permits.

To reduce potential impacts on biological resources within the Community Plan area, the DNCP includes the following provisions for the protection of biological resources (figures and tables referenced are located in the DNCP):

- **Goal 4.2:** Regenerate the urban forest to promote ecological sustainability, increase human comfort, and reduce energy costs.

**Intent:** To introduce new and replace missing street trees in order to provide shade; reduce solar heat gain and local ambient air temperature; reduce stormwater runoff; extend the life of the streets they cover; improve local air, soil, and water quality; reduce atmospheric carbon dioxide; provide wildlife habitats; increase property values; and enhance the attractiveness and walkability of the community.

- **Policy 4.2.1:** Introduce new and reintroduce missing street trees in the Community Plan Area's neighborhoods, districts, and corridors with the goal of providing a minimum of 50 percent landscape canopy cover (the layer of leaves, branches, and stems that cover the ground when viewed from above) for each street in the Community Plan Area within 15 years. Trees should provide shade, visual identity for residents, and reflect the individual character of each community. Trees planted within the Chandler Airport Overlay area shall be planted in conformance with Federal Aviation Regulations Part 77, particularly in terms of height and potential to attract wildlife. The recommended street trees for the Plan Area's neighborhood streets are shown in Figure 4-3 (Neighborhood Street Landscape Character) and described in Table 4.1 (Neighborhood Street Tree Planting List) of the DNCP (see Appendix A). The recommended street trees for each of the prominent corridors in the Plan Area are shown in Figure 4-4 (Corridor Landscape Character) and described in Table 4.2 (Corridor Street Tree Planting List) of the DNCP (see Appendix A).
- **Policy 4.2.2:** Partner with as many private, public, or non-profit groups as possible to support tree planting and maintenance. Consider using portions of community gardens to grow street tree seedlings and saplings until they are large enough to be planted along City streets.

- **Policy 4.2.3:** Require the retention and protection of existing, mature, non-agricultural trees within the Downtown Neighborhoods.
- **Policy 4.2.4:** Encourage the use of large shade street trees by implementing broad parkways, structural soils, or other systems to accommodate their root systems.
- **Policy 4.2.5:** Encourage the proper tree selection for the site in response to above ground or underground infrastructure and parkway constraints (such as telephone wires).
- **Policy 4.2.6:** Use a well-balanced variety and uniform spacing of deciduous or evergreen trees to establish visual continuity for streetscapes, to help reduce energy costs of adjacent buildings, and to define unique public or private open spaces.
- **Policy 4.2.7:** Spread the cost of tree planting and maintenance among a variety of entities and funding sources, including special improvement districts, permit fees and surcharges, an optional customer-directed one-year or multi-year maintenance cycle paid by adjacent property owners, Adopt-a-Tree or Adopt-a-Street programs, a community tree and street tree endowment, and/or donations from businesses, utility companies, service clubs, and individuals.
- **Policy 4.2.8:** Continue to apply the City's 50 percent shade tree ordinance on all mixed-use and non-residential surface parking lots.
- **Policy 4.2.9:** Ensure a long life for the urban forest through proper soil drainage and by limiting the installation of lights, hardscape, and amenities in and around trees.
- **Goal 4.3:** Promote sustainable landscapes, native habitats, and natural hydrological function.

**Intent:** Use landscape and hardscape to enhance the character of both the public and private realms, respond to Fresno's climate, improve human comfort, reduce energy costs, facilitate sustainable water use and drainage strategies, and reduce energy costs.

- **Policy 4.3.1:** Introduce pervious surfaces within parks and open spaces to reduce storm water runoff.
- **Policy 4.3.2:** Incentivize property owners to use drought tolerant adaptive and native landscapes to reduce water usage and decrease reliance on fertilizers and pesticides. Possible strategies include:
  - Working with the City of Fresno's Water Division to educate property owners about the cost savings that drought tolerant plants produce;
  - Creating incentives for property owners to replace turf and/or water-hungry landscape with drought-tolerant landscape.
- **Policy 4.3.3:** Provide access to sun and shade in public parks and open spaces by introducing climate attenuation elements such as deciduous canopy trees and trellises.
- **Policy 4.3.4:** Encourage green walls and rooftop landscapes to reduce heat sink islands in the Community Plan Area's office and commercial districts.
- **Policy 4.4.8:** Use parks to protect resources and wildlife, enhance water and air quality, and improve sustainability for new and existing parks. Develop smart irrigation systems using the latest Certus Management Information System (CMIS) data, plan to use reclaimed water systems for parks where and when available, limit turf grass to recreational areas, and offset water needs by using low water plant material in non-recreational areas.
- **Policy 5.3.4:** In order to minimize conflicts between aircraft and wildlife, limit the construction of new retention/recharge basins within 10,000 feet of the Fresno Chandler Executive Airport

runways and/or introduce mitigation measures that discourage wildlife from congregating around or inhabiting retention/recharge basins within 10,000 feet of the Fresno Chandler Executive Airport runways.

## **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report.

## **Facts in Support of Finding**

The following measures are required to be implemented to reduce the project's impact on special-status species to less than significant. In addition, the implementation of the measures below would reduce the project's contribution to a potential significant cumulative loss of a population(s) of a special-status species to less than significant.

### ***Cumulative***

#### **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.

#### **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.

#### **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.

- 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 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.

The implementation of the mitigation measures identified above would reduce impacts associated with effects on species to less than significant.

## Effect on Species – Cumulative Impact

### Potentially Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified that the project could have a substantial adverse cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.*

The continued urbanization of the Plan areas and vicinity could result in a cumulatively considerable effect on suitable habitat for sensitive species, if development encroaches into undisturbed natural communities. Development within the City of Fresno over a 20-year period primarily focuses on the conversion of agricultural land to development, which will reduce the availability of suitable habitat for sensitive species, including suitable foraging habitat for raptor species. Additionally, agricultural land and open space conversion will also reduce the potential for wildlife movement corridors, due to habitat fragmentation of undeveloped open space areas within the San Joaquin Valley.

The loss of potentially suitable habitat for sensitive species, primarily resulting from the total conversion of agricultural and undeveloped land to development in the region, is considered a



cumulatively considerable effect. However, the direct impact to special-status species from development within the Plan areas is not deemed cumulatively considerable, because the majority of the Plan areas are already urbanized and provide very little marginal habitat for special-status species. Continued development of the Plan areas would not result in a substantial adverse effect on any species identified as a candidate, sensitive, or special-status species with the implementation of mitigation measures BIO-1a through BIO-1d.

## **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report.

## **Facts in Support of Finding**

The following measures are required to be implemented to reduce the project's impact on special-status species to less than significant. In addition, the implementation of the measures below would reduce the project's contribution to a potential significant cumulative loss of a population(s) of a special-status species to less than significant.

**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.

**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.

**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.

**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 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.

The implementation of the mitigation measures identified above would reduce impacts associated with riparian habitat to less than significant.

## Federally Protected Wetlands – Project Impact

### Potentially Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified that the project could have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*

Development within the Plan areas, particularly in previously undeveloped areas containing freshwater ponds or lacustrine habitats, could have a substantial adverse effect on federally or state protected wetlands through direct removal, filling, hydrological interruption, or other means. Any project-related impacts that result in the significant alteration or fill of a federally protected wetland is considered a significant impact. Additionally, special-status species associated with wetlands and vernal pool habitats may be impacted as a result of project impacts to protected wetlands. Project-specific agency (such as CDFW, RWQCB, USACE) coordination and/or regulatory permitting would be required to first identify and then avoid, reduce, or minimize project impacts to jurisdictional wetlands. Compliance with General Plan Policies POSS-6-a through POSS-7-d, as listed above in the

“Regulatory Setting” section, would reduce potential project impacts to wetland features, but implementation of Mitigation Measures BIO-3a and BIO-3b is also required.

## Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report.

## Facts in Support of Finding

**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.

**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.

The implementation of the mitigation measures identified above would reduce impacts associated with federally protected wetlands to less than significant.

## Federally Protected Wetlands – Cumulative Impact

### Potentially Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report identified that the project could have a substantial adverse cumulative effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.*

The development of agricultural, lacustrine, and/or undeveloped/undisturbed areas within the City of Fresno may result in adverse effects on federally or state protected wetland habitats. For example, cumulative development that encroaches into wetland habitat areas or indirectly impacts wetland habitats through the increase of upstream urban runoff could result in significant impacts to protected wetland habitats. While implementation of the DNCP and FCSP could increase impacts on

wetland habitats, continued development of the Plan areas would not result in a substantial adverse effect on federally or state protected wetlands with the implementation of Mitigation Measures BIO-3a and BIO-3b.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report.

### **Facts in Support of Finding**

**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.

**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.

The implementation of the mitigation measures identified above would reduce impacts associated with federally protected wetlands to less than significant.

## **3.4 - Cultural Resources**

### **Historic Resource – Project-Specific Impact**

#### **Potentially Significant Impact**

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.55 of the CEQA Guidelines.*

#### **Project-specific Impact Analysis**

As discussed above, an abundance of both potential and listed historical resources and historic properties are located in the Downtown Fresno area. 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. This report was also the basis for determinations made within the Fulton Mall Reconstruction Project EIR prepared by FCS in November of 2013. General summaries and descriptions of specific plan districts within the DNCP, FCSP, and DDC have been provided above. The findings and determinations as to the historic archaeological sensitivity of both existing and proposed historic districts, as well as proposed changes to specific plan districts within the Project Area, as detailed in the Greenwood and Associates report, will be summarized below.

#### *Records Search Results*

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 records search included the project area and a 0.25-mile search radius beyond the proposed project boundaries. The results indicated that although 48 previously conducted surveys or studies are on file, no archaeological resources, either prehistoric or historic, have been identified within the search radius. This may be due to the fact that previous investigations were largely limited to transportation corridors and cell sites, with very few large-scale pedestrian surveys.

That no significant sites or features have been recorded for the entirety of the project area is surprising and in no way a true indication of the prehistoric or historic archaeological sensitivity of the area.

#### *Literature and Archival Review*

Greenwood and Associates reviewed various archival materials including historical documents and manuscripts, historical aerial photographs, local and regional histories, and historical maps. The Sanborn Map Company insurance maps for the City of Fresno were determined to be among the most useful resource for investigating historical development of the region and understanding current archaeological sensitivity. The purpose of these maps was to identify insurance agents in assessing the degree of fire risk associated with a particular property. They often include such details as each building's use, its size and shape, number of floors, types of construction materials, types of doors and windows present, widths of streets, property boundaries, house and block numbers, etc. Of particular interest for the current investigations, the maps also indicate subsurface features, including basements (labeled B, B'st, or Bst), wells (We), water closets or privies (WC), and hollow spaces under structures (OU for "open under"). Additionally, elevators—which typically required pits—are indicated, as are tanks and other buried features. The presence of any of these subsurface features may indicate the potential for intact archaeological deposits. Sanborn Maps for the project area exist for 1885, 1888, 1898, 1906, 1918–1919, and 1948–1950.

#### *Field Investigations*

Greenwood and Associates employed a program of limited archaeological field investigations that would focus on assessing a cross-section of parcel types that had been identified in the course of archival, aerial photography, and historical map review as possessing moderate to high sensitivity for the presence of cultural deposits. A total of 18 representative parcels located within both the FCSP

and DNCP area were selected for pedestrian surface survey. Selection was based in part on accessibility. The parcels ranged in size from full city blocks to several lots.

The parcels selected were predominantly located within the Downtown area, or within Downtown adjacent subareas of the DNCP. There are several reasons for this distribution pattern. First, because of past urban renewal activities and other forces, Downtown and adjacent areas contain the highest number of historically developed parcels that are now vacant and accessible. Further, the outlying portions of the DNCP tend to be predominantly residential in nature, more recently developed, more intact, more poorly documented by the historical maps, and generally less accessible for survey.

Following a preliminary reconnaissance, the surface survey was performed by Greenwood and Associates archaeologists Dana Slawson, M. Arch., and Michael Kay, M.A., on June 27 and 28, 2011. The standard method of walking parallel transects spaced no more than 5 meters apart was employed. All exposed surface soils were thoroughly inspected for indications of cultural resources, including fortuitous exposures such as landscaped, graded, or cleared areas, and areas of rodent disturbance.

While all of the parcels surveyed produced at least a limited amount of historical cultural material, in two locations (Block 50 and Block 534) the density of cultural material and/or features identified indicated the presence of historic-age archaeological site. The Block 50 site is located in the Chinatown neighborhood and comprises a dense concentration of historical artifacts, primarily Chinese and Japanese in origin. Constituents of the Block 534 site include several discrete structural features, all of which likely relate to an early 20<sup>th</sup> century building that once stood on the parcel.

Also recorded was one feature isolate a concrete slab believed to correspond with the location of an early twentieth century summer kitchen associated with Volga German residents of Block 1052.

#### *Locations of Archaeological Field Investigations*

##### **Fulton Corridor Specific Plan Area**

- Block 40E (Mariposa Street, Fagan Alley, Fresno Street, F Street)
- Block 50E (Tulare Street, China Alley, Mariposa Street, G Street)
- Block 50W (Tulare Street, F Street, Mariposa Street, China Alley)
- Block 52E (Inyo Street, China Alley, Kern Street, G Street)
- Blocks 501 and 502 (El Dorado Street, Railroad Tracks, Divisadero Street, H Street)
- Block 504 ([Amador Street], Railroad Tracks, [Sacramento Street], H Street)
- Block 516 (Ventura Street, Railroad Tracks, Mono Street, H Street)
- Block 534 (Inyo Street, G Street, Kern Street, Railroad Tracks)
- Block 535 (Mono Street, G Street, Inyo Street, Railroad Tracks)
- Block 536 (Ventura Street, G Street, Mono Street, Railroad Tracks)
- Block 537 (Santa Clara Street, G Street, Ventura Street, Railroad Tracks)
- Block 538 (San Benito Street, G Street, Santa Clara Street, Railroad Tracks)

### Downtown Neighborhoods Community Plan Area

- Block 16 (Kern Street, C Street, Tulare Street, 99 Freeway)
- Block 295 (Fresno Street, A Street, Merced Street, B Street)
- Block 583 (Illinois Avenue, Clark Street, McKenzie Avenue, Valeria Street)
- Block 593 (Illinois Avenue, Effie Street, McKenzie Street, Diana Street)
- Block 1024 (Braly Avenue, Van Ness Avenue, Hamilton Avenue, Sara Street)
- Block 1052 (Belgravia Avenue, Cherry Avenue, Florence Avenue, Anna Street)

### Historic Districts and Sensitivity Determinations

The review of historic maps, aerial photographs, and literature conducted for the FCSP/DNCP project encompassed more than 1,480 city blocks. Using Sanborn insurance maps and other sources, an assessment of the level of sensitivity for historic archaeological resources was calculated for every block within the project area. Results of the field investigations were also taken into account. Ratings of sensitivity were divided into five classes: Low, Low-Moderate, Moderate, Moderate-High, and High. Excluding information not derived from the insurance maps, these categories were defined as follows:

*Low:* no map data available, or; maps indicate that any archaeological deposits have most likely been destroyed or substantially disturbed by existing development, or; historical development as indicated on the maps is substantially intact and no demolished structure locations are present.

*Low-Moderate:* maps indicate that historic-era buildings/features have been removed and sites disturbed, but some potential survives for the presence of intact archaeological resources, e.g., sites of post-1900 wood frame residences or small commercial/industrial structures that have been paved over.

*Moderate:* maps indicate that historic-era light framed buildings/features have been removed but no significant post-demolition development or disturbance is evident. There is a potential for presence of intact archaeological resources, e.g., sites of multiple post-1900 wood framed residences or small commercial/industrial structures that have not been paved over, or; sites of multiple pre-1900 residential properties that are paved over but display potential for buried deposits (privies, wells, cisterns, etc.).

*Moderate-High:* maps indicate that historic buildings of heavy construction have been removed; site may or may not have surface disturbance, e.g., site of brick commercial/industrial/residential building with basement covered by pavement or, site of brick commercial/industrial building with no basement and no subsequent surface disturbance known.

*High:* maps indicate that historic building(s) with basement or hollow space has been removed, or residential site with wells, privies, etc., with no subsequent surface disturbance, e.g., brick commercial building with basement, parcel open dirt or grass, or, pre-1891 residential properties with indicated privies or wells and dirt or grass surface cover.

Using the above criteria for assessment of historic archaeological sensitivity, a total of 290 city blocks, or portions thereof (136 in the FCSP area and 154 in the DNCP area) were assessed as possessing Moderate to High potential for the presence of subsurface historic archaeological deposits on the basis of documented historical development and current ground conditions (vacant). Although substantially larger in size, the DNCP area produced only slightly more positive results for archaeological sensitivity than the FCSP area. This outcome is largely due to later, post-1948–1950, development on many parcels within the DNCP, especially in the eastern reaches of the Plan Area. Further, Sanborn map coverage for those later developed areas is less complete.

The following current City-designated historic districts and proposed historic districts were identified within the FCSP/DNCP project limits and are considered to have a moderate to high potential for historic archaeological resources:

- Existing: Fresno Airport/Chandler Field (DNCP)
- Proposed: Street Historic District. Boundaries: Van Ness, Amador, Divisadero, N Street, Stanislaus, M Street to Calaveras (FCSP/DNCP)
- Proposed: St. John’s Cathedral Historic District. Boundaries: Tulare, Q Street, Fresno, Divisadero, U Street (DNCP)
- Proposed: Santa Fe Warehouse Historic District. Boundaries: P Street, Tulare, R Street, Ventura (DNCP)
- Proposed: Bellevue Bungalow Historic District. Boundaries: Howard/Thesta Streets south of Belmont (DNCP)
- Proposed: East Madison Avenue Historic District. Boundaries: Madison Avenue South of Belmont, between Fresno and Mariposa (DNCP)
- Proposed: North Park Historic District. Boundaries: Divisadero Street, Blackstone Avenue, SR 180, and Roosevelt Avenue (DNCP)
- Proposed: Lower Fulton-Van Ness Historic District. Boundaries: Voorman Street, Belmont Avenue, Wishon Avenue, Yosemite Street, College Avenue

Additional newly identified historic resources include:

- The Fresno Chinatown Block 50 Site is a dense surface scattering of late 19<sup>th</sup> and early 20<sup>th</sup> century artifacts, including glass and ceramic fragments, leather and metal items, and building materials. The deposit appears to be principally associated with the historic occupation of the parcel by Chinese residents. Implementation of the proposed project has the potential to damage or destroy unrecorded subsurface components of this site.
- Also located within the Chinatown subarea, the Fresno Block 534 Site consists of a number of structural features, all believed to relate to the development of a Penny-Newman Grain Company warehouse on the site during the early 20<sup>th</sup> century. There are also remnants of a



railroad siding dating to the late 1800s. Implementation of the proposed project could damage or destroy unrecorded components of this site.

- Additionally, one isolated historic archaeological feature was identified within the Edison Neighborhoods planning subarea of the DNCP. The Fresno Block 1052 Concrete Pad is a structural feature thought to correspond with an early 20<sup>th</sup> century backyard “Kitchen” indicated on historic maps. Backyard kitchens in this section of Fresno are generally associated with occupation by members of the Volga German community. This feature and related subsurface deposits in the vicinity have not yet been recorded and could therefore be damaged or destroyed should the proposed project be implemented.

### **Potential Project Impacts**

Implementation of the FCSP/DNCP has the potential to damage or destroy as-yet unrecorded subsurface deposits on these parcels identified as archaeologically sensitive. Potential impacts to historic archaeological resources are characterized below by DNCP Subarea or FCSP District.

#### *DNCP Planning Areas*

##### **Jane Addams Neighborhoods**

The DNCP envisions infilling the Jane Addams Neighborhoods planning area over time, while retaining its informal agricultural character. Among other actions, it would also make Jane Addams Neighborhoods more self-sufficient through the introduction of neighborhood shopping centers. These actions could potentially impact as-yet unidentified archaeological resources.

##### **Edison Neighborhoods**

Under the DNCP, vacant neighborhood parcels within the Edison Neighborhoods, such as those west of SR 99, would be infilled with “house-scaled, pedestrian-oriented buildings such as houses, duplexes, triplexes, and ‘granny flats,’” with “‘more intense building types’ developed along Fresno Street.” Implementation of the DNCP has the potential to impact the Block 1052 Isolate site, identified by these investigations within the Edison Neighborhoods planning area, along with other, yet-to-be-discovered archaeological resources.

##### **Lowell Neighborhood**

The DNCP calls for older building stock within the Lowell Neighborhood to be restored. Vacant parcels would be infilled with “house-scaled, pedestrian-oriented buildings such as houses, duplexes, triplexes, and ‘granny flats,’” and “commercial and mixed-use buildings with parking behind or on the street.” These actions have the potential to impact as-yet unidentified archaeological resources within this planning area.

##### **Jefferson Neighborhood**

As within the Lowell Neighborhoods planning area, the DNCP envisions older building stock in the Jefferson Neighborhood being restored and vacant parcels infilled with house-scaled, pedestrian-oriented buildings. A new neighborhood shopping center with mixed-use, multi-story buildings would also be developed. Archaeological resources as yet unidentified could be impacted by these efforts.

### **Southeast Neighborhood.**

Under the DNCP, new neighborhood-serving commercial development may be built on principal intersections along the corridors within the Southeast Neighborhoods to create neighborhood centers. This development has the potential to impact yet to be discovered archaeological resources within the planning area.

### **South Van Ness**

Construction activity associated with the adaptive reuse of pre-World War II brick warehouses as commercial, retail, residential, and mixed-use projects within the South Van Ness planning area, as proposed by the DNCP, has the potential to impact as-yet undiscovered archaeological resources within the subarea.

### **Downtown**

Potential impacts to archaeological resources within the Downtown planning area are generally associated with the extensive landscaping activity proposed for the planning area under the DNCP.

### *FCSP Subareas*

#### **Fulton District**

Within this Subarea, the FCSP would “prioritize adaptive reuse of Fresno’s unique, older buildings, including those listed on the Local, State, and National historic registers” and “infill vacant land rather than tearing down distinctive, older buildings . . . .” These activities have a potential to impact as-yet unidentified archaeological resources within the Fulton District.

#### **Mural District**

Of specific concern for archaeological resources, within the Mural District the FCSP proposes to introduce mixed use development and “adaptively reuse buildings along Van Ness Avenue and Fulton Street.” These activities have a potential to impact as-yet unidentified archaeological resources.

#### **Civic Center**

Within the Civic Center, the FCSP proposes landscaping Mariposa, Merced, Fresno, Tulare, and Kern Streets to direct pedestrian activity toward Fulton Street. Landscaping activity has the potential to impact as-yet unidentified archaeological resources at the building edge areas within the Civic Center.

#### **South Stadium**

FCSP goals for the District include its transformation into “a mixed-use district that introduces a diversity of new uses” while also revitalizing and reusing the existing older buildings that currently line Fulton Street. These adaptive reuse and redevelopment activities carry the potential to impact archaeological resources yet to be recorded.

#### **Chinatown**

The FCSP proposes to “infill Chinatown’s many vacant lots with sensitively scaled, mixed-use, pedestrian-friendly buildings . . . and establish F Street as the districts new main street.” The infilling

of vacant lots and associated reuse of existing buildings has the potential to impact known and yet to be discovered archaeological resources.

#### **Armenian Town/Convention Center**

Within the Armenian Town Subarea, the intention of the FCSP is to “transform this area into a walkable and bikeable mixed-use place by infilling vacant parcels with pedestrian-friendly, mixed use buildings and also introduce larger office buildings.” These actions may result in impact to as-yet unidentified archaeological resources.

#### **Divisadero Triangle**

As in the Armenian Town Subarea, the FCSP would transform the Divisadero Triangle into “a walkable mixed-use place by infilling vacant parcels with shopper-friendly buildings.” Another goal is to “consolidate and relocate isolated older buildings from throughout Downtown within the Divisadero Triangle.” These actions may result in impact to as-yet unidentified archaeological resources.

The proposed Fulton Corridor Specific Plan and Downtown Neighborhoods Community Plan will result in new development on vacant parcels and surface parking lots, as well as new development and redevelopment at underutilized sites. As described above, the Fresno Fulton Corridor Specific Plan/Downtown Neighborhoods Community Plan encompasses a wide range of historic land uses and includes areas that are highly sensitive for historic archaeological resources. These resources are likely to be found in a buried context within areas that have been subject to considerable long-term historic development. Future demolition and construction activities that require excavations involving the removal of foundations, excavations into previously undisturbed soils, or other activities that involve excavation or grading in areas of undisturbed soils or early historical development could result in the potential for significant impacts on historic archaeological resources.

As discussed above, the potential for impacts to historic archaeological resources exists within all subareas of both the FCSP and DNCP. With regard to potential impacts, the greater the number of intensity or development projects in the area, the greater the chance for impacts on subsurface resources. As such, those subareas with a greater density of vacant or underutilized parcels, typically also the subareas with earlier historical development, would possess a greater potential for impacts on archaeological resources. The loss of historic archaeological resources as a result of parcel clearance or development activity within any of the plan areas would result in a potentially significant impact.

#### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

## Facts in Support of Finding

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the 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 specific 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.
- 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 the CRHR or 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 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 be submitted to the City for incorporation into their local databases.
- 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).
- 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.
- 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.

- 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.

The implementation of the mitigation measure identified above would reduce impacts associated with historic resources to less than significant.

## **Historic Resource – Cumulative Impact**

### **Potentially Significant Impact**

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.55 of the CEQA Guidelines.*

Future development in the vicinity of the FCSP and DNCP areas could result in impacts to historic archaeological resources. As described above, many potential cultural resources within the proposed FCSP/DNCP areas have likely been destroyed or have lost integrity in the past due to unmonitored excavation and grading activities. To the extent that other resources with similar cultural value are lost as a result of these activities, a cumulative impact on cultural resources would occur. Additional losses attributable to the proposed DNCP, FCSP, and DDC would contribute to this impact. In addition, construction activities could result in potential significant impacts to unknown buried historical resources. Development within the Planning Area as well as within the greater City of Fresno could result in significant impacts to historical resources. Such losses, which as described above are considered potentially significant project impacts, are also considered potentially significant in a cumulative context.

## Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### Facts in Support of Finding

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

Implementation of Mitigation Measures CUL-1 through CUL-4 listed above are required.

## Archaeological Resource – Project-Specific Impact

### Potentially Significant Impact

The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project could cause a substantial adverse cumulative change in the significance of a prehistoric archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.

### Project-specific Impact Analysis

Prehistoric archaeological resources are those cultural resources deposited before Europeans established a Franciscan Mission in California (1769) and include any deposits, features, or isolated artifacts. Under PRC 21083.2(h), prehistoric archaeological resources can be divided into two classes, unique and non-unique. Unique resources must be treated as if they are significant and avoidance of those resources is the first choice, while non-unique resources do not meet criteria in 21083.2(g) and therefore need not be avoided under CEQA Guidelines.

The records search conducted by Greenwood and Associates did not identify any previously recorded prehistoric archaeological resources within the project area or a 0.25-mile search radius. However, as there have been few large-scale pedestrian surveys within the project area, and no recorded subsurface testing, this is not an accurate determination of archaeological sensitivity within the region. The region, and the project area itself, contains several geological features that would have been ideal for prehistoric temporary or seasonal encampments.

The northern boundary of the DNCP is several miles from the banks of the San Joaquin River; therefore, no impacts would occur to resources in the vicinity of the river. However, additional sources of fresh water, such as creeks and tributaries, may have permeated the project area in prehistoric times. As such, it is possible that grading and construction activities may uncover previously unrecorded archaeological resources.

## Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

## Facts in Support of Finding

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

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.

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 51 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.
- 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 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.

## Archaeological Resource – Cumulative Impact

### Potentially Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project could cause a substantial adverse cumulative change in the significance of a prehistoric archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.*

As described above, future development in the vicinity of the FCSP and DNCP areas could result in impacts to previously undiscovered archaeological resources, resulting in a potential cumulatively significant impact when considered in conjunction with other cumulative development projects.

### Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### Facts in Support of Finding

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

Implementation of Mitigation Measure CUL-1, as well as Mitigation Measures CUL-4, CUL-5, and CUL-6 are required would reduce impacts associated with archeological resources to less than significant.

## Unique Paleontological Resource/Site or Unique Geologic Feature – Project-Specific Impact

### Potentially Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

### Project-specific Impact Analysis

Based on a review of geologic maps of the Planning Area, there are two primary surficial deposits: (1) Pleistocene non-marine and (2) Quaternary non-marine fan deposits. The Pleistocene non-marine deposits are considered to have a high potential sensitivity. The Quaternary non-marine deposits consist of Pleistocene-Holocene alluvial sediments. Since these deposits include Pleistocene sediments, they are also considered to have a high potential for sensitivity. Therefore, excavation and/or construction activities within the Planning Area that are associated with the DNCP, FCSP, and DDC have the potential to impact paleontological/geological resources during excavation and construction activities within previously undisturbed soils. Although many areas have been previously disturbed by farming activities or previous structural development, the project could include future development that will require excavations or construction within previously



undisturbed soils. The impact to paleontological and geological resources is considered potentially significant.

## **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

## **Facts in Support of Finding**

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

**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:

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

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

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

The implementation of the mitigation measure identified above would reduce impacts associated with unique paleontological resources or unique geologic features to less than significant.

## Unique Paleontological Resource/Site or Unique Geologic Feature – Cumulative Impact

### Potentially Significant Impact

The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Future development in areas outside the plan areas, as well as other cumulative development, could result in impacts to paleontological/geological resources during excavation and/or construction activities within previously undisturbed soils. These potential impacts from cumulative development could be significant.

### Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### Facts in Support of Finding

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft Environmental Impact Report and incorporated into the project.

Implementation of Mitigation Measure CUL-3 discussed above would reduce impacts associated with unique paleontological resources or unique geologic features to less than significant.

## Human Remains – Project-Specific Impact

### Potentially Significant Impact

The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project could disturb human remains, including those interred outside of formal cemeteries.

## **Project-specific Impact Analysis**

There is currently no evidence that the DNCP or FCSP plan areas contain prehistoric cemeteries or Native American cemeteries, however, various cemeteries are located throughout the City. The General Plan and Development Code Update identifies these cemeteries as Public Facilities on the Land Use Map. Future development within the plan areas would not impact existing cemeteries. Although there is no record of isolated human remains or unknown cemeteries, there is always a possibility that ground-disturbing activities associated with future development may uncover previously unknown buried human remains. In the event that human remains are encountered, this impact is considered potentially significant.

## **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

## **Facts in Support of Finding**

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

**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.

The implementation of the mitigation measure identified above would reduce impacts associated with human remains to less than significant.

## Human Remains – Cumulative Impact

### Potentially Significant Impact

The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project could disturb human remains, including those interred outside of formal cemeteries.

Although no known prehistoric or Native American human remains have been identified within or in the vicinity of the plan areas, there is a possibility that ground-disturbing activities associated with cumulative development may uncover previously unknown buried human remains. The uncovering of human remains is considered a significant impact. Since there is a possibility for the project to uncover previously unknown buried human remains, the project's contribution to cumulative impacts on human remains would be potentially cumulatively considerable.

### Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### Facts in Support of Finding

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

Implementation of Mitigation Measure CUL-4 as discussed above would reduce impacts associated with human remains to less than significant.

## 3.5 - Hazards and Hazardous Materials

### Routine Use – Project-Specific Impact

#### Potentially Significant Impact

The City of Fresno DNCP, FCSP, and DDC Draft EIR identified what could be a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

#### *Project-specific Impact Analysis*

It is anticipated that implementation of development under the proposed DNCP and FCSP could result in the exposure of persons to hazards and/or hazardous materials during construction as well as from buildout of the DNCP and FCSP. Thus, potential construction-related and long-term (i.e. operational) hazards impacts are discussed below.

#### *Potential Short-Term Construction Impacts*

Development of the proposed DNCP and FCSP plan areas includes infill development and intensification of land uses within the plan areas. Therefore, existing structures within the DNCP and FCSP plan areas may need to be demolished and new buildings will be constructed. Demolition of

existing buildings and construction of new buildings could expose persons working or living in the plan areas to potentially hazardous materials, including, but not limited to asbestos and lead from LBP s. However, there are regulatory requirements that pertain to both lead based paint and asbestos containing materials. Additionally, the California Occupational Safety and Health Administration has regulations that pertain to hazardous materials and the safety of workers who handle such materials.

In addition, sites containing hazardous materials are located throughout the City which pose potential health hazards (City of Fresno Map Atlas Existing Conditions Report 2011). Additionally, within the FCSP and DNCP plan areas, there are sites which could pose potential hazardous materials threats due to previous land uses (Krazan and Associates 2011a). New development that would occur as a result of implementation of the DNCP and/or FCSP would be required to be remediated (cleaned up) prior to the commencement of construction activities.

If existing or yet undiscovered soil or groundwater contamination were to be discovered during construction activities for development in the DNCP and FCSP plan areas, this contamination could pose a hazard to those persons who are exposed. The Phase I ESAs prepared for the FCSP and DNCP recommend specific measures to reduce potential impacts from the creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Grading and construction activities may involve limited transport, storage, usage, or disposal of hazardous materials, such as the use of petroleum products for fueling/servicing of construction equipment. This activity would occur for short-term periods during each project, and all such hazardous materials would be removed from the project site and disposed of pursuant to applicable federal, state, and local regulations. Because the construction activities are required to comply with the applicable regulations and laws pertaining to the transport, storage, use, and disposal of potentially hazardous materials associated with the project, health hazards from construction activities would be less than significant.

#### *Potential Long-Term Operational Impacts*

New development associated with the proposed DNCP and FCSP would result in the addition of new buildings and infrastructure as well as population to the plan areas. Development under the proposed DNCP and FCSP would result in the addition of land uses types that could generate hazardous materials, as well as added population that could be exposed to future hazardous materials releases. Furthermore, new development that would be constructed under the proposed DNCP and FCSP that involves routine transport, use, or disposal of hazardous materials will be required to conform to City of Fresno laws and regulations regarding the transport, use, and disposal of hazardous materials.

Unless determined to be exempt, new businesses under the proposed DNCP and FCSP that would handle a hazardous material, or a mixture containing a hazardous material, in quantities equal or greater than 500 pounds of a solid, 55 gallons of a liquid, 200 cubic feet of a compressed gas at a standard room temperature and pressure, the federal Threshold Planning Quantity (TPQ) for

Extremely Hazardous Substances, and 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 Regulation (CFR) will be required to conform to the City of Fresno approved Hazardous Materials Business Plan.

The Hazardous Materials Business Plan includes a business owner/operator identification form, business activities form, hazardous materials inventory, site map and building diagram(s), written emergency response plans, and written employee training programs. Less than significant impacts are anticipated because all generation, transport, and treatment of hazardous materials are required to comply with applicable federal, state and local requirements. Mitigation is also required to reduce potential impacts; see MM HAZ-1a through MM HAZ-1e below.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the 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.

**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.

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.

**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.

**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.

**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.

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.

#### **Potential Short Term Construction Impacts**

During project construction/development, compliance with all applicable regulations combined with implementation of Mitigation Measures HAZ-1a through HAZ-1e are anticipated to mitigate potential hazardous materials impacts to construction workers and the general public. Therefore, related impacts are anticipated to be reduced to a level of less than significant.

#### **Potential Long-Term Operational Impacts**

Impacts from the proposed DNCP and FCSP related to hazards and hazardous materials transport, use, and disposal are anticipated to be less than significant because all new development under the General Plan that handles, stores, generates or disposes of hazardous materials must be in compliance with City of Fresno regulations/laws regarding hazardous materials, as well as state and federal laws regarding hazardous materials. It is anticipated that implementation of Mitigation Measures HAZ-1a through HAZ-1e will further reduce impacts to a less than significant level. As such, the proposed DNCP and FCSP are anticipated to have a less than significant impact.

The implementation of the mitigation measures identified above would reduce impacts associated with regarding hazardous materials to less than significant.

### **Routine Use – Cumulative Impact**

#### **Potentially Significant Impact**

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that there could be a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.*

#### **Cumulative Impact Analysis**

**Potentially significant impact.** Less than significant cumulative impacts are anticipated regarding the routine transport, use, or disposal of hazardous materials because both the City and County of Fresno have their own manpower/facilities to handle hazardous materials. The County of Fresno Environmental Health Department (the larger governing body) inspects businesses' Business Plans, which must be submitted by businesses that handle a hazardous material, or a mixture containing a hazardous material, in certain quantities (County of Fresno Hazardous Materials Business Plans 2012). Additionally, the project would be required to implement the following mitigation measures, thereby reducing project-specific impacts to less than significant. Therefore, development in the City of Fresno as a whole would be required to comply with applicable federal, state, and local requirements. With implementation of mitigation, less than significant cumulative impacts are anticipated regarding the routine transport, use, or disposal of hazardous materials.



## Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

## Facts in Support of Finding

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

Implementation of Mitigation Measures HAZ-1a through HAZ-1f listed above would reduce potential cumulative impacts to less than significant. Thus, no additional mitigation measures are required.

The contribution of the proposed DNCP's and FCSP's impacts on the routine transport, use, or disposal of hazardous materials are anticipated to be less than significant and would not be cumulatively considerable because all generation, transport, and treatment of hazardous materials are required to comply with applicable federal, state and local requirements. Additionally, with implementation of mitigation measures listed above, impacts are anticipated to be less than significant.

## Schools – Project-Specific Impact

### Potentially Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.*

### Project-specific Impact Analysis

**Less than significant impact.** According to the Public Services section of this document, all of the schools within the DNCP plan area are within the Fresno Unified School District. There are 14 elementary schools, two middle schools, two high schools, an adult school, and the New Millennium Institute of Education within the boundaries of the DNCP area. This FCSP area does not have any existing schools except for Kepler Charter School; additionally, the plan area falls entirely within the Fresno Unified School District.

Development under the proposed DNCP and FCSP could include land uses that have the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials and substances. It is anticipated that future development under the General Plan and Citywide Development Code could occur within 0.25 mile of an existing or proposed school. However, all generation, transport, and treatment of hazardous materials would be required to comply with applicable federal, state, and local requirements. Additionally, any future projects would be reviewed by the City of Fresno in light of their potential impacts and location in relation to existing and/or proposed schools. Therefore, impacts are anticipated to be less than significant.

## Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

## Facts in Support of Finding

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

### *Project-specific*

**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.

**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.

**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 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.

The DNCP and FCSP's potential impacts on the emission of hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school are anticipated to be less than significant and would not be cumulatively

considerable because all generation, transport, and treatment of hazardous materials are required to comply with applicable federal, state and local requirements.

Implementation of mitigation for the project will further reduce impacts to a less than significant level.

## **Schools – Cumulative Impact**

### **Potentially Significant Impact**

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project has the potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.*

### **Cumulative Impact Analysis**

**Less than significant impact.** Impacts from hazards are generally site-specific, and do not result in cumulative impacts. Less than significant cumulative impacts are anticipated regarding hazardous materials within 0.25 mile of a school, because project level mitigation would be required that would reduce impacts from each proposed project. Thus, the same mitigation would be required to reduce impacts on a cumulative level. Additionally, all generation, transport, and treatment of hazardous materials are required to comply with applicable federal, state, and local requirements, and the greater City of Fresno has its own manpower/facilities to handle hazardous materials. Therefore, less than significant impacts are anticipated.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

### **Cumulative**

No additional mitigation measures are required for cumulative impacts regarding emission of hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

Impacts from hazards are generally site-specific, and do not result in cumulative impacts. The cumulative contribution of the DNCP's and FCSP's potential impacts on the emission of hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school are anticipated to be less than significant and would not be cumulatively considerable. All generation, transport, and treatment of hazardous materials are required to comply with applicable federal, state, and local requirements.

## Hazardous Materials Site Listing – Project-Specific Impact

### Potentially Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identified that the project could potentially be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.*

### **Project-specific Impact Analysis**

Separate Phase I ESAs were conducted for the DNCP and FCSP plan areas. Because of the location of the FCSP boundaries within the DNCP boundaries, the information below is from the DNCP Phase I ESA because the geographical area for the DNCP covers both plan areas.

A review was conducted of local, state, and federal governmental regulatory agency lists compiled by Environmental FirstSearch (EFS) of published documents that list businesses or properties which have handled hazardous materials or waste or may have experienced site contamination in the DNCP project area. However, no site-specific regulatory agency file review for individual properties was conducted as a matter of practicality, due to the size of the project area and the time/expense associated with this type of analysis (given the huge number of individual properties that are included in the DNCP area (approximately 23,000), it is unreasonable and impractical to conduct property-specific research tasks in light of the investigative goals of the Phase I ESA (Krazan & Associates 2011). Therefore, this analysis conservatively assumes that all of the listed properties discussed below could potentially represent hazardous materials sites.

Because of the size of the DNCP project area, the DNCP was divided into three sections for the purpose of compiling the three EFS reports. Therefore, within the Phase I ESA, information regarding the northern/eastern area is provided in the first EFS report, followed by the southeastern area in the second report and the southwestern area in the third report. The northern/eastern EFS area includes roughly the region to the north of Divisadero/Neilson and to the east of SR 41 (Roeding, Lowell/Jefferson and Roosevelt plan areas); the southeastern EFS area includes roughly the region to the southeast of SR 41 (South Van Ness Industrial Area); and the southwestern EFS area includes roughly the region to the south of SR 180 west of SR 99 (Edison plan area) (Krazan & Associates 2011).

A summary of the environmental conditions for each of the three sections described in the Phase I ESA is provided below (Phase I ESA DNCP 2011). Because of the large number of records found, please refer to the DNCP Phase I ESA contained in Appendix H.1 for details.

**Section 1—Northern/Eastern Area Environmental FirstSearch Listed Properties Summary:** A total of 1,250 sites were listed in the northern/eastern DNCP area on the EFS database report, 909 within the DNCP area, 340 sites within one-eighth mile of the DNCP boundaries, and one formerly proposed NPL site greater than one-half mile from the DNCP boundaries.

**Section 2—Southeastern Area Environmental FirstSearch Listed Properties Summary:** A total of 220 sites were listed in the southeastern DNCP area on the EFS database report, 56 within the DNCP

area, 72 sites within one-eighth mile of the DNCP boundaries, and one National Priorities List (NPL) site within one-eighth mile of the DNCP boundaries.

**Section 3—Southwestern Area Environmental FirstSearch Listed Properties Summary:** A total of 215 sites were listed in the southwestern DNCP area on the EFS database report, 126 within the DNCP area, 87 sites within one-eighth mile of the DNCP boundaries, and two NPL sites greater than one-half mile from the DNCP boundaries.

Based on the information provided in the Phase I ESA for the DNCP, development under the proposed DNCP and FCSP has the potential to be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. However, before development would occur on such a site, the project would be required to remediate and mitigate for on-site hazardous materials to a level that would permit development on-site. Additionally, recommendations from the Phase I ESA report have been incorporated as mitigation measures. Prior to mitigation, potentially significant impacts are anticipated.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

The significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measure as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

The following mitigation measures are anticipated to reduce potential impacts regarding hazardous materials sites compiled pursuant to Government Code Section 65962.5: Mitigation Measures HAZ-1a, HAZ-1b, HAZ-1c, HAZ-1d, and HAZ-1e.

Impacts from the proposed DNCP and FCSP related to hazardous materials sites compiled pursuant to Government Code Section 65962.5 are anticipated to be less than significant with mitigation because pursuant to the mitigation measures, property owners and/or developers of properties shall complete site remediation and potential risk assessment with oversight from the applicable regulatory agency. As such, with implementation of the mitigation measures listed above, the proposed DNCP and FCSP are anticipated to have a less than significant impact.

## **3.6 - Hydrology and Water Quality**

### **Groundwater Supplies and Recharge – Project-Specific Impact**

**Less than significant impact.** The City of Fresno relied on groundwater for approximately 75 percent of its domestic water supply in 2015, which is approximately equal to 83,360 af. The groundwater was withdrawn from the Kings Groundwater Sub-basin of San Joaquin Basin Hydrologic Area. The City projects that groundwater withdrawal will be 135,100 afy by the year 2025 and to 148,900 afy

by the year 2040 according to the 2015 UWMP. In 2015, natural groundwater recharge (25,400), subsurface inflow (47,100 af), and intentional recharge (19,800 af) occurred for a total groundwater recharge of 92,300 afy.

The City of Fresno is currently updating a key objective of balancing its groundwater operations by the Year 2025 (Provost & Pritchard Consulting Group 2016). According to the 2015 UWMP, achieving this objective includes implementing a host of strategies, which includes increasing the amount of intentional groundwater recharge from 19,800 af in 2015 to 58,500 afy by the Year 2025 and 66,500 afy by the Year 2040. In addition, expansion of tertiary recycled water treatment capacity is anticipated to be implemented from 2016 to 2021 and is expected to increase water supplies by 14,600 afy. The expansion of surface water treatment capacity is anticipated to be implemented from 2018 to 2035 and is expected to increase water supplies by 103,000 afy. Furthermore, the ongoing expansion of the groundwater recharge program allows the City to utilize the surface water supplies to make groundwater use sustainable. Based on the 2015 UWMP, projected water demand which includes development of the Fresno General Plan is based on a per capita target. For the years of 2020 and after, the per capita target is 247 gallons per day per capita (gpcd). The projected water demand for the City of Fresno in the year 2040, based on a population of 824,000 is 301,100 afy. To accommodate the 2040 water demand, 262,500 afy would need to be provided from potable and raw water, and 38,600 afy would be provided as recycled water. The projected water demand for the City at full buildout of the Fresno General Plan, based on a population of 824,000 and a per capita water demand of 247 gpcd from the 2015 UWMP, is 301,100 afy. Assuming treated water supplies, recycled water supplies, and pumped groundwater remain the same, the total supply of water would be 366,200 afy. This water supply would be more than the buildout demand by approximately 65,100 afy. As discussed in Section 5.15, Utilities and Service Systems, groundwater pumping would remain at approximately 148,900 afy in 2040 and beyond.

To accommodate the buildout water demand, the treated surface water supply would need to be increased, the recycled water supply would need to be increased, or the amount of groundwater to be pumped would need to be increased. An increase in water conservation could also accommodate the buildout demand.

On a community-level, the DNCP includes policies to alleviate groundwater burden, including:

- **Policy 5.1.3:** Ensure the continued provision of an adequate supply of potable water to serve all urban development within the planned urban area.
- **Policy 5.1.4:** Implement water conservation programs that will result in decreased per capita water consumption.
- **Policy 5.2.3:** Where practical and cost-effective, require new residential, commercial, industrial, and institutional projects to connect to the City's recycled water distribution system for non-potable uses.

The DNCP also includes policies for water conservation, which, when implemented, would serve to alleviate groundwater burden:

- **Goal 5.1:** Work within the existing water resources portfolio.
- **Policy 5.1.1:** Work within the existing water resources portfolio and accommodate the water use demands for current and new development.
- **Policy 5.1.2:** Consistent with new state law requirements described in the Model Water Efficient Landscape Ordinance (MWELO), work with the community to reduce the use of potable water for outside irrigation through drought tolerant native planting and other landscape that requires less water, and convert as many non-potable water uses to recycled water.
- **Policy 5.1.3:** Ensure the continued provision of an adequate supply of potable water to serve all urban development within the planned urban area. (RCP 4-3)
- **Policy 5.1.4:** Implement water conservation programs that will result in decreased per capita water consumption. (RCP 4-3.6)
- **Goal 5.5:** Minimize natural resource consumption.
- **Policy 5.5.1:** Promote regionally appropriate green building within the Downtown Neighborhoods that implement the goals and strategies of Fresno Green.
- **Policy 5.5.2:** Require solid waste separation at the source for all land uses (compost, recycle, landfill) in order to reduce the volume and toxicity of solid wastes that must be sent to landfill facilities.
- **Policy 5.5.3:** Encourage high albedo materials for roofs and hardscape in order to reduce heat absorption and radiation.
- **Policy 5.5.4:** Develop utility design guidelines that cluster and locate penetration and layout to minimize impacts to lot frontages for stormwater management or other sustainable features.
- **Policy 5.5.5:** Provide green building design resources and material sourcing options to local builders.
- **Goal 5.6:** Ensure collaboration between City of Fresno and outside utility agencies such as P.G.&E. and the Fresno Metropolitan Flood Control District (FMFCD).
- **Policy 5.6.1:** Coordinate with utility providers for new development projects and infrastructure projects during the schematic design phase of each Capital Improvement Project.
- **Policy 5.6.2:** Organize regular meetings between capital improvement departments of FMFCD, the City of Fresno Public Works and Public Utilities Department.
- **Policy 5.6.3:** Appoint a liaison within the City to coordinate meetings between various agencies and utility providers.

In conjunction with the City's Recycled Water Master Plan, establishing a recycled water system within Downtown will allow the new development in the Specific Plan area to be more likely to decrease dependence on groundwater pumping and external water sources. The following goals and policies of the FCSP bolster the City's burgeoning recycled water program and supplement its alternative water resources (FCSP 2016):

- **Goal 10-3:** Develop a downtown recycled water plant adjacent to the water tower at Eaton Plaza and distribution network to offset potable water being used for non-potable purposes, to be integrated into the City's future Recycled Water Master Plan.
- **Policy 10-3-1:** As economically feasible, supply recycled water to street improvements and planting areas within the Plan Area.

- **Policy 10-3-2:** As economically feasible, supply recycled water to both public and private large irrigation users.
- **Policy 10-3-3:** To the greatest extent allowed by local, State and Federal Regulations, supply recycled water to commercial and industrial development projects for nonpotable uses such as boiler feed water, chiller makeup water, urinal and commode flushing (dual –plumbing), decorative fountains, and similar uses.

The FCSP also includes the following policy regarding groundwater, which is included in the Plan’s approach to stormwater management:

- **Policy 10-6-4:** Promote infiltration after treatment whenever possible, without compromising groundwater quality, to help recharge the groundwater basin.

Additionally, the Implementation Framework for the FCSP includes projects and action programs to implement these policies, as follows:

- FCSP Implementation Projects
  - Proposed Recycled Water Facility: Design and construct a recycled water facility adjacent to the water tower at Eaton Plaza
  - Potential Recycled Water Improvements: Install recycled water main in coordination with streetscape improvements.
- FCSP Implementation Actions
  - Design a Downtown Recycled Water Distribution Network: Design a downtown recycled water distribution network to be aligned with and integrated into the City’s planned recycled water Transmission Grid Main system and instituted with the priority street improvements and planting plan.
  - Align Installation of Downtown Recycled Water Distribution Network with other Projects.
  - Align installation and construction of the downtown recycled water distribution network with priority street improvements, large irrigation users, and planning areas projected in this Specific Plan.

The implementation of the proposed project could result in significant impacts to groundwater levels within the Kings Sub-basin if the increase in water demand is met through an increase of water supply from increased groundwater pumping. Although a reduction of impacts would occur through compliance with General Plan policies and implementation of DNCP and FCSP plans and programs designed to reduce groundwater impacts would serve to reduce impacts, this is considered a potentially significant impact.

## Finding

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.



## Facts in Support of Finding

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the 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.

**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.

The implementation of the mitigation measures identified above would reduce impacts associated with groundwater supplies and recharge to less than significant.

## Groundwater Supplies and Recharge – Cumulative Impact

### Potentially Significant Impact

*The City of Fresno DNCP, FCSP, and DDC Draft EIR identifies that the proposed project and related cumulative projects 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 pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted.*

The Kings Sub-basin is a source of groundwater for the communities of Clovis, Fresno, Sanger, Del Rey, Orange Cove, East Orosi, Orosi, Cutler, Dinuba, Reedley, Parlier, London, Traver, Kingsburg, Selma, Fowler, Easton, Bowles, Laton, Caruthers, Raisin City, Biola, Kerman, Riverdale, Lanare, and San Joaquin. The aquifer also provides groundwater for agricultural irrigation water and numerous private domestic wells. The Kings Basin Integrated Regional Water Management Plan (IRWMP) was developed by the Kings Basin Water Authority to provide regional planning and management of water resources in the Kings Sub-basin to maintain a sustainable supply of the surface and groundwater resources for the water users within the basin (Kings Basin Water Authority 2012). The first regional goal (RG1) of the Kings Basin IRWMP is to reduce groundwater overdraft in the Kings Sub-basin (Kings Basin Water Authority 2012). To accomplish this goal, the Kings Basin Water Authority has developed Measurable Objective, Resource Strategies, and Project and Programs. The current planning horizon of the Kings Basin IRWMP is the year 2032.

The Kings Basin IRWMP has developed strategies to achieve the regional goal to reduce groundwater overdraft. These include (Kings Basin Water Authority 2012):

1. Increase conjunctive use of water and groundwater storage
2. Precipitation enhancement

3. Increase surface storage
4. Regional conveyance enhancement
5. Increase recycled water use for recharge
6. Remediation of contaminated groundwater and reinjection of the treated water
7. Encourage the use of stormwater runoff for recharge by agencies that collect and discharge stormwater
8. Increasing number and storage capacities of basins to store flood flows
9. Protect recharge areas from urban development

The Kings Basin Water Authority has developed a project review process to identify projects, rank their ability to achieve the goals of the Authority as articulated in the Kings Basin IRWMP. Participating agencies, including the City of Fresno, within the Kings Sub-basin vet projects with the Authority and funds are allocated to finance all or portions of projects that work to achieve the goals, including Goal RG1, reduce groundwater overdraft.

While not an instant solution for the cumulative groundwater overdraft in the Kings Sub-basin, the City has begun to reach its stated goal of reducing groundwater overdraft by providing funding for projects and education as a member agency of the Kings Water Authority. Implementation of the aforementioned actions will result in a no cumulative overdraft impact on the aquifer, and cumulative impacts of the DNCP, FCSP, and DDC are considered to be less than significant.

### **Finding**

Pursuant to CEQA Guidelines Section 15091 (a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR.

### **Facts in Support of Finding**

The potentially significant environmental effect has been eliminated or substantially lessened to a level that is less than significant by virtue of the following mitigation measures as identified in the City of Fresno DNCP, FCSP, and DDC Draft EIR and incorporated into the project.

Implementation of Mitigation Measures HYD-2a, and HYD-2b is would reduce impacts associated with groundwater supplies and recharge to less than significant.



## SECTION 4: FEASIBILITY OF PROJECT ALTERNATIVES

CEQA requires that an EIR include an analysis of a reasonable range of feasible alternatives to a proposed project capable of avoiding or substantially lessening any significant adverse environmental impact associated with the project. The discussion of alternatives is required to include the “No Project” alternative. CEQA requires further that the City of Fresno identify an environmentally superior alternative. If the “No Project” alternative is the environmentally superior alternative, an environmentally superior alternative must be identified from among the other alternatives. (CEQA Guidelines, section 15126.6.)

As set forth in these Findings, the implementation of the proposed General Plan and Development Code Update will result in significant and unavoidable impacts.

The City of Fresno reviewed a range of potential alternatives to the proposed project. The range of alternatives was determined based on, in part, the basic objectives of the proposed project. These objectives include:

### **Downtown Neighborhoods Community Plan Objectives**

The primary objectives of the DNCP are as follows:

- To make the Downtown Neighborhoods attractive, healthy, mixed-income places to live, thanks to their historic character and their proximity to a revitalized Downtown.
- To revive the underlying structure of the Downtown Neighborhoods to create identifiable neighborhoods, districts, and corridors.
- To integrate the public realm of streets with a multi-modal transportation network that renders them walkable and livable.
- To regenerate parks and public spaces and make them safe and accessible to residents.
- To reinforce the identity of each of the Community Plan’s planning areas by including all of the remaining ingredients for quality of life from childhood to old age within a walkable range.
- To reintroduce missing street trees, irrigation, and sidewalks, and slow down traffic on primary thoroughfares through various traffic-calming measures.
- To introduce a range of well-designed buildings that provide a variety of housing choices within easy access of parks, services, and jobs.
- To design residential buildings to promote safety and community on the sidewalk and street.
- To design commercial buildings with facades that are adjacent to sidewalks, are constructed of quality and durable materials, can accommodate a mix of uses at any one time, and can be reused over time under different programs.

- To introduce the High Speed Rail in a manner that has the most beneficial impact possible on the surrounding homes, businesses, and open spaces, while preserving Downtown’s interconnected street network to the maximum extent possible.

### **Fulton Corridor Specific Plan Objectives**

The primary objectives of the FCSP are as follows:

- A vision for the future of Downtown that recognizes the importance of history and tradition while embracing opportunities for continued reinvestment, growth, and beneficial change.
- Goals and policies that work in tandem with and refine those of the General Plan and the Downtown Neighborhoods Community Plan to achieve the revitalization of the Plan area.
- New land use policies for the Plan Area will guide upcoming zoning regulations. These new policies are calibrated to deliver new development that is consistent with Fresno’s physical character, history, and culture, as well as the community’s vision for its future growth.
- The implementation strategy for transforming the Plan area’s streets, infrastructure, parks, and other public spaces.
- Revitalize the Fulton District and promote it as a key asset and urban place. Strike a balance between the original character and value of the pedestrian-only Mall and its importance as the economic engine of the Downtown.

The above purposes provide private property owners with a clear understanding of the future context within which they are investing and reinvesting in their properties.

### **Downtown Development Code Objectives**

The objectives of the DDC are summarized as follows:

- Property shall be occupied with land use activity to improve health; stabilize and improve property values; provide continuity of Fresno’s heritage; maximize compatibility; offer a range of housing choices; increase reinvestment in the Downtown Neighborhoods; provide a wide range of services and shopping; revitalize mixed-use corridors; and support convenient transit.
- Buildings and their additions shall be designed and maintained to support reinvestment; front the adjacent street(s); enhance the building’s relationship to the public realm; use appropriate landscape materials; generate long-term value; and express creativity.
- Frontages shall be designed and maintained to support the intended physical environment; support active and continuous pedestrian-oriented environments; provide appropriate physical transitions between the public right-of-way and the property.

- Signage shall be designed and maintained to promote the aesthetic and environmental values of the community; provide an effective channel of communication; avoid traffic safety hazards; and safeguard and protect the public health, safety, and general welfare.
- Open spaces, landscaping and streetscapes shall be designed and maintained to preserve and promote the aesthetic character and environmental quality of Fresno as a place to live, work, and shop; correspond to the adjacent streetscapes; incorporate urban agriculture at all scales, as practical; and contribute to mitigating environmental degradation.
- Each new or modified block and street shall be designed and maintained to interconnect and form/maintain a network; support the intended physical context; generate pedestrian-oriented block lengths; transform large sites into pedestrian-oriented blocks; increase the number of blocks; and support a multi-modal transportation system.

The various alternatives that were reviewed were classified Alternatives Considered and Evaluated. Following is a discussion of each alternative.

## 4.1 - Alternatives Considered and Evaluated

An evaluation of four alternatives to the proposed project was provided in the EIR and is provided below. These alternatives represent a reasonable range of alternatives to the proposed project. This analysis includes alternatives that could feasibly accomplish most of the basic objectives of the proposed project and could avoid or substantially lessen one or more of the significant effects.

### 4.1.1 - Alternative 1—No Project/Development in Accordance with Existing General Plan Land Use Designations

Under the No Project Alternative, the DNCP, FCSP, and DDC would not be implemented. The existing community and specific plans in the Planning Area would continue building out in accordance with the General Plan, as this represents the most likely “circumstance under which the project does not proceed.” Approximately 30 to 50 percent of the planned development would occur.

Substantially less development would occur under this alternative compared with the proposed plans, and therefore environmental effects associated with this alternative would be less when compared with the proposed plans. Under the proposed plans, the maximum development potential for the DNCP and FCSP plan areas would increase by 9,990 residential dwelling units, 5,900,000 additional square feet of office space, 1,950,000 square feet of retail space, and 3,050,000 square feet of industrial space through the year 2035. This alternative would introduce less population growth and fewer residential units compared with the proposed plans in the same timeline. This alternative would also include a lower gross residential density for new residences compared with the proposed plans.

The significant and unavoidable effects associated with the proposed plans (air quality, greenhouse gas, noise and traffic) would be reduced with the implementation of this alternative. This alternative would represent planned growth in accordance with the current General Plan, and therefore any significant and unavoidable impacts that did occur under this alternative would have already been

accounted for in the Master Environmental Impact Report (MEIR) prepared for the General Plan. In addition, the effects that were found to be less than significant or less than significant with mitigation under the proposed plans would also be reduced. This alternative is considered environmentally superior to the proposed plans; however, this alternative would not meet any of the objectives of the proposed plans.

#### **4.1.2 - Alternative 2—High Density Residential Focus**

The High Density Residential Focus consists of implementing a version of the DNCP and FCSP that emphasizes residential use intensification. This alternative would increase residential land use density for the “high” capacity development potential by 60 percent (i.e., instead of 14 percent proposed for the DNCP), a 30 percent increase in residential land use density for the “medium” capacity development potential, and a 10 percent increase in the “low” capacity development potential for both Plan areas. This would equate to an increase in 5,994 dwelling units for high capacity, 2,997 for medium, and 990 for low in addition to the 9,990 dwelling units proposed for the project. The intent of this alternative is to allow more people to live in the downtown neighborhoods where job opportunities, commercial, and recreational activities exist. This alternative would provide more dense urban housing opportunities, and seeks to create a fully integrated horizontal and vertical mixed-use downtown area with a vibrant commercial core and lifestyle residential neighborhoods. Under this alternative, the commercial square footage would remain the same as proposed under the DNCP and FCSP.

Because of increased residential development under this alternative compared with the proposed plans, environmental effects associated with this alternative would be greater than the proposed plans. Under this alternative, the maximum residential development potential for the DNCP and FCSP plan areas would increase by 990 to 5,994 residential dwelling units in addition to the 9,990 dwelling units proposed for the project, and commercial development would remain the same as the proposed plans through the year 2035. This alternative would enable more people to live in the downtown neighborhoods compared with the proposed plans in the same timeline.

The significant and unavoidable effects associated with the proposed plans (air quality, greenhouse gas, noise and traffic) would be slightly greater with the implementation of this alternative. In addition, the effects that were found to be significant prior to mitigation under the proposed plans would also be increased, as would impacts that were found to be less than significant under the proposed plans. This alternative would meet all of the project’s objectives.

#### **4.1.3 - Alternative 3—Retail-Oriented Development Potential Scenario**

The Retail Oriented Development Potential Scenario Alternative consists of implementing a version of the DNCP and FCSP that emphasizes retail use intensification. This alternative would increase the retail square footage under the plans by 10 percent for the “high” capacity development potential, and would decrease the office and industrial square footage proposed under the plans by 5 percent in the high capacity development potential category. This would equate to a 249,553-square-foot increase in retail space that would occur as new development, and an increase in 11,923 square feet of existing vacant space that would be used for retail over that of the proposed plan (a total increase

of 261,476 square feet). Additionally, this alternative would have 30,734 fewer office square feet than what is proposed under the DNCP and FSCP (for a proposed total of 583,996 square feet of office space in the plan areas), and 153,628 fewer industrial square feet (for a total of 2,918,948 square feet for industrial use in the plan areas). Under this alternative, residential and other land uses would remain the same as the proposed plans.

The intent of this alternative is to allow more retail use in the downtown neighborhoods where job opportunities, commercial, and recreational activities exist. This alternative would increase the tax base for the city, and would serve to attract more shopping retailers to the downtown neighborhoods for more intensified retail shopping opportunities where public transit and pedestrian amenities are available in the City.

Because of increased retail development under this alternative compared with the proposed plans, along with decreased office and industrial development, the environmental effects associated with this alternative would be roughly similar to the proposed plans. Under this alternative, the maximum retail development potential for the DNCP and FCSP plan areas would increase by 249,553 square feet, and there would be 30,734 fewer office square feet and 153,628 fewer industrial square feet relative to the proposed plans through the year 2035.

The significant and unavoidable effects associated with the proposed plans (air quality, greenhouse gas, noise and traffic) would be essentially the same with the implementation of this alternative. In addition, the effects that were found to be significant prior to mitigation under the proposed plans would be the same, as would impacts that were found to be less than significant under the proposed plans. This alternative would meet all of the project's objectives.

#### **4.1.4 - Alternative 4—Office Oriented Development Potential Scenario**

The Office Oriented Development Potential Scenario Alternative consists of implementing a version of the DNCP and FCSP that emphasizes office use intensification. This alternative would increase the office square footage under the plans by 10 percent for the “high” capacity development potential, and would decrease the retail and industrial square footage proposed under the plans by 5 percent in the high capacity development potential category. This would equate to a 503,848-square-foot increase in office space that would occur as new development, and an increase in 39,098 square feet of existing vacant space that would be used for office over that of the proposed plan (a total increase of 542,946 square feet of office space development). Additionally, this alternative would have 130,738 fewer retail square feet than what is proposed under the DNCP and FSCP (for a proposed total of 2,484,028 square feet of retail space in the plan areas), and 153,628 fewer industrial square feet (for a total of 2,918,948 square feet for industrial use in the plan areas). Under this alternative, residential and other land uses would remain the same as the proposed plans.

The intent of this alternative is to generate a better jobs-to-housing ratio in the Downtown neighborhoods and to allow for more local employment opportunities in the Downtown core where transit and other amenities are more readily available. This alternative would serve to increase the amount of jobs available in the downtown area that may also attract prospective homebuyers and



consumers of commercial and recreational offerings to the downtown neighborhoods for more intensified use of the downtown area.

Under this alternative, the maximum office development potential for the DNCP and FCSP plan areas would increase by 503,848 square feet, and there would be 130,738 fewer retail square feet and 153,628 fewer industrial square feet relative to the proposed plans through the year 2035. Because of increased office development under this alternative compared with the proposed plans, there would be a total increase of 258,580 square feet of development in the plan area relative to the proposed plans. Although there would be decreased retail and industrial development, the overall environmental effects associated with this alternative would be greater than the proposed plans.

The significant and unavoidable effects associated with the proposed plans (air quality, greenhouse gas, noise and traffic) would be greater with the implementation of this alternative. In addition, the effects that were found to be significant prior to mitigation under the proposed plans would be greater, as would the impacts that were found to be less than significant under the proposed plans. This alternative would meet all of the project's objectives.

## 4.2 - Environmentally Superior Alternative

CEQA requires that the City identify an Environmentally Superior Alternative. If the No Project Alternative is the Environmentally Superior Alternative as it is in this case, the City must identify an Environmentally Superior Alternative among the other alternatives considered in the EIR (CEQA Guidelines, Section 15126.6). It should be noted that the No Project Alternative would reduce, but not avoid the significant and unavoidable impacts that would occur under the proposed plans. This is because the MEIR prepared for the General Plan identified similar significant unavoidable impacts related to air quality, noise and traffic, and the No Project Alternative represents planned growth in accordance with the current General Plan.

The Retail Oriented Development Potential Scenario Alternative would have impacts similar to the proposed plans in all impact categories with the exception of transportation, under which it would have greater environmental impacts related to peak hour trip generation. However, it would not exacerbate the significant and unavoidable air quality and noise impacts that would occur under the proposed plans. The High-Density Residential Focus and Office Oriented Development Potential Scenario Alternatives would exacerbate these significant and unavoidable impacts. Therefore, based on the evaluation of the remaining alternatives, the Retail Oriented Development Potential alternative would have environmental impacts similar to the proposed plans and would be considered the Environmentally Superior Alternative.

## EXHIBIT 3

### STATEMENT OF OVERRIDING CONSIDERATIONS

The Council of the City of Fresno, upon consideration of all evidence in the record of proceedings for the Downtown Plans and Code (inclusive of this exhibit), adopts the following findings based upon its independent review and judgment. The Council specifically finds and determines that this Statement of Overriding Considerations is based upon and supported by substantial evidence in the record.

A. As required by Section 15093 of the California Environmental Quality Act (CEQA), the City, as lead agency has carefully weighed the benefits of the Proposed Project against any adverse impacts identified in the Final PEIR that could not be feasibly mitigated to a level of insignificance. As is more fully set forth in the Final PEIR, which includes the Findings of Fact, the significant and unavoidable impacts of the Downtown Plans and Code that cannot be mitigated to levels of insignificance include:

- (i) Air Quality – criteria pollutant emissions and cumulative criteria pollutant impact.
- (ii) Greenhouse Gases – increase in greenhouse gas emissions beyond the year 2020 and cumulative GHG emissions beyond year 2020.
- (iii) Noise – stationary source noise impacts, cumulative stationary source noise impacts, new traffic and stationary noise source impacts, permanent increase in ambient noise levels.
- (iv) Transportation and Traffic – potentially exceed thresholds of levels of service on roadways under the jurisdictions of the County of Fresno, and Caltrans.

The alternatives which were identified in the Final PEIR would not meet either in part or in whole to the same extent as the proposed project, the project goals, each and all of which are deemed and considered by the City of Fresno City Council to be benefits of the project, as summarized below:

1. Increase opportunity, economic development, business and job creation. Use urban form, land use, and Downtown Development Code policies to streamline permit approval, promote local educational excellence and workforce relevance, significantly increase business development and expansion, retain and attract talented people, create jobs and sustained economic growth, strategically locate employment lands and facilities, and avoid over-saturation of a single type of housing, retail or employment.

2. Support a successful and competitive Downtown. Emphasize infill development and a revitalized central core area as the primary activity center for Fresno and the region by locating substantial growth in the Downtown core, and the surrounding neighborhoods. Use vision based policies in a development code specific to the Downtown, to ensure the creation of a unique sense of place in the central core and retention of character defining features.

3. Emphasize conservation, successful adaptation to climate and changing resource conditions, and performance effectiveness in the use of energy, water, land,

buildings, natural resources, and fiscal resources required for the long term sustainability of Fresno.

4. Emphasize achieving healthy air quality and reduced greenhouse gas emissions by locating residential, retail, and employment uses near each other and transportation services.

5. Protect, preserve, and enhance natural, historic, and cultural resources. Emphasize the continued protection of important natural, historic and cultural resources in the future development of Downtown. This includes both designated historic structures and neighborhoods, but also "urban artifacts" and neighborhoods that create the character of Fresno.

6. Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city, so that all residents may enjoy a vibrant and thriving downtown.

7. Promote a city of healthy communities and improve quality of life in established neighborhoods. Emphasize supporting established neighborhoods in the Downtown planning area with safe, well maintained, and accessible streets, public utilities, education and job training, proximity to jobs, retail services, health care, affordable housing, youth development opportunities, open space and parks, transportation options, and opportunities for home grown businesses.

8. Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in the Downtown planning area. Greater densities can be achieved through and incentives for infill and revitalization within the Downtown planning area.

9. Emphasize and plan for all modes of travel within the Downtown planning area. Facilitate travel by walking, biking, transit, and motor vehicle with interconnected and linked neighborhoods, districts, public facilities, shopping centers and other service centers, and regional transportation such as rail and bus services.

10. Make full use of existing infrastructure, and invest in improvements to increase competitiveness and promote economic growth.

Adequately address accumulated deferred maintenance, aging infrastructure, risks to service continuity, desired standards of service to meet quality-of-life goals, and required infrastructure to support growth, economic competitiveness and business development.

11. Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Positively influence the same attributes in other jurisdictions of the San Joaquin Valley, and thus the potential for regional sustainability. Set an example for efficient and sustainable downtown revitalization for cities throughout the region.

12. Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.

13. Protect and improve public health and safety.

14. Recognize, respect, and plan for Fresno's cultural, social, and ethnic diversity, and foster an informed and engaged citizenry. Emphasize shared community values and genuine engagement with and across different neighborhoods, communities, institutions, businesses and sectors to solve difficult problems and achieve shared goals for the success of Downtown and all its residents.

B. Notwithstanding the identification and analysis of the impacts that are identified in the Final PEIR as being significant and potentially significant which arguably may not be avoided, lessened, or mitigated to a level of insignificance, the Council, acting pursuant to Public Resources Code Section 21081 and Section 15093 of the State CEQA Guidelines, hereby determines that specific economic, legal, social, technological and other benefits of the Project outweigh any of its unavoidable, adverse impacts and that the Project should be approved.

C. This Statement of Overriding Considerations applies specifically to those impacts found to be significant and unavoidable and potentially significant and unavoidable as set forth in the Final PEIR and the record of these proceedings. In addition, this Statement of Overriding Considerations applies to those impacts which have been substantially lessened but not necessarily lessened to a level of insignificance.

D. Based upon the objectives identified in the Final PEIR and the policies and objectives set forth in the Project and following extensive public participation and testimony, the Council has determined that the Downtown Plans and Code should be approved, and that any remaining unmitigated environmental impacts are outweighed by the following specific economic, fiscal and other overriding considerations, any one of which is sufficient, in the Council's view, to approve the Project.

CONSIDERATIONS IN SUPPORT OF THE STATEMENT  
OF OVERRIDING CONSIDERATIONS

After balancing the specific economic, legal, social, technological, and other benefits of the proposed project, the Council of the City of Fresno has determined that the unavoidable adverse environmental impacts identified above may be considered “acceptable” due to the following specific considerations, which outweigh the unavoidable adverse environmental impacts of the proposed project. The City Council finds that any one of the following overriding considerations is sufficient to outweigh adverse impacts.

1. The project will facilitate re-investment in existing neighborhoods and commercial areas within the Downtown Planning Area.

Objectives and policies within the project promote the protection of and investment in existing areas within Downtown and existing unique neighborhoods. (DNCP Goals and Policies: 2.6.1; 2.6.2; 2.6.3; 2.6.4; 2.6.5; 2.6.6; 2.6.7; 2.6.8; 2.6.9; 2.11.1; 2.11.2; 2.11.3; 2.16.3; 2.16.3; 2.16.10. FCSP Goals and Policies: 6-1-3; 6-2-4; 6-2-7; 6-2-11; 6-6-1; 6-9-4; 6-9-5) The Project will facilitate improvement to public infrastructure within existing communities and neighborhoods (DNCP Goal 5.7 and Policies 5.7.1 through 5.7.3; Goal 5.8 and Policies 5.8.1 through 5.8.7. FCSP Goal 9-1 and Policies 9-1-1; 9-1-2; 9-1-3; 9-1-4; 9-1-10; 9-1-11; Goals 10-4 and 10-5 and subsequent Policies.)

The Project encourages both the retention and the enhancement of existing commercial areas in order to bolster the City’s economic base by fostering a high quality design and a mix of amenities in commercial areas as well fostering integration of office uses into the surrounding areas, (FCSP Goal 6-6 and subsequent policies.)

The Project encourages and implements a streamlined approval process to incentivize re-investment within the Downtown Planning Area, (FCSP Policy: 6-4-1. DNCP Goal 2.17 and subsequent Policies.)

2. The project will facilitate the improvement of local and regional serving retail and service uses and will revitalize Downtown as the economic and cultural heart of the region.

Objectives and policies included in the Project will facilitate both the introduction of new businesses and the support and retention of existing businesses within the Downtown Planning Area. The Project will encourage a wide variety of commercial business types within the Downtown Planning Area, identify and recruit businesses well-suited to existing building stock, promote and encourage unique retail uses that are open on the evenings and weekends, promote the Downtown Planning Area as the government center for Federal, State and Local Offices. In addition, the Project will encourage and support the development of businesses well-suited to mixed use developments to allow for the integration of residential, employment, and commercial uses. (FCSP Policies: 6-1-2; 6-1-3; 6-3-56-6-1; 6-6-2; 6-6-5; 6-6-6; Goal 6-7 and subsequent Policies. DNCP Policies: 2.15.4; 2.15.5; 2.15.6; 2.15.7; 2.15.8 D-2, D-3, D-4, D-5; Goal 2.12 and subsequent Policies.)

3. The project will facilitate the creation and maintenance of an efficient transportation system that optimizes multi-modal travel and will facilitate a reduction in VMTs.

The Project will foster an efficient and well maintained transit system that includes integration between land uses and transportation as well as interconnectivity across land uses. The Project will encourage the creation of viable alternatives to single vehicle transportation and will accommodate pedestrian and bicycle uses throughout the Downtown Planning Area. The Project will link Downtown to surrounding neighborhoods, invest in public transit improvements to incentivize public use and invest in the area around the planned High Speed Rail station. By investing in multi-modal transit, the Project will facilitate the reduction of Vehicle Miles Traveled (VMTs). (FCSP: Goal 6-10 and subsequent Policies; Goal 9-10 and subsequent Policies; Goal 9-11 and subsequent Policies; Goal 9-12 and subsequent Policies; Goal 9-13 and subsequent Policies; Goal 9-15 and subsequent Policies. DNCP: Goal 3.1 and subsequent Policies; Goal 3.2 and subsequent Policies; Goal 3.2 and subsequent Policies; Goal 3.4 and subsequent Policies.)

4. The project will promote land uses that conserve resources and will make efficient use of existing infrastructure.

The Project will conserve resources by working within the existing water resources portfolio, promoting energy savings and recycled water use, minimizing resource consumption and efficient storm water design. (DNCP: Goal 5.1 and subsequent Policies; Goal 5.2 and subsequent Policies; Goal 5.3 and subsequent Policies; Goal 5.4 and subsequent Policies; Goal 5.5 and subsequent Policies.)

5. The project will facilitate an increase in employment opportunities.

The objectives of the Project directed toward economic development and fiscal sustainability will encourage strong working relationships between the City and local businesses and will support local business startups. Further, the Project will strive to offer incentives designed to attract new businesses to the Downtown Planning Area. Finally, by facilitating industry-education partnerships, the Project will foster the cultivation of a skilled, educated, and well-trained workforce. (FCSP: Goal 6-1 and subsequent Policies; Goal 6-3 and subsequent Policies; Goal 6-4 and subsequent Policies; Goal 6-6 and subsequent Policies; Goal 6-7 and subsequent Policies. DNCP: Goal 2.2 and subsequent Policies; Goal 2.5 and subsequent Policies; Goal 2.7 and subsequent Policies; Goal 2.12 and subsequent Policies; Goal 2.15 and subsequent Policies.)

These objectives and policies will all promote the creation of additional jobs for Downtown residents and will encourage a variety of employment opportunities.

6. The Project will facilitate preservation of the City's unique visual and historic character.

The Project recognizes the unique heritage and character particular to the Downtown Planning Area and incorporates goals and polices to ensure assessment and appropriate preservation of existing historic or cultural resources. In addition, the Project encourages new development to be integrated seamlessly into the fabric of historic

neighborhoods by facilitating appropriate building design through clear standards and a streamlined approval process. The Project also includes polices to discourage unnecessary demolition or damage of resources and in this way preserves the visual and historic character that gives Downtown Fresno an identifiable sense of place. (FCSP: Goal 7-1 and subsequent Policies; Goal 7-2 and subsequent Policies; Goal 7-3 and subsequent Policies; Goal 7-4 and subsequent Policies; Goal 7-5 and subsequent Policies; Goal 7-6 and subsequent Policies. DNCP Goal 6.1 and subsequent Polices; Goal 6.2 and subsequent Policies; Goal 6.3 and subsequent Policies; Goal 6.4 and subsequent Policies; Goal 6.5 and subsequent Policies; Goal 6.6 and subsequent Policies.)

## Conclusion

A. The Council finds that the Project has been carefully reviewed and that the goals, objectives, objectives, and policies included in the Project along with the mitigation measures identified in the Final PEIR have avoided or substantially lessened several environmental impacts, to the extent feasible. Nonetheless, the Project may have certain environmental effects which cannot be avoided or substantially lessened. The Council has carefully considered all of the environmental impacts which have not been mitigated to an insignificant level. The Council has carefully considered the economic, legal, social, technological benefits of the Project, as well as other considerations. The Council has balanced the benefits of the Project against its unavoidable and unmitigated adverse environmental impacts and, based upon substantial evidence in the record, has determined that the benefits of the Project outweigh the adverse environmental effects.

B. Based on the foregoing and pursuant to Public Resources Code §21081 and State CEQA Guidelines §15093, the Council finds that the remaining significant unavoidable impacts of the Project are acceptable in light of its economic, fiscal, technological, and social benefits as well as other considerations, including the provision of employment opportunities for highly trained workers. Such benefits outweigh such significant and unavoidable impacts and provide the substantive and legal basis for this Statement of Overriding Considerations.

C. Finally, the Council finds that, to the extent that any impacts identified in the Final PEIR remain unmitigated, mitigation measures have been required to the extent feasible, although the impacts could not be reduced to a less-than-significant level. Accordingly, when deciding to approve the Project, the Council is faced with presumed unmitigated impacts which are limited in nature. When considering the significant benefits outlined in this Statement of Overriding Consideration against limited impacts, the balance of weight clearly falls in favor of the merits of the Project and its benefits.

For the reasons stated herein, and each of them independently of the others, the Council has adopted a Statement of Overriding Considerations.

TKB:ns [72718ns/tkb] 10/14/16



## 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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Report Date: October 7, 2016

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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
<b>Section 5.1—Aesthetics</b>					
<p>The following mitigation measures were included in the MEIR and remain applicable to this project:</p> <p><b>Project-specific</b>  <b>MM AES-4a:</b> 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><b>MM AES-4b:</b> 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><b>MM AES-4c:</b> 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><b>MM AES-4d:</b> 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><b>MM AES-4e:</b> 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><b>Cumulative</b> 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
<b>Section 5.3—Air Quality</b>					
<p>The following mitigation measures were not included in the MEIR but are applicable to this project:</p> <p><b>Project-specific</b></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><b>Mitigation Measure AIR-1</b></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 NO<sub>2</sub> and PM<sub>2.5</sub>. 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"> <li>• 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.</li> <li>• Post signs requiring drivers to limit idling to 5 minutes or less.</li> </ul>					
<p><b>Mitigation Measure AIR-2</b>                      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"> <li>• 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.</li> <li>• Post signs requiring drivers to limit idling to 5 minutes or less</li> <li>• Construct block walls to reduce the flow of emissions toward sensitive receptors</li> <li>• Install a vegetative barrier downwind from the TAC source that can absorb a portion of the diesel PM emissions</li> <li>• 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.</li> <li>• Install heating and cooling services at truck stops to eliminate the need for idling during overnight stops to run onboard systems.</li> </ul>	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"> <li>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.</li> <li>Utilize electric powered material handling equipment where feasible for the weight and volume of material to be moved.</li> </ul>					
<p><b>Mitigation Measure AIR-3</b> 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><b>Mitigation Measure AIR-4</b> 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: <b>Project-specific</b> 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: <b>Project-specific</b> 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		
<b>MM AIR-5:</b> 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		
<b>Cumulative</b> 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
<b>Section 5.4—Biological Resources</b>					
<p>The following mitigation measures were included in the MEIR and remain applicable to this project:</p> <p><b>Project-specific</b>  <b>MM BIO-1a:</b> 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><b>MM BIO-1b:</b> 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><b>MM BIO-1c:</b> 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><b>MM BIO-1d:</b> 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.					
<b>Cumulative</b> 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: <b>Project-specific</b> <b>MM BIO-3a:</b> 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)		
<b>MM BIO-3b:</b> 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><b>Cumulative</b> 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:  <b>Project-specific</b>  <b>MM CUL-1:</b> 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"> <li>• 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.</li> <li>• 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.</li> <li>• To ensure that state and local historic resources databases are updated with new findings, the appropriate Department</li> </ul>	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"> <li>Completed Phase I reports should be submitted to the City for incorporation into their local databases.</li> </ul>					
<p><b>MM CUL-2:</b> 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><b>MM CUL-3:</b> 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><b>MM CUL-4:</b> 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"> <li>• 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.</li> <li>• 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.</li> <li>• 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.</li> </ul>	<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><b>Cumulative</b> 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><b>Mitigation Measure CUL-1</b> 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: <b>MM CUL-5:</b> 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><b>MM CUL-6:</b> 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><b>Cumulative</b> 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: <b>Project-specific</b> <b>MM CUL-7:</b> 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"> <li>• 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</li> </ul>	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"> <li>• 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</li> </ul>					



**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><b>Project-specific</b>  <b>MM CUL-8:</b> 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><b>Cumulative</b> Implementation of Mitigation Measure CUL-4 is required.</p>	Confirm implementation of mitigation measure.	During subsurface earthwork activities	City of Fresno		
<p><b>Section 5.8—Hazards and Hazardous Materials</b></p>					
<p>The following mitigation measure were not included in the MEIR but are applicable to this project</p> <p><b>Project-specific</b> 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.</p> <p>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:</p> <p><b>MM HAZ-1a:</b> 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><b>MM HAZ-1b:</b> 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><b>MM HAZ-1c:</b> 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><b>MM HAZ-1d:</b> 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><b>MM HAZ-1e:</b> 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&amp;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><b>Project-specific</b> The following mitigation measures were not included in the MEIR and are new for this project: <b>MM HAZ-3a:</b> 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><b>MM HAZ-3b:</b> 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><b>MM HAZ-3c:</b> 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.					
<b>Section 5.9—Hydrology and Water Quality</b>					
The following mitigation measures were included in the MEIR and remain applicable to this project: <b>Project-specific</b> <b>MM HYD-2a:</b> 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		
<b>MM HYD-2b:</b> 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		
<b>Section 5.11—Noise</b>					
The following mitigation measures were not included in the MEIR but are applicable to this project: <b>Project-specific</b> <b>MM NOI-2:</b> 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
<b>Section 5.14—Transportation and Traffic</b>					
<p>The following mitigation measures were not included in the MEIR but are applicable to this project:</p> <p><b>Cumulative</b>  <b>MM TRANS-2a:</b> 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"> <li>• Provide discounted transit passes.</li> <li>• Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible.</li> <li>• Organize ridesharing, bike-share, or car-share programs.</li> <li>• Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers.</li> <li>• Operate a commute trip reduction program that includes measures such as:                             <ul style="list-style-type: none"> <li>- Preferential carpool parking.</li> <li>- Encouraging flexible work schedules/telecommuting.</li> <li>- Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes.</li> <li>- Encouraging the use of a transportation coordinator for the project area</li> <li>- Provide end-of-trip facilities for bicyclists.</li> </ul> </li> </ul>	<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><b>MM TRANS-2b:</b> 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"> <li>• Belmont Avenue/Golden State Boulevard-Wesley Avenue                             <ul style="list-style-type: none"> <li>- Signalize the intersection.</li> <li>- Widen the westbound approach to two through lanes and one protected left-turn lane.</li> </ul> </li> <li>• Belmont Avenue/Palm Avenue                             <ul style="list-style-type: none"> <li>- Convert the northbound shared through/left-turn lane to separate through and left-turn lanes.</li> <li>- Convert the eastbound and westbound shared through/left-turn lane to a single left-turn lane.</li> <li>- Convert the left-turn movements to protected phasing.</li> <li>- Add a second eastbound left-turn lane.</li> <li>- Convert the eastbound shared through/right-turn lane to separate through and right-turn lanes.</li> <li>- Add a second northbound left-turn lane.</li> <li>- Optimize the signal timings.</li> </ul> </li> </ul>	<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><b>Project-specific</b>  <b>MM TRANS-3a:</b> 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"> <li>• Provide discounted transit passes.</li> <li>• Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible.</li> <li>• Organize ridesharing, bike-share, or car-share programs.</li> <li>• Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers.</li> <li>• Operate a commute trip reduction program that includes measures such as:                             <ul style="list-style-type: none"> <li>- Preferential carpool parking.</li> <li>- Encouraging flexible work schedules/telecommuting.</li> <li>- Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes.</li> <li>- Encouraging the use of a transportation coordinator for the project area.</li> <li>- Provide end-of-trip facilities for bicyclists.</li> </ul> </li> </ul>	<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><b>MMTRANS-3b:</b> 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><b>Cumulative</b>  <b>MM TRANS-3a:</b> 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"> <li>• Provide discounted transit passes.</li> <li>• Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible.</li> <li>• Organize ridesharing, bike-share, or car-share programs.</li> <li>• Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers.</li> <li>• Operate a commute trip reduction program that includes measures such as:                             <ul style="list-style-type: none"> <li>- Preferential carpool parking.</li> <li>- Encouraging flexible work schedules/telecommuting.</li> <li>- Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes.</li> <li>- Encouraging the use of a transportation coordinator for the project area</li> <li>- Provide end-of-trip facilities for bicyclists.</li> </ul> </li> </ul>	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><b>MM TRANS-3b:</b> 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><b>Project-specific</b>  <b>MM TRANS-4a:</b> 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"> <li>• Provide discounted transit passes.</li> <li>• Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible.</li> <li>• Organize ridesharing, bike-share, or car-share programs.</li> <li>• Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers.</li> <li>• Operate a commute trip reduction program that includes measures such as:                             <ul style="list-style-type: none"> <li>- Preferential carpool parking.</li> <li>- Encouraging flexible work schedules/telecommuting.</li> <li>- Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes.</li> <li>- Encouraging the use of a transportation coordinator for the project area.</li> <li>- Provide end-of-trip facilities for bicyclists.</li> </ul> </li> </ul>	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><b>MM TRANS-4b:</b> 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><b>Cumulative</b>  <b>MM TRANS-4a:</b> 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"> <li>• Provide discounted transit passes.</li> <li>• Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible.</li> <li>• Organize ridesharing, bike-share, or car-share programs.</li> <li>• Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers.</li> <li>• Operate a commute trip reduction program that includes measures such as:</li> <li>• Preferential carpool parking.                             <ul style="list-style-type: none"> <li>- Encouraging flexible work schedules/telecommuting.</li> <li>- Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes.</li> <li>- Encouraging the use of a transportation coordinator for the project area.</li> <li>- Provide end-of-trip facilities for bicyclists.</li> </ul> </li> </ul>	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><b>MM TRANS-4b:</b> 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><b>Project-specific</b>  <b>MM TRANS-5a:</b> 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"> <li>• Provide discounted transit passes.</li> <li>• Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible.</li> <li>• Organize ridesharing, bike-share, or car-share programs.</li> <li>• Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers.</li> <li>• Operate a commute trip reduction program that includes measures such as:                             <ul style="list-style-type: none"> <li>- Preferential carpool parking.</li> <li>- Encouraging flexible work schedules/telecommuting.</li> <li>- Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes.</li> <li>- Encouraging the use of a transportation coordinator for the project area</li> <li>- Provide end-of-trip facilities for bicyclists.</li> </ul> </li> </ul>	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><b>MM TRANS-5b:</b> 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><b>Cumulative</b>  <b>MM TRANS-5a:</b> 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"> <li>• Provide discounted transit passes.</li> <li>• Coordinate with Fresno Area Express and TMA members to ensure transit schedules align with TMA member work schedules to the extent feasible.</li> <li>• Organize ridesharing, bike-share, or car-share programs.</li> <li>• Offer shuttle/vanpool services, in collaboration with employers, to serve major employment centers.</li> <li>• Operate a commute trip reduction program that includes measures such as:                             <ul style="list-style-type: none"> <li>- Preferential carpool parking.</li> <li>- Encouraging flexible work schedules/telecommuting.</li> <li>- Conducting marketing campaigns to encourage non-auto modes for commuting and other travel purposes.</li> <li>- Encouraging the use of a transportation coordinator for the project area</li> <li>- Provide end-of-trip facilities for bicyclists.</li> </ul> </li> </ul>	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
<b>MM TRANS-5b:</b> 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		
<b>Project-specific</b> <b>MM TRANS-7:</b> 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: <b>Project-specific</b> <b>MM TRANS-8:</b> 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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