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Findings of Fact and Statement of Overriding Considerations for the Fresno Rendering Plant Relocation Project

Prepared for:

City of Fresno
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TABLE OF CONTENTS

Section	Page
TABLE OF CONTENTS.....	i
ACRONYMS AND ABBREVIATIONS.....	ii
1 INTRODUCTION.....	1
2 PROJECT DESCRIPTION.....	1
2.1 Project Location and Setting.....	2
2.2 Project Background.....	2
2.3 Project Objectives.....	3
3 PROCEDURAL FINDINGS.....	3
4 RECORD OF PROCEEDINGS.....	4
5 FINDINGS REQUIRED UNDER CEQA.....	5
5.1 Summary of Findings.....	6
5.2 Mitigation Monitoring.....	21
5.3 Significant Irreversible Environment Effects.....	21
5.4 Growth Inducement.....	21
6 PROJECT ALTERNATIVES.....	22
6.1 Alternatives Considered But Ultimately Rejected.....	23
6.2 Alternatives Considered in the EIR.....	23
7 STATEMENT OF OVERRIDING CONSIDERATIONS.....	25

ACRONYMS AND ABBREVIATIONS

AB	Assembly Bill
ATC	Authority to Construct
CRHR	California Register of Historical Resources
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CUP	Conditional Use Permit
DADA	Disposition Agreement and Development Agreement
DEIR	draft environmental impact report
EIR	environmental impact report
FEIR	final environmental impact report
GPA	General Plan Amendment
IDSS	International Dark Sky Standards
IESNA	Illuminating Engineering Society of North America
IH	Industrial-Heavy Zoning
IS/MND	Initial Study/Mitigated Negative Declaration
LOS	level of service
MEIR	master environmental impact report
MMRP	Mitigation Monitoring and Reporting Program
NOP	Notice of Preparation
NRHP	National Register of Historic Places
OCP	Odor Control Plan
PI	Public and Institutional Zoning
project	Fresno Rendering Plant Relocation Project
PRC	Public Resources Code
PTO	Permit to Operate

RWRF Regional Wastewater Reclamation Facility
sf square feet
SJVAPCD San Joaquin Valley Air Pollution Control District

1 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the Fresno Rendering Plant Relocation Project (project).

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

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

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

However, in the absence of feasible mitigation, an agency may approve a project with significant and unavoidable impacts, if there are specific economic, legal, social, technological, or other considerations that outweigh the unavoidable adverse environmental effects. CEQA Guidelines Section 15093 requires the lead agency to document and substantiate any such determination in a "statement of overriding considerations" as a part of the record.

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

2 PROJECT DESCRIPTION

The project would relocate the facility from its current location and expand its permitted processing limits from 850,000 pounds per day to 2 million pounds per day or more, but would be limited to a permitted maximum of 10 million pounds per week rather than a daily maximum. The project would require a general plan amendment (GPA) to change the General Plan land use designation of the 40-acre parcel from Public Facility to Heavy Industrial, a rezone of the property from Public and Institutional (PI) to Industrial-Heavy (IH), a conditional use permit (CUP) to operate within the IH zone, and a Development Agreement.

The project would include a total of four buildings—a conversion facility, a truck shop, a maintenance shop, and an office building—with a total floor area of approximately 40,000 square feet (sf), which is

approximately 12,200 sf larger than the existing facility. The industrial activities related to the project would be similar to those of the existing Darling facility and would include an increase in processing capacity. Raw materials to be converted would be collected and delivered to the facility for processing 6 to 7 days per week. Processing would typically begin on Monday and run through Saturday or as needed Sunday. Approximately 60 to 70 full-time employees would work at the facility (23 new positions would be created as a result of the operational expansion). The facility would operate in three shifts with three production shifts and one maintenance shift.

2.1 PROJECT LOCATION AND SETTING

The project site is located within the city limits, but not within the city proper; the site is located just east of the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRf) within a large island of incorporated, City-owned property south of West Jensen Avenue. The property consists of 40 acres of land used currently used for agriculture, and 20 acres of this property would be developed for the rendering plant. This land is located within a 3,200-acre area of incorporated land and is separated from the rest of the city by approximately 2 miles.

The project site is adjacent to the southeast corner of the RWRf, immediately north of Dry Creek Canal, south of West Jensen Avenue, and west of South Cornelia Avenue. The RWRf treatment facilities occupy 180 acres (located adjacent to the western boundary of the project site) and percolation ponds occupy an additional 1,700 acres.

Most of the area surrounding the project site is in agricultural use (vineyards, orchards, and various row crops). A few agricultural residences are in the vicinity; the nearest residences are approximately 1,200 and 1,300 feet east of the property and approximately 2,500 feet from the proposed location of the rendering plant. There are no structures on-site.

2.2 PROJECT BACKGROUND

The existing Darling Ingredients Inc. facility is located on a 5.22-acre parcel on Belgravia Road between Church Avenue and E Street in the southwest area of the city. The facility was constructed and began operation in 1956 as a slaughterhouse and beef packing company, with limited rendering (i.e., processing of animal products for reuse) operations. Rendering gradually expanded, packing operations phased out and the rendering plant site was annexed to the city in 1971. Over the last 60 years, non-industrial urban uses were developed in the surrounding area such that residential neighborhoods are now within 0.25 mile of the rendering plant, with homes as close as 800 feet from the rendering plant structures.

The existing Darling facility is a food processing byproduct conversion operation that collects and processes raw material (primarily beef fat, bone, and offal) into proteins and fats that can be beneficially used as ingredients in food, fertilizer, feed, and fuel. The conversion process has the potential to generate odor which is managed through an odor abatement system. Evaporated moisture from the conversion process is condensed, pretreated, and discharged to the RWRf. Air emissions from the process, including but not limited to the boiler system and odor abatement system, are regulated and permitted by the San Joaquin Valley Air Pollution Control District (SJVAPCD). The facility currently has 38 employees and is permitted to process up to 850,000 pounds of material per day in accordance with a SJVAPCD Permit. The facility's major sources of raw materials include Cargill, Harris Ranch Beef, and other sources. Most raw materials are shipped from within 200 miles of the existing facility.

The City is considering the relocation of this heavy industrial facility away from the residential neighborhoods that have been developed near the existing facility subsequent to its establishment.

This project includes a Disposition Agreement and Development Agreement (DADA) to facilitate construction of the proposed new rendering facility consistent with the GPA and rezone and consistent with the features of the project described in this DEIR.

2.3 PROJECT OBJECTIVES

The project would relocate the Darling facility from its current location on Belgravia Ave just southwest of downtown to the new 20-acre site near the RWRP and expand its current permitted processing limits from 850,000 pounds per day to 2 million pounds per day or more but would be limited to a permitted maximum of 10 million pounds per week rather than a daily maximum. The project would require a GPA to change the General Plan land use designation of land from Public Facility to Heavy Industrial, and a rezone of the same property from PI to IH. The proposed Darling facility would also require a CUP to operate within the IH zone that would be processed with the GPA and rezone.

3 PROCEDURAL FINDINGS

Based on the nature and scope of the project, the City of Fresno (City) determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared an EIR for the project. The EIR (State Clearinghouse No. 2018111043) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA, and additional noticing and opportunities for public comment were also provided, as follows:

- ▲ A Notice of Preparation (NOP) was prepared and circulated on November 20, 2018, for a 30-day public and agency comment period. The NOP was submitted to the State Clearinghouse, Fresno County Clerk-Recorder, and responsible and trustee agencies.
- ▲ A public scoping meeting to receive comments regarding the issues to be covered in the EIR was held on November 28, 2018, at Sunset Elementary School: 1755 South Crystal Avenue, Fresno, CA.
- ▲ A Notice of Completion and copies of the DEIR were distributed to the Office of Planning and Research on May 14, 2019, to those public agencies that have jurisdiction by law with respect to the project, or which exercise authority over resources that may be affected by the project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.
- ▲ A Notice of Availability of the DEIR was mailed on May 14, 2019, to all interested groups, organizations, and individuals who had previously requested notice in writing. The Notice of Availability stated that City had completed the DEIR and that copies were available on the City's website: <https://www.fresno.gov/cityclerk/notices-publications/>. Hard copies of the DEIR were made available at the City's offices at 2600 Fresno Street, Room 3065, Fresno, CA and the Fresno City Public Library at 2420 Mariposa Street, Fresno, CA.
- ▲ The public comment period for the DEIR began on May 14, 2019, and was scheduled for 45-days.
- ▲ Pursuant to Assembly Bill (AB) 52, the City distributed letters dated November 27, 2018, to the California tribes that are culturally and geographically affiliated with the project area. Representatives for the following tribes were notified: Table Mountain Rancheria of California and the Dumna Wo Wah Tribal Government.
- ▲ No responses from notified tribes were received during the 30-day response period and, therefore, no resources have been identified as Tribal Cultural Resources. On this basis, the consultation process under PRC Section 21080.3.1(b) was concluded.

- ▲ The City provided written responses to all comments received during and after the comment period referenced above for the DEIR and additional information added by the City was subsequently added to the DEIR to produce the Final EIR (FEIR).
- ▲ The FEIR was made available in July 2019, and consists of the following items:
 - the DEIR released on May 14, 2019;
 - Responses to Comments; and
 - Revisions to the DEIR.

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

4 RECORD OF PROCEEDINGS

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

- ▲ The operational statement, and all attachments and supplemental information thereto.
- ▲ City staff reports and all attachments;
- ▲ The DEIR and all appendices to the DEIR;
- ▲ The FEIR and all appendices to the FEIR;
- ▲ All notices required by CEQA and presentation materials related to the project;
- ▲ All comments submitted by agencies or members of the public during the comment period on the NOP and the DEIR;
- ▲ All studies conducted for the project and contained or referenced in the DEIR and the FEIR;
- ▲ All documents cited or referenced in the DEIR and the FEIR;
- ▲ All public reports and documents related to the project prepared for the City and other agencies;
- ▲ All other documents related to the project;
- ▲ The mitigation monitoring and reporting program (MMRP) for the project; and
- ▲ Any additional items not included above if otherwise required by law.

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City offices at 2600 Fresno Street, Room 3065, Fresno, CA.

The DEIR and FEIR are incorporated into these findings in their entirety, unless and only to the extent these findings expressly do not incorporate by reference the DEIR and FEIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the

significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

5 FINDINGS REQUIRED UNDER CEQA

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

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

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

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

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

The concept of “feasibility” also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. Moreover, “feasibility” under CEQA encompasses “desirability” to the extent that desirability is based on a reasonable balancing of the relevant economic, environmental, social, legal, and technological factors” (City of Del Mar v. City of San Diego [1982] 133 Cal.App.3d 410, 417).

In the process of adopting mitigation measures, the City has made a determination regarding whether the mitigation proposed in the EIR is “feasible.” In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the

EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section 5, "Findings Required Under CEQA," and in Section 7, "Statement of Overriding Considerations," below.

5.1 SUMMARY OF FINDINGS

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

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

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

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

Findings Regarding Errata and EIR Recirculation

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR when "significant new information" is added to the EIR after the lead agency gives public notice of the availability of the DEIR but before certification. "Information" may include project changes, changes to the environmental setting, or additional data or other information. The CEQA Guidelines do not consider new information to be significant unless the lead agency changes the EIR in a way that deprives the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate the impact that the agency or project proponent has declined to implement.

CEQA Guidelines Section 15088.5 states "significant new information" requiring recirculation may include:

- ▲ A new significant environmental impact that would result from the project or from a new mitigation measure;
- ▲ A substantial increase in the severity of an environmental impact would result unless mitigation measures would be adopted that reduce the impact to a level of insignificance;

- ▲ 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 proponents will not adopt it; or
- ▲ The DEIR was so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

Recirculation is not required if new information added to the EIR just clarifies or makes minor modifications to an otherwise adequate EIR.

The City made changes to the DEIR after this document was released, which are described in Chapter 3, "Revisions to the DEIR," of the FEIR. Revisions were made to Mitigation Measure 4.4-5 and the modeling conducted for in the air quality analysis to reflect refinements to the project design that were not available at the time the DEIR was prepared. These changes are described in the FEIR. No impacts identified in the DEIR would be substantially increased because of changes to the project or mitigation measures following recirculation. There are no new feasible alternatives or mitigation measures that are considerably different from those considered in the DEIR that the City has declined to adopt.

Findings Regarding Less Than Significant Impacts (No Mitigation Required)

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

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

AESTHETICS

- ▲ Impact 4.2-1: Degrade Existing Visual Character or Quality

AGRICULTURAL RESOURCES

- ▲ Impact 4.3-2: Result in Other Loss or Conversion of Existing Agricultural Uses

AIR QUALITY

- ▲ Impact 4.4-1: Short-Term Construction Emissions of Criteria Air Pollutants and Precursors (CO, NO_x, ROG, SO_x, PM₁₀, and PM_{2.5})
- ▲ Impact 4.4-2: Long-Term Operational Emissions of Criteria Air Pollutants and Precursors (ROG, SO_x, NO_x, CO, PM₁₀ and PM_{2.5})
- ▲ Impact 4.4-3: Mobile Source CO Concentrations
- ▲ Impact 4.4-4: Exposure of Sensitive Receptors to TACs. (This impact was revised in the Final EIR to less-than-significant based on updated air quality modeling, which used more refined equipment information.)

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

- ▲ Impact 4.5-2: Result in Disturbance of Human Remains
- ▲ Impact 4.5-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

- ▲ Impact 4.7-1: Generation of Greenhouse Gas Emissions

HAZARDS AND HAZARDOUS MATERIALS

- ▲ Impact 4.8-1: Create a Significant Hazard Through Transport, Use, or Disposal of Hazardous Materials
- ▲ Impact 4.8-3 Impair Emergency Response or Evacuation Plans
- ▲ Impact 4.8-4 Create a Significant Risk from Wildfires

HYDROLOGY AND WATER QUALITY

- ▲ Impact 4.9-1: Violate Water Quality Standards or Waste Discharge Requirements, Otherwise Degrade Water Quality, or Interfere with Implementation of a Water Quality Control Plan
- ▲ Impact 4.9-2: Substantially Decrease Groundwater Supplies, Interfere with Groundwater Recharge, or Interfere with Implementation of a Sustainable Groundwater Management Plan

LAND USE AND PLANNING

- ▲ Impact 4.10-1: Conflict with Relevant Plans, Policies, and Zoning Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

NOISE

- ▲ Impact 4.11-1: Construction Noise
- ▲ Impact 4.11-2: Exposure of Person to or Generation of Excessive Vibration
- ▲ Impact 4.11-4: Exposure of Existing Sensitive Receptors to Excessive Traffic Noise Levels

TRANSPORTATION/TRAFFIC

- ▲ Impact 4.12-1: Impacts to Intersection Operating Conditions
- ▲ Impact 4.12-2: Impacts to Roadway Segment Operations
- ▲ Impact 4.12-3: Impacts to Transportation Hazards
- ▲ Impact 4.12-4: Impacts to Emergency Access
- ▲ Impact 4.12-5: Impacts to Alternative Transportation Modes

ENERGY

- ▲ Impact 4.13-1: Wasteful, Inefficient, or Unnecessary Consumption of Energy During Construction or Operation

CUMULATIVE IMPACTS

- ▲ Cumulative impacts to aesthetics
- ▲ Cumulative impacts to air quality
- ▲ Cumulative impacts to archaeological, historical, and Tribal Cultural Resources
- ▲ Cumulative impacts to biological resources
- ▲ Cumulative impacts related to greenhouse gas emissions and climate change
- ▲ Cumulative impacts related to hazards and hazardous materials
- ▲ Cumulative impacts related to hydrology and water quality
- ▲ Cumulative impacts related to land use and planning
- ▲ Cumulative impacts related to noise
- ▲ Cumulative impacts related to roadway segment operations
- ▲ Cumulative impacts related to energy

Findings Regarding Impacts Mitigated to a Level of Less than Significant

The City hereby finds that feasible mitigation measures have been identified in the EIR and these Findings of Fact that will avoid or substantially lessen the following potentially significant and significant environmental impacts to a less-than-significant level. The potentially significant and significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the EIR for more detail. Note that text that is struck through or underlined represents deleted text or additional text (respectively) that was revised in the Final EIR.

AESTHETICS

Impact 4.2-2: Create a Substantial New Source of Light and/or Glare

Although not considered a major source of daytime glare, the project would include nighttime lighting that could result in skyglow and light pollution. This would be a potentially significant impact.

Mitigation Measure 4.2-2: Prepare a Lighting Plan

A detailed lighting plan shall be developed by the applicant that demonstrates that all exterior lighting is directed downward and includes full shielding to minimize light pollution and to minimize light spillage onto adjacent properties. All lighting shall be consistent with International Dark Sky Standards (IDSS) and Illuminating Engineering Society of North America (IESNA) criteria for luminaries. The City's Development and Resource Management will review and approve the lighting plan before issuance of building permits.

Significance after Mitigation

Implementation of Mitigation Measure 4.2-2 would minimize light pollution and skyglow potential by requiring all exterior lighting to be shielded and downward facing, which focuses light on the ground and away from the night sky. (DEIR pages 4.2-6 and 4.2-7)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to light and glare identified in the EIR.

AIR QUALITY**Impact 4.4-5: Exposure of Sensitive Receptors to Odors**

The project would introduce new odor sources into the area from various stages of raw material handling and processing operations associated with the rendering facility. In accordance with SJVAPCD permitting requirements, stationary sources are required to maintain and implement odor control technologies. However, the City of Fresno General Plan requires projects that could result in exposure of sensitive receptors to odors to prepare an odor management plan. Therefore, without the preparation of such a plan, this impact would be significant.

Mitigation Measure 4.4-5: Prepare an Odor Control Plan

The following odor management conditions will be applicable to the facility and will be consistent, and not in conflict with, the conditions of the sites Authority to Construct (ATC) or Permit to Operate (PTO) issued by the San Joaquin Air Pollution Control District (SJVAPCD). The project proponent shall prepare and implement an Odor Control Plan (OCP). The OCP will include measures to minimize the potential for a substantial odor increase at residences within 1 mile of the project site and shall memorialize the facility's odor abatement system equipment, the systems performance monitoring protocols, and the procedures for investigating and correcting public complaints. The OCP will be submitted made available to the City for review and approval upon request. Approval by the City will not be unreasonably withheld or delayed. The OCP will also be submitted to SJVAPCD for review to will ensure the equipment to be used OCP is consistent and not in conflict with the SJVAPCD requirements. Measures included in the OCP shall be consistent and not in conflict with the Best Available Control Technology standards presently established by SJVAPCD. Raw food processing byproducts shall be transported to and from the facility in closed containers and/or enclosed trucks/trailers. The OCP shall consider all available pertinent information to address known causes of odor. The OCP may be modified to include additional measures, if necessary, to minimize odor generation such that the potential for project-related odor complaints from existing residents would be reduced to the degree feasible. To ensure the proper performance of the odor abatement system, certain flow, temperature, pressure, and chemical checks will be performed and logged every shift. Any breakdowns reportable under the SJVAPCD Rule 1100 will be submitted to the City. All public complaints received by facility management will be investigated, and documented, and, if verified, resolved through appropriate response actions will be taken. The facility will provide a 24-hour hotline for public complaints and the number will be posted at the facility entrance.

Significance after Mitigation

Implementation of Mitigation Measure 4.4-5 would meet the General Plan MEIR mitigation requirements for potential odor generating uses, such as the project. It is also important to note that the project results in an overall reduction in impacts related to odors by using all new equipment with advanced odor reducing technologies and moving the existing rendering operation from a more densely populated area to a new location with fewer residences that are located farther away from the facility. (DEIR pages 4.4-19 and 4.4-20)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen exposure of sensitive receptors to odors identified in the EIR.

ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES**Impact 4.5-1: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources**

Results of the records search did not indicate any known archaeological sites within the project site. Ongoing agricultural activities have disturbed the soil surface, which would have likely destroyed any shallow artifacts. However, proposed project-related ground-disturbing activities, which would disturb soil at greater depths than agricultural activities, could result in discovery or damage of undiscovered subsurface unique archaeological resources. This would be a potentially significant impact.

Mitigation Measure 4.5-1a: Conduct Archaeological Survey

Prior to approval of grading plans, the applicant shall retain a qualified archaeologist to conduct a field survey for archaeological resources. The following procedures shall be followed.

If archaeological resources are found during the field survey, the resources shall be inventoried using appropriate State record forms and submitted to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for NRHP and CRHR significance. If the resources are found to be significant, appropriate measures shall be identified by the qualified archaeologist and implemented at the direction of the City. Appropriate measures to minimize impacts to significant resources could include avoidance or capping, incorporation of the site in open space, or data recovery excavations of the finds. In addition, excavation and construction activities in the vicinity of discovered resources shall be conducted in the presence of an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional archaeological resources are found during excavation and/or construction activities, the procedure identified in Mitigation Measure 4.5-1b for the discovery of unknown resources shall be followed.

Mitigation Measure 4.5-1b: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features

If archaeological resources are not found during the field survey, excavation and/or construction activities can commence. If archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the City as to 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 State CEQA Guidelines. If the resources are determined to be unique archaeological resources as defined under Section 15064.5 of the State CEQA Guidelines, avoidance and/or minimization measures shall be identified by the qualified archaeologist and recommended to the City. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the City approves the measures to protect these resources. Any archaeological resources recovered as a result of mitigation shall be provided to a City-approved institution or person capable of providing long-term preservation to allow future scientific study.

Significance after Mitigation

Implementation of Mitigation Measures 4.5-1a and 4.5-1b would reduce impacts associated with archaeological resources to a less-than-significant level because they would require implementation of

professionally-accepted and legally-compliant procedures for assessment and protection of previously undocumented significant archaeological resources. (DEIR pages 4.5-10 and 4.5-11)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to unique archaeological resources identified in the EIR.

Impact 4.5-4: Directly or Indirectly Destroy a Unique Paleontological Resource

There is a high potential for discovery of paleontological resources within the city, and the project site is underlain with surficial deposits that have the potential to contain paleontological resources. Ground disturbance associated with the project could uncover previously undiscovered paleontological resources. This would be a potentially significant impact.

Mitigation Measure 4.5-4: Worker Training, Paleontological Survey, and Construction Monitoring

Prior to initiating construction, the project applicant shall retain a qualified paleontologist to conduct worker awareness training for all construction personnel involved with earthmoving activities, including the site superintendent, about the possibility of encountering fossils. The appearance and types of fossils likely to be seen during construction will be described. Construction personnel will be trained about the proper notification procedures should fossils be encountered.

In addition, prior to issuance of grading permits, a qualified paleontologist shall conduct a screening-level site survey to better determine, based on specific site conditions and geology, the potential for significant paleontological resources to be present at a depth that could be disturbed by proposed activities. If the screening-level site survey indicates that the project site is not likely to include significant paleontological resources at a depth that could be adversely affected by proposed activities, the qualified paleontologist shall submit the findings to the City and no additional mitigation is necessary, and construction may proceed. If the paleontologist finds that the potential for significant paleontological resources are likely present and could be affected by proposed activities, the paleontologist shall prepare an adequate mitigation program for avoiding or minimizing adverse impacts to paleontological resources. The program shall include at a minimum: 1) field survey and surface salvage prior to earth moving, if applicable; 2) monitoring by a qualified paleontological resource monitor of trenching and other disturbance of previously undisturbed soil and a plan for stopping work in areas of finds (including identification of appropriate buffers for restricting construction equipment); 3) salvage of unearthened fossil remains and/or traces (e. g., tracks, trails, burrows); 4) screen washing to recover small specimens, if applicable; 5) preparation of salvaged fossils to a point of being ready for curation (i.e., removal of enclosing matrix, stabilization and repair of specimens, and construction of reinforced support cradles where appropriate); 6) identification, cataloging, curation, and provision for repository storage of prepared fossil specimens; and 7) a final report of the finds and their significance. All of the steps identified in the program shall be overseen by a qualified paleontologist. The mitigation program shall be submitted to the City and approved prior to issuance of grading permits.

Significance after Mitigation

Implementation of Mitigation Measure 4.5-4 would reduce this impact to a less-than-significant level by requiring worker awareness training and construction monitoring, if needed, and requiring appropriate handling, recording, and curation of any significant paleontological resources discovered. (DEIR pages 4.5-12 and 4.5-13)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to paleontological resources identified in the EIR.

Biological Resources

Impact 4.6-1: Cause Disturbance to or Loss of Burrowing Owl

Ground disturbance during project construction, including grading and excavating, could result in disturbance or direct loss of burrowing owl, if present. This would be a potentially significant impact.

Mitigation Measure 4.6-1: Protection of Burrowing Owl

The applicant shall implement the following conditions prior to and during construction:

- ▲ The applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within line of sight of construction activities within 1,500 feet of the project site. Surveys shall be conducted prior to the start of construction activities and in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012).
- ▲ If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to CDFW and no further mitigation would be required.
- ▲ If an active burrow is found during the nonbreeding season (September 1 through January 31), the applicant shall consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of CDFW's 2012 Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project's burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a plan for creation, maintenance, and monitoring of artificial burrows in suitable habitat that provides substitute burrows for displaced owls.
- ▲ If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer from construction activities unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level disturbance as outlined in the CDFW Staff Report (CDFW 2012). The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented to prevent burrowing owls from being detrimentally affected. Once the fledglings are capable of independent survival, the owls can be evicted and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW's 2012 Staff Report. No burrowing owls will be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW. Following owl exclusion and burrow demolition, the site shall be monitored by a qualified biologist to ensure burrowing owls do not recolonize the site prior to construction.
- ▲ If active burrowing owl burrows are found on the site and are destroyed during project implementation, the applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW 2012 Staff Report, which states that permanent impacts to nesting, occupied and satellite burrows, and burrowing owl habitat shall be mitigated such that habitat acreage, number of burrows, and burrowing owls adversely affected are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards:
 - Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with

humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species range wide.

- If feasible, mitigation lands shall be provided adjacent or proximate to the site so that displaced owls can relocate with reduced risk of take. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient suitable habitat to support displaced owls that may be preserved in perpetuity.
- If suitable habitat is not available for conservation adjacent or proximate to the project area, mitigation lands shall be focused on consolidating and enlarging conservation areas outside of urban and planned growth areas and within foraging distance of other conservation lands. Mitigation may be accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. If mitigation credits are not available from an approved bank and mitigation lands are not available adjacent to other conservation lands, alternative mitigation sites and acreage shall be determined in consultation with CDFW.
- If mitigation is not available through an approved mitigation bank and will be completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the site and if the numbers are maintained over time. Measures of success, as suggested in the CDFW 2012 Staff Report, shall include site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors.

Significance after Mitigation

Implementing Mitigation Measure 4.6-1 would reduce potential impacts to burrowing owl to a less-than-significant level because burrowing owls would be avoided and protected from construction activities, or the applicant would relocate owls and compensate for project-related loss of suitable occupied habitat in accordance with CDFW's *Staff Report on Burrowing Owl Mitigation* (CDFW 2012). (DEIR pages 4.6-12 and 4.6-13)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to burrowing owl identified in the EIR.

Impact 4.6-2: Cause Disturbance to or Loss of Swainson's Hawk and Other Nesting Raptors

Project implementation could result in indirect disturbance of nesting Swainson's hawks potentially resulting in nest abandonment if nests are present in the trees along West Jensen Avenue. This would be a potentially significant impact.

Mitigation Measure 4.6-2: Protection of Nesting Swainson's Hawk

The applicant shall implement the following measures prior to and during construction:

- ▲ If construction activities are conducted outside of the breeding season (September 1 through February 28), then preconstruction surveys are not required.
- ▲ For construction activities conducted during the breeding season (March 1 through August 31), the applicant shall retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 0.5 mile of the project site to avoid, minimize, and mitigate potential impacts on Swainson's hawk nesting adjacent to the project site. The surveys shall be conducted no more than 30 days before the beginning of construction. If no nests are found, no further mitigation will be required.

- ▲ If active Swainson's hawk nests are found within the nest survey area, the construction contractor shall avoid impacts on such nests by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.5-mile-wide buffers for Swainson's hawk nests, but the size of the buffer may be decreased if a qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest.
- ▲ No construction activity shall occur within the buffer area of a particular nest until a qualified biologist, in consultation with CDFW, confirms that the chicks have fledged or the nesting cycle has otherwise completed. Monitoring of the nest by a qualified biologist during construction activities shall be required if the activity has the potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

Significance after Mitigation

Implementing Mitigation Measure 4.6-2 would reduce potential impacts to nesting Swainson's hawks to a less-than-significant level because Swainson's hawks would be avoided and protected from indirect disturbance from construction activities. (DEIR pages 4.6-13 and 4.6-14)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to Swainson's hawk identified in the EIR.

Impact 4.6-3: Cause Disturbance to or Loss of California Horned Lark

Project implementation could result in disturbance of nesting California horned lark or direct loss of nests, if present on the project site. This would be a potentially significant impact.

Mitigation Measure 4.6-3: Protection of Nesting California Horned Lark

The applicant shall implement the following conditions prior to and during construction:

- ▲ If construction activities are conducted completely outside of the California horned lark breeding season (August 1 through February 28), then preconstruction surveys are not required.
- ▲ For construction activities conducted during the California horned lark breeding season (March 1 through July 31), the applicant shall retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 300 feet of the project site to avoid, minimize, and mitigate potential impacts on California horned lark nesting within the project site. The surveys shall be conducted no more than 30 days before the beginning of construction. If no nests are found, no further mitigation will be required.
- ▲ If active California horned lark nests are found within the nest survey area, the construction contractor shall avoid impacts on such nests by establishing a no-disturbance buffer around active nest sites identified during preconstruction surveys. The appropriate buffer size shall be determined by a qualified biologist in consultation with CDFW, based on the nature of the project activity, the extent of existing disturbance in the area, visibility of the disturbance from the nest site, and other relevant circumstances.
- ▲ No construction activity shall occur within the buffer area of a particular nest until a qualified biologist, in consultation with CDFW, confirms that the chicks have fledged or the nesting cycle has otherwise completed. Monitoring of the nest by a qualified biologist during construction activities shall be required

if the activity has the potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist.

Significance after Mitigation

Implementing Mitigation Measure 4.6-3 would reduce potential impacts to nesting California horned lark to a less-than-significant level because nest disturbance would be avoided. Nesting birds would be protected from construction activities by requiring buffers and behavior monitoring. (DEIR page 4.6-14)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to California horned lark identified in the EIR.

Hazards and Hazardous Materials

Impact 4.8-2: Create Potential Human Hazards from Exposure to Existing On-Site Hazardous Materials

Construction activities that disturb subsurface materials could encounter previously unidentified contamination from historic agricultural use of the site. Encountering these hazardous materials could expose workers, the public, or the environment to adverse effects depending on the volume, materials involved, and concentrations. This would be a potentially significant impact.

Mitigation Measure 4.8-2: Prepare Environmental Site Assessment

Before initiation of grading or other groundwork, the project applicant shall retain a qualified environmental professional to conduct a Phase I environmental site assessment (ESA), consistent with the American Society for Testing and Materials standards (ASTM E1527). The Phase I ESA will evaluate the likelihood that hazardous chemicals are present and whether soil sampling is necessary. If the Phase I ESA indicates that contamination is unlikely, no further mitigation is necessary other than any recommendations identified in the Phase I ESA (such as stopping work if stained soil is encountered). If the Phase I ESA indicates that additional soil sampling or other further evaluation is necessary, the project proponent shall hire a qualified environmental professional to conduct a Phase II ESA to determine the presence and extent of contamination. The assessment will include soil sampling consistent with DTSC's guidelines for development of former agricultural properties. (The investigation may include borings and composite samples for organochlorine pesticides and samples for arsenic.) If the results indicate that contamination exists at levels above regulatory action standards, then the site will be remediated in accordance with recommendations made by applicable regulatory agencies, including Fresno County Environmental Health Department, RWQCB, and DTSC. The agencies involved shall depend on the type and extent of contamination. If remediation is necessary, the applicant shall hire a qualified environmental professional to prepare a work plan that identifies necessary remediation activities, including excavation and removal of on-site contaminated soils, appropriate dust control measures, and redistribution of clean fill material on the project site. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil removed from the site. The plan shall also identify when and where soil disturbing construction activities may safely commence.

Significance after Mitigation

Implementation of Mitigation Measure 4.8-2 would reduce this impact to a less-than-significant level by requiring the project applicant to appropriately identify, and if present, remediate any on-site soil contamination related to prior use of the site. (DEIR pages 4.8-9 and 4.8-10)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to exposure to hazards and hazardous materials identified in the EIR.

Hydrology and Water Quality

Impact 4.9-3: Increase in Surface Water Runoff Potentially Exceeding the Capacity of Existing or Planned Stormwater Drainage Systems or Provide Substantial Additional Sources of Polluted Runoff

The project would add 10 acres of impervious surface to the currently undeveloped site, which would change the existing drainage rate and pattern of the site and could degrade downstream surface waters. Because the project would not drain into a municipal storm drain system, increased stormwater rate and volume could cause increased potential for localized flooding. This would be a potentially significant impact.

Mitigation Measure 4.9-3: Prepare On-Site Drainage Plan

The project applicant shall prepare an on-site drainage plan for review and approval by the City's utilities department. The plan shall identify on-site stormwater quality and any needed storage features, such as (but not limited to) bioswales, bioretention facilities, and detention facilities. These facilities shall reduce the peak stormwater runoff rates (flowing off the site) to the existing runoff rate, or other appropriate runoff rate consistent with City standards and shall be designed to minimize siltation in stormwater leaving the site.

Significance after Mitigation

Implementation of Mitigation Measure 4.9-3 would result in a reduction in the potential for peak runoff rates to an appropriate adopted City standard or to existing runoff rates. This would reduce the potential impacts related to erosion and downstream flood potential to a less-than-significant level. (DEIR pages 4.9-8 and 4.9-9)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to surface water runoff and stormwater identified in the EIR.

Noise

Impact 4.11-3: Long-Term Operational Non-Transportation Noise Levels

The primary source of on-site noise would be delivery-related activities occurring near the rendering building. Though noise associated with trucks and vehicles is typically considered a mobile source, delivery-activities would occur primarily on-site, in one location and behave more like stationary noise sources. It is expected that operational activities would occur over a 24-hour period. The project would generate exterior noise levels at nearby sensitive receptors in exceedance of County standards during nighttime operations. Therefore, the project's impact would be potentially significant.

Mitigation 4.11-3: Prepare a Noise Minimization Plan

The applicant shall hire a qualified acoustical specialist to prepare a noise minimization plan that will identify design strategies and noise attenuation features to reduce noise generated by the proposed project to below 45 dB L50 at the primary outdoor gathering area (i.e., yard associated with sensitive receptor) of all residences in the vicinity of the project where project operational noise could result in excess noise levels. The noise minimization plan shall include, but not be limited to, a combination of the following measures (or

other measures demonstrated to be equally effective) to reduce the effect of noise levels generated by on-site operational noise sources.

- ▲ Orient the building such that the building serves as a barrier protecting off-site receptors to noise generated by on-site operational equipment including fork lifts, man lifts, pickup trucks, front-end loaders, and delivery trucks. The typical sound level reduction a building could provide ranges from 12 dB with windows open to 27 dB with windows closed (EPA 1978:11) and additional reduction is achievable if masonry exterior walls are used in the building's construction (Caltrans 2002:7-37).
- ▲ Enclose the area where operational equipment would operate with one or more walls. Generally, a barrier that breaks the line of sight between a source and a receiver will typically result in at least 5 dB of noise reduction. Taller barriers provide increased noise reduction.
- ▲ Construct a sound barrier along the sides of the project site between the sensitive receptors and the facility. The sound barriers must be constructed of solid material (e.g., wood, brick, adobe, an earthen berm, or combination thereof). Scenic quality factors shall be taken into account during design and the barriers shall be designed to blend into the landscape on the project site, to the extent feasible. Generally, a barrier that breaks the line of sight between a source and a receiver will typically result in at least 5 dB of noise reduction. Taller barriers provide increased noise reduction.
- ▲ Measures identified in the noise minimization plan shall be incorporated into the project design and identified on the site plan. The City shall verify that these measures are included in the site plan prior to approval of the final site plan.

Significance after Mitigation

Implementation of Mitigation Measure 4.11-3 would incorporate noise reduction measures detailed above into the final site plan to result in a noise reduction of at least 10 dB. With this reduction, the project would generate exterior noise levels at the nearby sensitive residential receptor of 46 L_{max} , which would comply with the County's exterior noise standard. (DEIR pages 4.11-16 and 4.11-18)

Finding on Proposed Mitigation

The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to long-term operational noise identified in the EIR.

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

The following significant environmental impact of the project is unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact to less-than-significant level. Note that text that is struck through or underlined represents deleted text or additional text (respectively) that was revised in the Final EIR.

AGRICULTURAL RESOURCES

Impact 4.3-1: Convert agricultural uses, including lands designated as Important Farmlands, to non-agricultural use or involve changes in the existing environment that could result in conversion of Important Farmland to non-agricultural use

The project would convert Prime Farmland and Farmland of Statewide Importance to a non-agricultural use. As part of the General Plan Update process, the City of Fresno General Plan Master Environmental Impact Report (MEIR) evaluated the potential for future development associated with the General Plan to result in

impacts related to conversion of Important Farmland to non-agricultural use. The General Plan identified policies to reduce potential impacts to farmland conversion outside the city limits. Although the project site is on city-owned land and is within the city limits, it is not within the city proper and is surrounded primarily by agricultural uses. Because the project site is outside the city proper in an area dominated by farmland and agricultural operations, and the project would result in a permanent conversion of Important Farmland. This impact would be significant.

Mitigation Measure 4.3-1: Farmland Preservation

Consistent with the Fresno General Plan Policy RC-9-c the applicant or City shall provide in-kind or similar resource value protection for land similar to the project site at a ratio of 1:1. This protection may consist of the establishment of farmland easements, or other similar mechanism and shall be implemented before issuance of the first grading permit for development. The City will identify the type of easement to be used for mitigation and ~~will determine~~ be the implementing agent for this mitigation.

Significance after Mitigation

While implementation of Mitigation Measure 4.3-1 could reduce the impact on Important Farmland by preserving in perpetuity a similar acreage and type of farmland, once farmland is removed through development, it is irretrievably lost to future generations. Therefore, the impact would remain significant and unavoidable. (DEIR page 4.3-5)

Finding on Proposed Mitigation

The City finds that the impact would remain significant and unavoidable because once farmland is removed through development, it is irretrievably lost to future generations. Therefore, City finds that specific economic, legal, social, technological, or other considerations make this mitigation infeasible to fully reduce the impact to a less-than-significant level.

Findings Related to Cumulative Impacts

The following cumulatively significant environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impact. The City finds that the project's environmental, economic, social, and other benefits outweigh and override the significant adverse cumulative impacts related to change in the environment. The City hereby elects to approve the project due to overriding considerations as set forth below in Section 7, "Statement of Overriding Considerations."

Please refer to Chapter 5, "Cumulative Impacts," of the DEIR for a comprehensive discussion of cumulative impacts.

TRANSPORATION/TRAFFIC

Cumulative Impacts to Intersection Operations: The study intersections of Jensen Avenue/Cornelia Avenue and Jensen Avenue/Brawley Avenue are forecast to operate at unacceptable levels (LOS E or F) during the p.m. peak-hour under Cumulative and Cumulative Plus Project conditions. Furthermore, the addition of project generated trips would result in an increase in average delay of more than 5 seconds for individual movements at these unsignalized study intersections currently operating at an unacceptable level. Thus, the project would result in a cumulatively considerable contribution to a significant impact. While Mitigation Measures 5-1a and 5-1b would result in fair share payment toward improvements that would reduce the impact at these intersections to a less-than-significant level, because these intersections have not been identified for any planned or programmed future improvements and these intersections are outside of the City of Fresno's jurisdictional control, it cannot be guaranteed that these improvements would be implemented. Therefore, the project would have a potentially substantial contribution to a significant cumulative impact.

Mitigation 5-1a: Jensen Avenue and Cornelia Avenue

Under Cumulative and Cumulative Plus Project conditions, the intersection of Jensen Avenue and Cornelia Avenue would operate at an unacceptable level (LOS F) during the p.m. peak-hour. As detailed in the *Fresno Rendering Plan Relocation Transportation Impact Analysis (Transportation Study)* (Appendix D), the following intersection improvements are recommended at the intersection of Jensen Avenue and Cornelia Avenue:

- ▲ Install all-way stop control
- ▲ Reconfigure the northbound, southbound, and eastbound approaches to shared left/through/right-turn lanes
- ▲ Reconfigure the westbound approach to include a shared left/through lane and separate right-turn lane

At the discretion of the City of Fresno, fair share payment could occur in the form of payment of traffic impact fees, an ad-hoc fee payment, or construction of the improvement with reimbursement or fee credits.

Mitigation 5-1b: Jensen Avenue and Brawley Avenue

Under Cumulative and Cumulative Plus Project conditions the intersection of Jensen Avenue and Brawley Avenue would operate at an unacceptable level (LOS E or F) during the p.m. peak-hour. As detailed in the *Transportation Study*, the following intersection improvements are recommended at the intersection of Jensen Avenue and Brawley Avenue:

- ▲ Install all-way stop control

At the discretion of the City of Fresno, fair share payment could occur in the form of payment of traffic impact fees, an ad-hoc fee payment, or construction of the improvement with reimbursement or fee credits.

Significance after Mitigation

As shown in Table 5-3, the construction of the improvements identified in Mitigation Measures 5-1a and 5-1b would result in the intersections of Jensen Avenue/Cornelia Avenue and Jensen Avenue/Brawley Avenue operating at acceptable levels.

Implementation of these mitigation measures would result in fair share payment toward improvements that would reduce the impact at these intersections to a less-than-significant level. However, because these intersections have not been identified for any planned or programmed future improvements and because these intersections are outside of the City of Fresno's jurisdictional control, it cannot be guaranteed that these improvements would be implemented. Therefore, the project would have a potentially substantial contribution to a significant cumulative impact. (DEIR pages 5-10 and 5-11)

Finding on Cumulative Impact

The City finds that the project's contribution to cumulative impacts the intersections of Jensen Avenue/Cornelia Avenue and Jensen Avenue/Brawley Avenue would remain significant and unavoidable because the intersections have not been identified for any planned or programmed future improvements and because these intersections are outside of the City of Fresno's jurisdictional control, and thus it cannot be guaranteed that these improvements would be implemented. The City finds that the implementation of the identified traffic improvements is within the responsibility and jurisdiction of the County of Fresno and that the improvements can and should be adopted by the County. The City also finds that specific economic, legal, social, technological, or other considerations (in this case, the inability of the City to enforce the mitigation) make this mitigation potentially infeasible.

5.2 MITIGATION MONITORING

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

5.3 SIGNIFICANT IRREVERSIBLE ENVIRONMENT EFFECTS

The State CEQA Guidelines (Section 15126) require a discussion of the significant irreversible environmental changes that would be involved in a project should it be implemented. The irreversible and irretrievable commitment of resources is the permanent loss of resources for future or alternative purposes. Irreversible and irretrievable resources are those that cannot be recovered or recycled or those that are consumed or reduced to unrecoverable forms.

The project would result in the irreversible and irretrievable commitment of energy and material resources during construction and operation, including the following:

- ▲ construction materials, including resources such as soil, rocks, wood, concrete, glass, roof shingles, and steel;
- ▲ land area committed to new project facilities; and
- ▲ energy expended in the form of electricity, gasoline, diesel fuel, and oil for equipment and transportation vehicles that would be needed for project construction and operation.

The City finds that the use of these nonrenewable resources is expected to account for a minimal portion of the region's resources and would not affect the availability of these resources for other needs within the region. Construction activities would not result in inefficient use of energy or natural resources. Construction contractors would be required to comply with emissions control measures applicable to the project. Long-term project operation would not result in substantial increase in consumption of energy and natural resources.

As described in Chapter 3, "Project Description," an operational goal of the project to improve operational efficiency related to processing materials. To meet this goal, the project would include a new facility with updated technology. Notwithstanding the project benefit of improved efficiency, construction and operational activities related to the project would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and gasoline for automobiles and construction equipment.

The City finds, with respect to operational activities, compliance with all applicable building codes, as well as project mitigation measures, would require that natural resources are conserved or recycled to the maximum extent feasible. Nonetheless, a long-term increase in the demand for electricity, natural gas, and water would occur. However, as discussed in DEIR Impact 4.13-1 in Section 4.13, "Energy," the project would not involve a wasteful or unjustifiable use of energy or other resources, and energy conservation efforts would also occur with the proposed construction and operation of the project. Therefore, the use of energy on site would occur in an efficient manner. (DEIR page 7-3)

5.4 GROWTH INDUCEMENT

The project would foster short-term and long-term economic growth associated with construction and operational employment opportunities. Project construction is expected to take approximately 18 to 24

months. Upon initiation of operational activities, the relocated plant would employ approximately 60 to 70 full-time employees, including 23 new positions created as a result of the project.

5.4.1 Growth-Inducing Effects of Construction

It is estimated that depending on the phase of construction, there could be up to 50 construction workers on site on a given day. Construction jobs supporting the proposed project would be temporary and it is the nature of construction work that construction contractors bid and work on projects based on their availability and need for work, and in regions that are accessible to their work force. As existing construction projects near completion, contractors may seek out new construction projects to maintain employment for the same workers. Although it is possible that some construction workers could move to the city or the region as a result of the proposed project and cumulative projects, the existing labor force is anticipated to be sufficient to meet construction employment needs for these projects. In addition, the number of employees residing in Fresno County exceeds the number of jobs available (U.S. Census 2017). Therefore, employees who live in Fresno County tend to travel outside the County to their place of employment. The City's General Plan focuses on improving economic growth through encouraging mixed-uses and higher intensities in developed areas (City of Fresno 2014:3-3). It is anticipated that the new employees would most likely reside locally (within the city or county). For these reasons, substantial population growth or increases in housing demand in the region as a result of these construction jobs is not anticipated. Therefore, the project would not directly induce population growth by bringing substantial numbers of construction jobs to the area, or result in associated increases in demand for housing or goods and services.

5.4.2 Growth-Inducing Effects of Operation

The project includes the construction of a relocated and expanded industrial rendering facility. The facility would move from its current location within the southeastern portion of the city to an incorporated island of City-owned property that is west of the city proper and surrounded by unincorporated agricultural land. The project does not include the construction of housing, extending roads, or expanding service infrastructure. As discussed in Chapter 1, "Introduction," there is sufficient water supply and wastewater treatment capacity to serve the project. The project would not require new water entitlements, nor expanded, upgraded, or new water or wastewater infrastructure beyond the new building's connections. The project would therefore not induce growth through extending roadway or utility infrastructure to new areas or from increasing infrastructure capacity.

The expanded rendering plant would provide approximately 23 new long-term employment positions in addition to the current employees, bringing the total to a maximum of 70 employees. However, as discussed above, the number of employees residing in Fresno County exceed the number of jobs available and it is anticipated that the new employees would most likely reside locally (within the city or county). Therefore, the growth in employees would not directly induce population growth by bringing substantial numbers of new jobs to the project vicinity, or result in associated increases in demand for housing or goods and services.

For these reasons, operation of the project is not expected to result in any direct population growth or any substantial indirect population growth. (DEIR pages 7-1 and 7-2)

6 PROJECT ALTERNATIVES

Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether,

with respect to such impacts, there remains any project alternatives that are both environmentally superior and feasible within the meaning of CEQA.

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

6.1 ALTERNATIVES CONSIDERED BUT ULTIMATELY REJECTED

W. Jensen Avenue Alternative

The W. Jensen Avenue Alternative was considered by the City but was not evaluated further in the DEIR. Relocation and expansion of the Fresno Rendering Plant to a site immediately south of W. Jensen Avenue and immediately north of the proposed project site was evaluated previously in an Initial Study/Mitigated Negative Declaration (IS/MND). This alternative would be identical to the proposed project, but would be located on a different project site immediate to the north. This alternative would attain the basic objectives of the project; however, it would not avoid any potentially significant impacts associated with the proposed project because the project would be identical, and the site would be very similar to the project site. The IS/MND identified potentially significant impacts related to aesthetics, air quality, biological resources, cultural resources, GHGs, hazards and hazardous materials, hydrology and water quality, noise, and traffic associated with this alternative. The IS/MND identified potential impacts to Important Farmland as less than significant compared to the project, which would have a significant and unavoidable impact on Important Farmland. However, the alternative site is also designated as Prime Farmland and Farmland of Statewide Importance, and the less-than-significant conclusion was based on this impact being identified in the City of Fresno General Plan Master Environmental Impact Report (MEIR), which concluded that implementation of the General Plan would result in a significant impact related to farmland conversion and that no mitigation measures are available (beyond implementation of General Plan policies) to reduce the impact to a less-than-significant level. The MEIR ultimately concluded that the impact is significant and unavoidable (City of Fresno 2014b:p. 5.2-1). City Council reviewed the MEIR as part of its decision to approve the General Plan and adopted a statement of overriding considerations for all significant and unavoidable impacts, including the impact related to conversion of Important Farmland. Therefore, this alternative was determined to have a less-than-significant impact on Important Farmland because the project would not result in additional impacts to Important Farmland beyond those evaluated and disclosed in the MEIR. In addition, while this alternative would be slightly farther from some sensitive receptors when compared to the project, it would be closer to others. Because this alternative would not reduce or avoid any significant impacts associated with the project, this alternative is not evaluated further in this DEIR. (DEIR pages 6-4 and 6-5)

6.2 ALTERNATIVES CONSIDERED IN THE EIR

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

- ▲ **Alternative 1: No Project Alternative** assumes no demolition of the existing structure nor construction of a new building. The project site would remain in its current condition.
- ▲ **Alternative 2: Off-Site Alternative** would involve relocating the rendering plant to an industrial parcel located near W. Nielsen Avenue and N. Hughes Avenue.
- ▲ **Alternative 3: No Expansion Alternative** would involve relocating the rendering plant to the proposed project site, but would not include expansion of facility operations.

Alternative 1: No Project Alternative

CEQA requires consideration of the No Project Alternative, which addresses the impacts associated with not moving forward with the project. The purpose of analyzing the No Project Alternative is to allow decision-makers to compare the impacts of the project versus no project. CEQA indicates that in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained. Under Alternative 1, the No Project Alternative, no actions would be taken by the City or project proponent and the project site would remain unchanged from current conditions. The site would remain vacant and in its current condition.

The No Project Alternative would result in reduction of impacts to some resource areas when compared to the project. However, it would not meet any of the project objectives. (DEIR pages 6-5 through 6-7 and Table 6-1)

Alternative 2: Off-Site Alternative

With Alternative 2, the rendering plant would be expanded and relocated from the existing location to a site within the city proper, west of N. Hughes Avenue and north of W. Nielsen Avenue. This alternative site is approximately 26 acres with no existing buildings and is primarily paved. The site is designated as Heavy Industrial in the Fresno General Plan and is zoned as Industrial-Heavy (IH). The Heavy Industrial land use designation allows a broad range of industrial uses including manufacturing, assembly, wholesaling, distribution, and storage activities. Consistent with the proposed Heavy Industrial land use designation, the IH zoning designation allows manufacturing, assembly, wholesaling, distribution, storage activities, and small-scale commercial services and ancillary office uses. This alternative site is surrounded by a mix of industrial, commercial, and residential development. The nearest residence is approximately 220 feet south of the alternative site. This alternative site would not require a General Plan Amendment or rezoning because the alternative site is designated for industrial use.

Alternative 2: Off-Site Alternative would be the environmentally superior action alternative because it would avoid the significant and unavoidable impact on Important Farmland and reduce potentially significant impacts associated with biological resources associated with the project. However, this alternative would result in greater impacts on aesthetics, air quality, GHG emissions, noise, and traffic. (DEIR pages 6-8 through 6-11 and Table 6-1)

Alternative 3: No Expansion Alternative

Under Alternative 3, the rendering plant would be relocated from the existing location to the proposed project site, but operations at the plant would not be expanded. The rendering plant would continue to be permitted to process up to 850,000 pounds of material per day and have approximately 38 employees compared to an anticipated daily production rate of 2 million pounds and 60 to 70 employees with the project. The square footage of the relocated facility would be approximately 28,000 square feet (sf) compared to 40,000 sf with the project. Alternative 3 would also result in approximately 40 fewer daily delivery truck trips than the project. This alternative would require a General Plan Amendment and rezoning similar to the proposed project.

Alternative 3: No Expansion Alternative would reduce impacts related to air quality, GHG emissions, hydrology and water quality, noise, transportation/traffic, and energy; however, it would not avoid any significant and unavoidable impacts. In addition, this alternative would have a similar impact on all other resource areas. (DEIR pages 6-12 through 6-14 and Table 6-1)

Findings Regarding Alternatives

Alternative 1 would not meet any of the project objectives. Although the analysis completed through the CEQA process revealed that the No Project Alternative is the environmentally superior alternative because all of the significant impacts of the project would be avoided, the City finds that it is infeasible because it would not meet any of the project's objectives. (DEIR page 6-14 and Table 6-1) It is important to note that one of the primary objectives of the project is relocation of the existing heavy industrial facility away from the residential neighborhoods that have been developed near the existing facility subsequent to its establishment.

Alternatives 2 would not achieve the primary objective of the project to move the rendering plant farther from sensitive receptors. Alternative 2 would result in greater impacts on aesthetics, air quality, GHG emissions, noise, and traffic. Although Alternative 2 would avoid the significant and unavoidable impacts of the project, it would not meet the objectives of the project and would result in greater impacts to some resource areas compared to the project. The City rejects Alternative 2 as infeasible because it would not meet the objectives of the project. (DEIR page 6-14 and Table 6-1)

Alternative 3 would only partially meet the objectives of the project because it would not expand permitted processing limits of the rendering plant. Alternative 3 would reduce impacts related to some resource areas; however, it would not avoid any significant and unavoidable impacts. Therefore, the City rejects Alternative 3 as infeasible because it only partially meets the project objectives and would not avoid any significant and unavoidable impacts of the project. (DEIR pages 6-12 through 6-14 and Table 6-1)

7 STATEMENT OF OVERRIDING CONSIDERATIONS

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

Based on the record of proceedings, the City finds and determines that (1) the majority of the significant impacts of the project will be reduced to less-than-significant levels by implementation of the mitigation measures recommended in these findings; (2) the City's approval of the project as proposed will result in certain significant adverse environmental effects that cannot be avoided or reduced to a less-than-significant level even with the incorporation of all feasible mitigation measures into the project; and (3) there are no other feasible mitigation measures or feasible project alternatives that will further mitigate, avoid, or reduce to a less-than significant level the remaining significant environmental effects.

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

The following statements identify the reasons why, in the City's judgment and based on substantial evidence, the benefits of the project outweigh the significant and unavoidable effects. The substantial evidence supporting the enumerated benefits of the project can be found in the preceding findings, which are herein incorporated by reference; in the project itself; and in the record of proceedings as defined above. Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the project outweigh its significant adverse environmental effects and is an overriding consideration warranting approval.

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

- ▲ There are currently hundreds of residences and several schools within 1 mile of the existing rendering plant. Relocation of the plant would reduce the number of sensitive receptors within 1 mile to fewer than 40 residences.
- ▲ With the project, the nearest residences would be 2,440 feet from the rendering plant, compared to 800 feet from the existing rendering plant.
- ▲ Relocation of the facility would result in a substantial decrease in the number of people that would be exposed to odors from project operation.
- ▲ The project will increase odor abatement that is not feasible with the existing facility and equipment.
- ▲ For the reasons stated above, the project helps to remedy an existing issue related to the public health and quality of life of existing city residents.
- ▲ The proposed project incorporates all feasible mitigation measures to reduce potential environmental impacts to the greatest extent feasible. No feasible mitigation measures or alternatives have been identified that would mitigate the significant and unavoidable adverse effects of the project other than leaving the rendering plant in its existing location or relocating the rendering plant west of N. Hughes Avenue and north of W. Nielsen Avenue, neither of which would meet the project objectives.
- ▲ The rendering facility would use waste methane generated at the RWRP to replace 18 percent of its demand for natural gas.
- ▲ The project would create short-term construction jobs and 23 new long-term positions.

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

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CITY OF FRESNO

MITIGATION MONITORING AND REPORTING PROGRAM

INTRODUCTION

The California Environmental Quality Act (CEQA) and the State CEQA Guidelines (PRC Section 21081.6 and State CEQA Guidelines Sections 15091[d] and 15097) require public agencies "to adopt a reporting and monitoring program for changes to the project which it has adopted or made a condition of project approval to mitigate or avoid significant effects on the environment." A Mitigation Monitoring and Reporting Program (MMRP) is required for the proposed project because the EIR identifies potential significant adverse impacts related to the project implementation, and mitigation measures have been identified to reduce those impacts. Adoption of the MMRP would occur along with approval of the Fresno Rendering Plant Relocation Project (project).

PURPOSE OF MITIGATION MONITORING AND REPORTING PROGRAM

This MMRP has been prepared to ensure that all required mitigation measures are implemented and completed in a satisfactory manner prior to implementation of the proposed project. The attached table has been prepared to assist the responsible parties in implementing the mitigation measures. The table identifies the impact, mitigation measures (as amended through the Final EIR), monitoring responsibility, mitigation timing, and provides space to confirm implementation of the mitigation measures. The numbering of mitigation measures follows the numbering sequence found in the EIR. Mitigation measures that are referenced more than once in the Draft EIR are not duplicated in the MMRP table.

ROLES AND RESPONSIBILITIES

Unless otherwise specified herein, the City of Fresno (City) is responsible for taking all actions necessary to implement the mitigation measures under its jurisdiction according to the specifications provided for each measure and for demonstrating that the action has been successfully completed.

Inquiries should be directed to:

Contact: Jennifer Clark, Director
2600 Fresno Street, Room 3065
Fresno, CA 93721
Phone: (559) 621-8003
Email: Jennifer.Clark@fresno.gov

The City is responsible for overall administration of the MMRP and for verifying that City staff members have completed the necessary actions for each measure (i.e., appropriate amendments to the proposed ordinance).

REPORTING

The City shall document and describe the compliance of the activity with the required mitigation measures either within the attached table or a separate monitoring documentation as part of processing applications under the proposed ordinance.

MITIGATION MONITORING AND REPORTING PROGRAM TABLE

The categories identified in the attached MMRP table are described below.

- Impact – This column provides the verbatim text of the identified impact.

- ▶ Mitigation Measure – This column provides the verbatim text of the adopted mitigation measure. (Text that is struck through or underlined represents deletions and additions made to the mitigation measure in the Final EIR.)
- ▶ Implementation Responsibility – This column identifies the party responsible for implementing the mitigation measure.
- ▶ Timing – This column identifies the time frame in which the mitigation will be implemented.
- ▶ Verification – This column is to be dated and signed by the person (either project manager or his/her designee) responsible for verifying compliance with the requirements of the mitigation measure.

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
Aesthetics			
<p>Mitigation Measure 4.2-2: Prepare a Lighting Plan A detailed lighting plan shall be developed by the applicant that demonstrates that all exterior lighting is directed downward and includes full shielding to minimize light pollution and to minimize light spillage onto adjacent properties. All lighting shall be consistent with International Dark Sky Standards (IDSS) and Illuminating Engineering Society of North America (IESNA) criteria for luminaries. The City's Development and Resource Management will review and approve the lighting plan before issuance of building permits.</p>	Applicant	Prior to issuance of building permit	
Agricultural and Forestry Resources			
<p>Mitigation Measure 4.3-1: Farmland Preservation Consistent with the Fresno General Plan Policy RC-9-c the applicant or City shall provide in-kind or similar resource value protection for land similar to the project site at a ratio of 1:1. This protection may consist of the establishment of farmland easements, or other similar mechanism and shall be implemented before issuance of the first grading permit for development. The City will identify the type of easement to be used for mitigation and will determine be the implementing agent for this mitigation.</p>	City	Prior to issuance of grading permit	
Air Quality			
<p>Mitigation Measure 4.4-5: Prepare an Odor Control Plan The following odor management conditions will be applicable to the facility and will be consistent, and not in conflict with, the conditions of the sites Authority to Construct (ATC) or Permit to Operate (PTO) issued by the San Joaquin Air Pollution Control District (SJVAPCD). The project proponent shall prepare <u>and implement</u> an Odor Control Plan (OCP). The OCP will include measures to minimize the potential for a substantial odor increase at residences within 1 mile of the project site and shall memorialize the facility's odor abatement system equipment, the systems performance monitoring protocols, and the procedures for investigating and correcting public complaints. The OCP will be <u>submitted, made available</u> to the City <u>for review and approval upon request. Approval by the City will not be unreasonably withheld or delayed.</u> The <u>OCP will also be submitted to</u> SJVAPCD <u>for review to</u> will ensure the <u>equipment to be used OCP</u> is consistent and not in conflict with the SJVAPCD requirements. Measures included in the OCP shall be consistent and not in conflict with the Best Available Control Technology standards <u>presently</u> established by SJVAPCD. Raw food processing byproducts shall be transported to and from the facility in closed containers and/or enclosed trucks/trailers. <u>The OCP</u></p>	City/Applicant in coordination with the SJVAPCD	Prior to, during, and following construction	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>shall consider all available pertinent information to address known causes of odor. The OCP may be modified to include additional measures, if necessary, to minimize odor generation such that the potential for project-related odor complaints from existing residents would be reduced to the degree feasible. To ensure the proper performance of the odor abatement system, certain flow, temperature, pressure, and chemical checks will be performed and logged every shift. Any breakdowns reportable under the SJVAPCD Rule 1100 will be submitted to the City. All public complaints received by facility management will be investigated, and documented, and, if verified, resolved through appropriate response actions will be taken. The facility will provide a 24-hour hotline for public complaints and the number will be posted at the facility entrance.</p>			
Archaeological, Historical, and Tribal Cultural Resources			
<p>Mitigation Measure 4.5-1a: Conduct Archaeological Survey Prior to approval of grading plans, the applicant shall retain a qualified archaeologist to conduct a field survey for archaeological resources. The following procedures shall be followed. If archaeological resources are found during the field survey, the resources shall be inventoried using appropriate State record forms and submitted to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for NRHP and CRHR significance. If the resources are found to be significant, appropriate measures shall be identified by the qualified archaeologist and implemented at the direction of the City. Appropriate measures to minimize impacts to significant resources could include avoidance or capping, incorporation of the site in open space, or data recovery excavations of the finds. In addition, excavation and construction activities in the vicinity of discovered resources shall be conducted in the presence of an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional archaeological resources are found during excavation and/or construction activities, the procedure identified in Mitigation Measure 4.5-1b for the discovery of unknown resources shall be followed.</p>	Applicant	Prior to approval of grading plans and during construction	
<p>Mitigation Measure 4.5-1b: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features If archaeological resources are not found during the field survey, excavation and/or construction activities can commence. If archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the</p>	Applicant/Contractor	During construction	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the City as to 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 State CEQA Guidelines. If the resources are determined to be unique archaeological resources as defined under Section 15064.5 of the State CEQA Guidelines, avoidance and/or minimization measures shall be identified by the qualified archaeologist and recommended to the City. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the City approves the measures to protect these resources. Any archaeological resources recovered as a result of mitigation shall be provided to a City-approved institution or person capable of providing long-term preservation to allow future scientific study.</p>			
<p>Mitigation Measure 4.5-4: Worker Training, Paleontological Survey, and Construction Monitoring</p> <p>Prior to initiating construction, the project applicant shall retain a qualified paleontologist to conduct worker awareness training for all construction personnel involved with earthmoving activities, including the site superintendent, about the possibility of encountering fossils. The appearance and types of fossils likely to be seen during construction will be described. Construction personnel will be trained about the proper notification procedures should fossils be encountered.</p> <p>In addition, prior to issuance of grading permits, a qualified paleontologist shall conduct a screening-level site survey to better determine, based on specific site conditions and geology, the potential for significant paleontological resources to be present at a depth that could be disturbed by proposed activities. If the screening-level site survey indicates that the project site is not likely to include significant paleontological resources at a depth that could be adversely affected by proposed activities, the qualified paleontologist shall submit the findings to the City and no additional mitigation is necessary, and construction may proceed. If the paleontologist finds that the potential for significant paleontological resources are likely present and could be affected by proposed activities, the paleontologist shall prepare an adequate mitigation program for avoiding or minimizing adverse impacts to paleontological resources. The program shall include at a minimum: 1) field survey and surface salvage prior to earth moving, if applicable; 2) monitoring by a qualified paleontological resource monitor of trenching and other disturbance</p>	<p>Applicant/Contractor</p>	<p>Prior to and during construction</p>	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>of previously undisturbed soil and a plan for stopping work in areas of finds (including identification of appropriate buffers for restricting construction equipment); 3) salvage of unearthed fossil remains and/or traces (e. g., tracks, trails, burrows); 4) screen washing to recover small specimens, if applicable; 5) preparation of salvaged fossils to a point of being ready for curation (i.e., removal of enclosing matrix, stabilization and repair of specimens, and construction of reinforced support cradles where appropriate); 6) identification, cataloging, curation, and provision for repository storage of prepared fossil specimens; and 7) a final report of the finds and their significance. All of the steps identified in the program shall be overseen by a qualified paleontologist. The mitigation program shall be submitted to the City and approved prior to issuance of grading permits.</p>			
Biological Resources			
<p>Mitigation Measure 4.6-1: Protection of Burrowing Owl The applicant shall implement the following conditions prior to and during construction:</p> <ul style="list-style-type: none"> ▲ The applicant shall retain a qualified biologist to conduct focused breeding and nonbreeding season surveys for burrowing owls in areas of suitable habitat on and within line of sight of construction activities within 1,500 feet of the project site. Surveys shall be conducted prior to the start of construction activities and in accordance with Appendix D of CDFW's Staff Report on Burrowing Owl Mitigation (CDFW 2012). ▲ If no occupied burrows are found, a letter report documenting the survey methods and results shall be submitted to CDFW and no further mitigation would be required. ▲ If an active burrow is found during the nonbreeding season (September 1 through January 31), the applicant shall consult with CDFW regarding protection buffers to be established around the occupied burrow and maintained throughout construction. If occupied burrows are present that cannot be avoided or adequately protected with a no-disturbance buffer, a burrowing owl exclusion plan shall be developed, as described in Appendix E of CDFW's 2012 Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project's burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a plan for creation, maintenance, and monitoring of artificial burrows in suitable habitat that provides substitute burrows for displaced owls. 	<p>Applicant in consultation with CDFW</p>	<p>Prior to and during construction</p>	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<ul style="list-style-type: none"> ▲ If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and will be provided with a 150- to 1,500-foot protective buffer from construction activities unless a qualified biologist verifies through noninvasive means that either: (1) the birds have not begun egg laying, or (2) juveniles from the occupied burrows are foraging independently and are capable of independent survival. The size of the buffer shall depend on the time of year and level disturbance as outlined in the CDFW Staff Report (CDFW 2012). The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented to prevent burrowing owls from being detrimentally affected. Once the fledglings are capable of independent survival, the owls can be evicted and the burrow can be destroyed per the terms of a CDFW-approved burrowing owl exclusion plan developed in accordance with Appendix E of CDFW's 2012 Staff Report. No burrowing owls will be excluded from occupied burrows until the burrowing owl exclusion and relocation plan is approved by CDFW. Following owl exclusion and burrow demolition, the site shall be monitored by a qualified biologist to ensure burrowing owls do not recolonize the site prior to construction. ▲ If active burrowing owl burrows are found on the site and are destroyed during project implementation, the applicant shall mitigate the loss of occupied habitat in accordance with guidance provided in the CDFW 2012 Staff Report, which states that permanent impacts to nesting, occupied and satellite burrows, and burrowing owl habitat shall be mitigated such that habitat acreage, number of burrows, and burrowing owls adversely affected are replaced through permanent conservation of comparable or better habitat with similar vegetation communities and burrowing mammals (e.g., ground squirrels) present to provide for nesting, foraging, wintering, and dispersal. The applicant shall retain a qualified biologist to develop a burrowing owl mitigation and management plan that incorporates the following goals and standards: <ul style="list-style-type: none"> ▼ Mitigation lands shall be selected based on comparison of the habitat lost to the compensatory habitat, including type and structure of habitat, disturbance levels, potential for conflicts with humans, pets, and other wildlife, density of burrowing owls, and relative importance of the habitat to the species range wide. 			

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<ul style="list-style-type: none"> ➤ If feasible, mitigation lands shall be provided adjacent or proximate to the site so that displaced owls can relocate with reduced risk of take. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient suitable habitat to support displaced owls that may be preserved in perpetuity. ➤ If suitable habitat is not available for conservation adjacent or proximate to the project area, mitigation lands shall be focused on consolidating and enlarging conservation areas outside of urban and planned growth areas and within foraging distance of other conservation lands. Mitigation may be accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. If mitigation credits are not available from an approved bank and mitigation lands are not available adjacent to other conservation lands, alternative mitigation sites and acreage shall be determined in consultation with CDFW. ▲ If mitigation is not available through an approved mitigation bank and will be completed through permittee-responsible conservation lands, the mitigation plan shall include mitigation objectives, site selection factors, site management roles and responsibilities, vegetation management goals, financial assurances and funding mechanisms, performance standards and success criteria, monitoring and reporting protocols, and adaptive management measures. Success shall be based on the number of adult burrowing owls and pairs using the site and if the numbers are maintained over time. Measures of success, as suggested in the CDFW 2012 Staff Report, shall include site tenacity, number of adult owls present and reproducing, colonization by burrowing owls from elsewhere, changes in distribution, and trends in stressors. 			
<p>Mitigation Measure 4.6-2: Protection of Nesting Swainson's Hawk The applicant shall implement the following measures prior to and during construction:</p> <ul style="list-style-type: none"> ▲ If construction activities are conducted outside of the breeding season (September 1 through February 28), then preconstruction surveys are not required. ▲ For construction activities conducted during the breeding season (March 1 through August 31), the applicant shall retain a qualified biologist to conduct 	Applicant in consultation with CDFW	Prior to and during construction	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>preconstruction surveys and identify active nests on and within 0.5 mile of the project site to avoid, minimize, and mitigate potential impacts on Swainson's hawk nesting adjacent to the project site. The surveys shall be conducted no more than 30 days before the beginning of construction. If no nests are found, no further mitigation will be required.</p> <ul style="list-style-type: none"> ▲ If active Swainson's hawk nests are found within the nest survey area, the construction contractor shall avoid impacts on such nests by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. No project activity shall commence within the buffer areas until a qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.5-mile-wide buffers for Swainson's hawk nests, but the size of the buffer may be decreased if a qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. ▲ No construction activity shall occur within the buffer area of a particular nest until a qualified biologist, in consultation with CDFW, confirms that the chicks have fledged or the nesting cycle has otherwise completed. Monitoring of the nest by a qualified biologist during construction activities shall be required if the activity has the potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. 			
<p>Mitigation Measure 4.6-3: Protection of Nesting California Horned Lark The applicant shall implement the following conditions prior to and during construction:</p> <ul style="list-style-type: none"> ▲ If construction activities are conducted completely outside of the California horned lark breeding season (August 1 through February 28), then preconstruction surveys are not required. ▲ For construction activities conducted during the California horned lark breeding 	<p>Applicant in consultation with CDFW</p>	<p>Prior to and during construction</p>	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>season (March 1 through July 31), the applicant shall retain a qualified biologist to conduct preconstruction surveys and identify active nests on and within 300 feet of the project site to avoid, minimize, and mitigate potential impacts on California horned lark nesting within the project site. The surveys shall be conducted no more than 30 days before the beginning of construction. If no nests are found, no further mitigation will be required.</p> <ul style="list-style-type: none"> ▲ If active California horned lark nests are found within the nest survey area, the construction contractor shall avoid impacts on such nests by establishing a no-disturbance buffer around active nest sites identified during preconstruction surveys. The appropriate buffer size shall be determined by a qualified biologist in consultation with CDFW, based on the nature of the project activity, the extent of existing disturbance in the area, visibility of the disturbance from the nest site, and other relevant circumstances. ▲ No construction activity shall occur within the buffer area of a particular nest until a qualified biologist, in consultation with CDFW, confirms that the chicks have fledged or the nesting cycle has otherwise completed. Monitoring of the nest by a qualified biologist during construction activities shall be required if the activity has the potential to adversely affect the nest. If construction activities cause the nesting bird to vocalize, make defensive flights at intruders, get up from a brooding position, or fly off the nest, then the no-disturbance buffer shall be increased until the agitated behavior ceases. The exclusionary buffer will remain in place until the chicks have fledged or as otherwise determined by a qualified biologist. 			
Hazards and Hazardous Materials			
<p>Mitigation Measure 4.8-2: Prepare Environmental Site Assessment Before initiation of grading or other groundwork, the project applicant shall retain a qualified environmental professional to conduct a Phase I environmental site assessment (ESA), consistent with the American Society for Testing and Materials standards (ASTM E1527). The Phase I ESA will evaluate the likelihood that hazardous chemicals are present and whether soil sampling is necessary. If the Phase I ESA indicates that contamination is unlikely, no further mitigation is necessary other than any recommendations identified in the Phase I ESA (such as stopping work if stained soil is encountered). If the Phase I ESA indicates that additional soil sampling or other further evaluation is necessary, the project proponent shall hire a</p>	Applicant	Prior to construction	

Mitigation Monitoring and Reporting Program

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<p>qualified environmental professional to conduct a Phase II ESA to determine the presence and extent of contamination. The assessment will include soil sampling consistent with DTSC's guidelines for development of former agricultural properties. (The investigation may include borings and composite samples for organochlorine pesticides and samples for arsenic.) If the results indicate that contamination exists at levels above regulatory action standards, then the site will be remediated in accordance with recommendations made by applicable regulatory agencies, including Fresno County Environmental Health Department, RWQCB, and DTSC. The agencies involved shall depend on the type and extent of contamination. If remediation is necessary, the applicant shall hire a qualified environmental professional to prepare a work plan that identifies necessary remediation activities, including excavation and removal of on-site contaminated soils, appropriate dust control measures, and redistribution of clean fill material on the project site. The plan shall include measures that ensure the safe transport, use, and disposal of contaminated soil removed from the site. The plan shall also identify when and where soil disturbing construction activities may safely commence.</p>			
Hydrology and Water Quality			
<p>Mitigation Measure 4.9-3: Prepare On-Site Drainage Plan The project applicant shall prepare an on-site drainage plan for review and approval by the City's utilities department. The plan shall identify on-site stormwater quality and any needed storage features, such as (but not limited to) bioswales, bioretention facilities, and detention facilities. These facilities shall reduce the peak stormwater runoff rates (flowing off the site) to the existing runoff rate, or other appropriate runoff rate consistent with City standards and shall be designed to minimize siltation in stormwater leaving the site.</p>	Applicant/City	Prior to issuance of grading permit	
Noise and Vibration			
<p>Mitigation 4.11-3: Prepare a Noise Minimization Plan The applicant shall hire a qualified acoustical specialist to prepare a noise minimization plan that will identify design strategies and noise attenuation features to reduce noise generated by the proposed project to below 45 dB L50 at the primary outdoor gathering area (i.e., yard associated with sensitive receptor) of all residences in the vicinity of the project where project operational noise could result in excess noise levels. The noise minimization plan shall include, but not be limited to, a combination of the following measures (or other measures demonstrated to be equally effective) to reduce the effect of noise levels generated by on-site</p>	Applicant	Prior to issuance of building permit	

Mitigation Monitoring and Reporting Program

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<p>operational noise sources.</p> <ul style="list-style-type: none"> ▲ Orient the building such that the building serves as a barrier protecting off-site receptors to noise generated by on-site operational equipment including fork lifts, man lifts, pickup trucks, front-end loaders, and delivery trucks. The typical sound level reduction a building could provide ranges from 12 dB with windows open to 27 dB with windows closed (EPA 1978:11) and additional reduction is achievable if masonry exterior walls are used in the building's construction (Caltrans 2002:7-37). ▲ Enclose the area where operational equipment would operate with one or more walls. Generally, a barrier that breaks the line of sight between a source and a receiver will typically result in at least 5 dB of noise reduction. Taller barriers provide increased noise reduction. ▲ Construct a sound barrier along the sides of the project site between the sensitive receptors and the facility. The sound barriers must be constructed of solid material (e.g., wood, brick, adobe, an earthen berm, or combination thereof). Scenic quality factors shall be taken into account during design and the barriers shall be designed to blend into the landscape on the project site, to the extent feasible. Generally, a barrier that breaks the line of sight between a source and a receiver will typically result in at least 5 dB of noise reduction. Taller barriers provide increased noise reduction. ▲ Measures identified in the noise minimization plan shall be incorporated into the project design and identified on the site plan. The City shall verify that these measures are included in the site plan prior to approval of the final site plan. 			
Cumulative Impacts--Traffic			
<p>Mitigation 5-1a: Jensen Avenue and Cornelia Avenue Under Cumulative and Cumulative Plus Project conditions, the intersection of Jensen Avenue and Cornelia Avenue would operate at an unacceptable level (LOS F) during the p.m. peak-hour. As detailed in the <i>Fresno Rendering Plant Relocation Transportation Impact Analysis (Transportation Study)</i> (Appendix D), the following intersection improvements are recommended at the intersection of Jensen Avenue and Cornelia Avenue:</p> <ul style="list-style-type: none"> ▲ Install all-way stop control ▲ Reconfigure the northbound, southbound, and eastbound approaches to shared 	Applicant/City in coordination with Fresno County	Payment made or construction of traffic improvements completed prior to issuance of grading permit	

Mitigation Monitoring and Reporting Program

Mitigation Measures	Implementation Responsibility	Timing	Verification
<p>left/through/right-turn lanes</p> <ul style="list-style-type: none"> ▲ Reconfigure the westbound approach to include a shared left/through lane and separate right-turn lane <p>At the discretion of the City of Fresno, fair share payment could occur in the form of payment of traffic impact fees, an ad-hoc fee payment, or construction of the improvement with reimbursement or fee credits.</p> <p>Mitigation 5-1b: Jensen Avenue and Brawley Avenue</p> <p>Under Cumulative and Cumulative Plus Project conditions the intersection of Jensen Avenue and Brawley Avenue would operate at an unacceptable level (LOS E or F) during the p.m. peak-hour. As detailed in the Transportation Study, the following intersection improvements are recommended at the intersection of Jensen Avenue and Brawley Avenue:</p> <ul style="list-style-type: none"> ▲ Install all-way stop control <p>At the discretion of the City of Fresno, fair share payment could occur in the form of payment of traffic impact fees, an ad-hoc fee payment, or construction of the improvement with reimbursement or fee credits.</p>			

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