

Exhibit D-4
Draft Environmental Impact Report
Findings of Fact and
Statement of Overriding Considerations

City Council:
Costco Commercial Center Project

Fresno Costco Commercial Center Project

Findings and Facts in Support of Findings and Statement of Overriding Considerations

State Clearinghouse No. 2021100443

City of Fresno

February 2024

TABLE OF CONTENTS

1	INTRODUCTION	1
2	PROJECT SUMMARY	2
2.1	Project Location	2
2.2	Project Elements	2
2.3	Project Objectives.....	4
2.4	Discretionary Approvals	4
3	ENVIRONMENTAL REVIEW PROCESS.....	5
3.1	Notice of Preparation.....	5
3.2	Draft Environmental Impact Report.....	5
4	GENERAL CEQA FINDINGS.....	6
4.1	City Council Independent Judgment.....	6
4.2	Mitigation Monitoring and Reporting Program	6
4.3	Nature and Legal Effect of Findings.....	6
4.4	Reliance on Record.....	6
4.5	Findings Regarding Recirculation of the Draft EIR.....	7
5	CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT	8
6	FINDING OF FACT.....	8
6.1	Significant Effects and Mitigation Measures.....	9
7	ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE FOUND TO BE LESS THAN SIGNIFICANT.....	9
7.1	Aesthetics	10
7.2	Agricultural and Forestry Resources	11
7.3	Air Quality	11
7.4	Archaeological, Historical, and Tribal Cultural Resources	13
7.5	Biological Resources.....	14
7.6	Energy.....	14
7.7	Greenhouse Gas Emissions and Climate Change.....	15
7.8	Hazards and Hazardous Materials	16
7.9	Hydrology and Water Quality	18
7.10	Land Use and Planning.....	20
7.11	Noise	20
7.12	Public Services and Recreation.....	21
7.13	Transportation and Circulation.....	22
7.14	Utilities.....	23
8	POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS DETERMINED TO BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL	25
8.1	Archaeological, Historical, and Tribal Cultural Resources	25
8.2	Biological Resources.....	29
8.3	Noise	32

9	ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE CONSIDERED UNAVOIDABLE SIGNIFICANT IMPACTS.....	34
9.1	Noise	34
9.2	Transportation and Circulation.....	36
10	FINDINGS REGARDING PROJECT ALTERNATIVES.....	39
10.1	Alternatives considered in the EIR.....	40
10.2	Environmentally Superior Alternative	44
11	CONCLUSION	45
12	STATEMENT OF OVERRIDING CONSIDERATIONS.....	45
12.1	Significant and Unavoidable Impacts.....	45
12.2	Overriding Considerations	47
12.3	Conclusion	47
13	REFERENCES.....	48

LIST OF ABBREVIATIONS

APN	assessor's parcel number
BMP	best management practice
CCR	California Code of Regulations
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
City	City of Fresno
CNEL	Community Noise Equivalent Level
Costco	Costco Wholesale Corporation
dB	decibels
EIR	environmental impact report
FAR	floor area ratio
Findings	Findings of Fact
FMFCD	Fresno Metropolitan Flood Control District
GHGRP	Greenhouse Gas Reduction Plan
L _{dn}	day-night level
L _{eq}	energy-equivalent noise level
MMRP	mitigation monitoring and reporting program
MTCO _{2e}	metric tons of carbon dioxide equivalent
NOP	notice of preparation
PRC	Public Resources Code
RWQCB	Regional Water Quality Control Board
SJVAPCD	San Joaquin Valley Air Pollution Control District
SR	State Route
TIA	<i>Fresno Costco Relocation Transportation Impact Analysis</i>
VMT	vehicle miles traveled

This page intentionally left blank.

1 INTRODUCTION

The Costco Wholesale Corporation (Costco), the project applicant, proposes to construct a membership-only Costco Commercial Center, including a new warehouse with an attached tire center and home delivery services, and a detached gas station and drive-through car wash. The proposed project site is a vacant 22.4-acre parcel located at the northeast corner of the intersection of West Herndon Avenue and North Riverside Drive in the City of Fresno. An environmental impact report (EIR) has been prepared under the direction of City of Fresno (City), the lead agency under the California Environmental Quality Act (CEQA), in accordance with the requirements of CEQA (Public Resources Code [PRC] Section 21000 et seq.) and the State CEQA Guidelines.

The existing Costco facility on West Shaw Avenue would be relocated to the project site. Costco has occupied the commercial building at 4500 West Shaw Avenue in the city of Fresno since 1985. Costco's customer base has outgrown the capacity of the current facility, which could lead to future traffic and parking concerns. The new facility would serve the same customers as the existing facility plus anticipated growth in the area. The project would also allow Costco to expand services in the area to include an additional gas station and a car wash, as well as a loading area to facilitate delivery of purchases directly to homes in the Fresno area.

This statement of Findings of Fact (Findings) has been prepared in accordance with CEQA and its implementing guidelines (California Code of Regulations [CCR] Title 14, Section 15000 et seq.) to address the environmental effects associated with the proposed Costco Commercial Center Project. PRC Section 21081 and Section 15091 of the State CEQA Guidelines require that the lead agency prepare written Findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. Section 15091 of the State CEQA Guidelines states, in part:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
 - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

The EIR for the project identified potentially significant effects that could result from project implementation. The City finds that the inclusion of mitigation measures as part of the project approval would reduce most, but not all, of those effects to a less-than-significant level. Those impacts that are not reduced to a less-than-significant level are identified and overridden due to specific project benefits in a Statement of Overriding Considerations.

The following sections make detailed Findings with respect to the potential effects of the project and refer, where appropriate, to the mitigation measures set forth in the EIR to avoid or substantially reduce potentially significant adverse impacts of the project. The EIR and the administrative record concerning the project provide additional facts in support of the Findings herein. The Draft and Final EIR are hereby incorporated into these Findings in their entirety. Furthermore, the mitigation measures set forth in the Mitigation Monitoring and Reporting Program (MMRP) are incorporated by reference into these Findings.

The Fresno City Council (City Council) is the decision-making authority for the project. The City Council adopts these Findings in that capacity.

2 PROJECT SUMMARY

2.1 PROJECT LOCATION

The project site is a 22.4-acre parcel located at the northeast corner of the intersection of West Herndon Avenue and North Riverside Drive in the city of Fresno. The project site is bordered by West Spruce Avenue to the north, the right-of-way of (currently unbuilt) North Arthur Avenue to the east, West Herndon Avenue to the south, and North Riverside Drive to the east. The project site's address is 7120 North Riverside Drive and the assessor's parcel number (APN) is 50302012. Local access to the site is provided by West Herndon Avenue, West Spruce Avenue, and North Riverside Drive. Regional access is provided by State Route (SR) 99, via the West Herndon Avenue interchange approximately 0.5 mile to the southwest.

2.2 PROJECT ELEMENTS

The Costco Commercial Center would include a warehouse retail building, gas station, and car wash. The size of each project element, as revised in the Final EIR, is summarized below in Table 2-1.

Table 2-1 Project Elements

Structure	Area (square feet)
Warehouse Retail Building Footprint	219,216
Warehouse/Retail	163,539
Loading/Back of house/Storage/Receiving	4,422
Market delivery operation	46,834
Open canopy space	3,233
Building envelope	1,188
Fuel canopy	12,885
Car wash	4,800

Source: Data provided by Urban Planning Partners in 2022 [and](#) 2023.

The project would also include construction of off-site improvements to improve circulation and provide utilities to the site. Specific improvements include the following and are depicted in Figure 2-10:

1. Installation of a traffic signal at the intersection of West Fir Avenue, North Riverside Drive, and the main Costco driveway.
2. The construction of a private 36-foot asphalt right-of-way (currently named North Arthur Avenue) running along the eastern boundary of the project site.
3. Construction of the intersection of West Herndon Avenue and North Arthur Avenue to allow right-in/right-out and left-in turning, which would require a median cut on West Herndon Avenue.
4. The construction of West Spruce Avenue from North Riverside Drive to the intersection with North Sandrini Avenue. The asphalt roadway would include curb, gutter, sidewalk, and streetlights, as well as the installation of sewer and water mains underneath this portion of West Spruce Avenue. Existing turf and mature trees within the right-of-way would be removed. In addition, the existing irrigation system at the golf course and path for the golf carts would be relocated. A new fence and nets to prevent errant balls from striking vehicles and pedestrians would be installed along the northern boundary of the roadway.
5. Improvements to the intersection of West Herndon Avenue and North Riverside Drive.

6. Improvements to North Riverside Drive, including moving the concrete median approximately 5 feet to the west, construction of a second southbound left-turn lane, construction of a second northbound lane, and construction of a 12-foot-wide multiuse trail and a 3-foot-tall, landscaped berm between trail and parking lot.
7. The construction of pedestrian and bicycle facilities, including a trail as identified by the City's Active Transportation Plan along the project site's frontage with West Herndon Avenue.

2.2.1 General Plan Amendments and Rezoning

The proposed Costco warehouse building is consistent with established zoning for the parcel; however, an amendment to the City of Fresno's General Plan and rezoning of the site would be required to permit the proposed car wash. The project would require a general plan amendment to change the land use designation of the project site from Community Commercial (CC) to General Commercial (CG). The General Commercial designation proposed for the site is described in Urban Form, Land Use, and Design Element of the General Plan as appropriate for retail and service uses that may generate high volumes of vehicle traffic. Similarly, the project site would be rezoned from CC to CG.

The project also includes a proposed General Plan amendment and rezoning to reclassify West Herndon Avenue from North Riverside Drive to North Hayes Avenue as a superarterial. West Herndon Avenue is designated, depending on the specific segment, as either an expressway or superarterial, the two highest roadway classifications in the General Plan, throughout the project site's vicinity and is designated as a superarterial between the project site and SR 99. The project includes a general plan amendment to reclassify the portion of West Herndon Avenue between North Riverside Drive and North Hayes Avenue from expressway to superarterial to allow the construction of an intersection where West Herndon Avenue meets the private North Arthur Avenue right-of-way. The current classification of expressway would not permit the construction of this intersection. The proposed intersection where West Herndon Avenue meets the North Arthur Avenue right-of-way would allow access to the project site via two north-south streets, rather than solely from North Riverside Drive. This may result in easier travel for southbound drivers along North Riverside Drive, including nearby residents and visitors to the Riverside Golf Course.

2.2.2 Planned Development Permit

Article 59 of Chapter 15 of the Fresno Municipal Code establishes regulations and procedures for Planned Development Permits (PD Permits), which are permits for "development on large areas of land and infill sites to allow for projects that desire greater flexibility than already provided for in this Code." The PD Permit process allows developments to request deviations from development standards to respond to site conditions in more customized and tailored manner than allowed by the standards specified in the Municipal Code.

The project applicant has applied for a PD Permit to request deviations from Section 15-2015 of the Municipal Code, which specifies that lighting fixtures in commercial districts have a maximum height of 25 feet. Costco aims to achieve 2.5 foot-candles of light throughout the parking area to maximize safety within the parking lot. This level of lighting is intended to provide security and safety for drivers and pedestrians navigating the parking lot at night. The project would include light fixtures with a maximum height of approximately 36.5 feet instead of the allowed 25-foot-tall fixtures to reduce the number of lights needed to achieve the desired light levels within the parking field. The proposed 36.5-foot-tall light poles also allow a more diffuse distribution of light, reducing the difference in light levels in the areas between poles. The taller lighting also ensures that the area beneath the PG&E easement that runs directly through the parking field has adequate lighting. (No structures, including light poles, are allowed within this overhead easement.) Off-site glare and light spillover from parking lot light fixtures would be minimized by using less powerful lights on fixtures at the edge of the property.

2.3 PROJECT OBJECTIVES

The State CEQA Guidelines require that an EIR include a statement of objectives for the project and that the objectives include the underlying purpose of the project. These objectives help the lead agency determine the alternatives to evaluate in the EIR (see CEQA Guidelines Section 15124[b]) and gauge whether alternatives or mitigation measures are feasible. The following is a list of project objectives:

- ▶ Construct and operate a new membership-only Costco Commercial Center in northwest Fresno that serves the local community with a wide variety of goods and services from both nationally known businesses and regional and local businesses.
- ▶ Locate the new membership-only Costco Commercial Center in a location that is convenient for its members, the community, and employees to travel to for shopping and working.
- ▶ Locate the new membership-only Costco Commercial Center in an area serviced by adequate existing infrastructure, including roadways and utilities.
- ▶ Establish a facility of sufficient size to provide a state-of-the-art facility that integrates several services, including home and/or business delivery service, under one roof.
- ▶ Meet demand for automobile services, including gasoline, car wash, and tire center.
- ▶ Create a commercial use with architecture designed to facilitate integration with the overall design context for an area, including the surrounding community.
- ▶ Reduce energy consumption by incorporating sustainable design features and systems with enhanced energy efficiencies meeting State and federal requirements.
- ▶ Continue and increase big-box retail store sales tax revenues received by the City.
- ▶ Improve availability of integrated retail sales of goods and services in the northwest area of Fresno.
- ▶ Minimize circulation conflicts between automobiles and pedestrians for retail stores and gas stations.

2.4 DISCRETIONARY APPROVALS

A list of discretionary approvals, permits, and entitlements anticipated for the proposed project includes the approvals noted below. The following list identifies permits and other approval actions likely to be required from responsible agencies before implementation of the proposed project.

- ▶ State Water Resource Control Board: Coverage under the State General Stormwater Permit.
- ▶ Central Valley Regional Water Quality Control Board (RWQCB): National Pollutant Discharge Elimination System Permit and Wastewater Discharge Permit.
- ▶ San Joaquin Valley Air Pollution Control District (SJVAPCD): Permit to construct and permit to operate.
- ▶ Fresno Metropolitan Flood Control District (FMFCD): Plan and drainage report review.

The proposed project would also require the following entitlements from the City of Fresno:

- ▶ Amend the 2035 Fresno General Plan to change the planned land use designations for the project site from the Community Commercial to the General Commercial planned land use designation and reclassify a portion of West Herndon Avenue between North Riverside Drive and North Hayes Avenue from Expressway to Superarterial.
- ▶ Amend the Official Zoning Map of the City of Fresno to reclassify the project site from the CC/EA/UGM/cz (Community Commercial/Expressway Area Overlay/Urban Growth Management/conditions of zoning) zone district to the CG/UGM/cz (General Commercial/Urban Growth Management/conditions of zoning) zone district.

- ▶ Approve a Conditional Use Permit to construct a ±241,342 square-foot, warehouse retail building with a ±4,800 square-foot car wash; and an ±13,000 square-foot, 32-station fuel canopy.
- ▶ Approve an Alcoholic Beverage Control Conditional Use Permit to establish a Type 21 alcohol license that would allow the sale of beer, wine, and distilled spirits for consumption off the premises where sold.
- ▶ Approve a Planned Development Permit to modify parking lot development standards to allow for 36.5-foot-tall light fixtures rather than 25-foot light fixtures.
- ▶ Approve a Parcel Map for the subdivision of the existing parcel into two resultant parcels.
- ▶ Approve vacation of an existing public street right-of-way for North Arthur Avenue, between West Spruce Avenue and West Herndon Avenue.
- ▶ Approve a permit for construction noise.

3 ENVIRONMENTAL REVIEW PROCESS

In accordance with Section 15083 of the State CEQA Guidelines, the City has provided opportunities for individual members of the public, as well as organization and agency representatives, to consider the proposed actions and provide input and recommendations concerning the content of the EIR.

3.1 NOTICE OF PREPARATION

The City released a notice of preparation (NOP) for the EIR on October 22, 2021. The purpose of the NOP was to provide notification that an EIR was being prepared and to solicit input on the scope and content of the document. A virtual public meeting was held on November 2, 2021, at 6:00 p.m. The scoping period for the project ended on November 22, 2021. The NOP and comments received in response to the NOP are included in Appendix A of the Draft EIR. Comments were received regarding traffic congestion, safety, and access; air quality and the proximity of the gas station to nearby sensitive receptors; access to existing recreational trails; and lighting. The comments received on the NOP and at the scoping meeting are addressed, as applicable, in each technical section of the Draft EIR.

3.2 DRAFT ENVIRONMENTAL IMPACT REPORT

On July 11, 2023, the City released the Draft EIR for public review and comment. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the City's website (<https://www.fresno.gov/planning/plans-projects-under-review/#tab-14>); and was made available at the Planning and Development Department (2600 Fresno Street, Room 3043). The document was also available for review at the Teague Branch Library (4718 N Polk Avenue). A notice of availability of the Draft EIR was published in the Fresno Bee.

As a result of these notification efforts, written and verbal comments were received from two state agencies (California Department of Fish and Wildlife [CDFW] and California Department of Transportation), one local agency (SJVAPCD), an organization representing the project applicant, and individuals. The Final EIR includes comments received on the Draft EIR; responses to these comments; and revisions to the Draft EIR, as necessary, in response to these comments or to amplify or clarify material in the Draft EIR.

4 GENERAL CEQA FINDINGS

4.1 CITY COUNCIL INDEPENDENT JUDGMENT

The City Council has exercised independent judgment in accordance with PRC Section 21082.1(c)(3) in retaining an environmental consultant for the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. Having received, reviewed, and considered the information in the EIR, as well as all other information in the record, the City Council hereby makes Findings pursuant to and in accordance with Sections 21081, 21081.5, and 21081.6 of the PRC.

4.2 MITIGATION MONITORING AND REPORTING PROGRAM

PRC Section 21081.6(a)(1) requires lead agencies to “adopt a reporting and mitigation monitoring program for the changes to the project which it has adopted or made a condition of project approval in order to mitigate or avoid significant effects on the environment.” The mitigation monitoring and reporting program (MMRP) is adopted in conjunction with certification of the EIR and adoption of these Findings of Fact. The City will use the MMRP to track compliance with project mitigation measures and the MMRP will remain available for public review during the compliance period. Based on the entire record before the City Council and having considered the significant impacts of the project, the City Council hereby determines that all feasible mitigation within the responsibility and jurisdiction of the City has been adopted to reduce or avoid the potentially significant impacts identified in the EIR.

Furthermore, City finds that any inconsistency in the language of the mitigation measures in the EIR, in the MMRP, and in these Findings is inadvertent. Because measures have been revised over time, it is possible that such revisions or clarifications have been made in one document, but not another. In the event of such inconsistency, the language of a measure in one document shall be applied in a manner that harmonizes the measure with the corresponding measure in other documents, such that the most stringent version of the measure shall apply.

4.3 NATURE AND LEGAL EFFECT OF FINDINGS

These Findings constitute the City’s evidentiary and policy bases for its decision to approve the project in a manner consistent with the requirements of CEQA. To the extent that these Findings conclude that various mitigation measures outlined in the EIR are feasible and have not been modified, superseded or withdrawn, the City hereby binds itself to implement these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the project.

Any Findings made by the City Council shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes Findings by the City Council, whether or not any particular sentence or clause includes a statement to that effect. The City Council intends that these Findings be considered as an integrated whole and that any finding required or committed to be made by the City Council with respect to any particular subject matter of the EIR shall be deemed made if it appears in any portion of these Findings.

4.4 RELIANCE ON RECORD

In accordance with PRC Section 21167.6(e), the record of proceedings for the City’s decision on the project includes the following documents:

- ▶ The NOP for the project and all other public notices issued by the City in conjunction with the project;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOP;

- ▶ The Draft EIR for the project and all appendices;
- ▶ The Final EIR for the project, including comments received on the Draft EIR, and responses to those comments and appendices;
- ▶ Documents cited or referenced in the Draft EIR and Final EIR;
- ▶ The MMRP for the project;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the project;
- ▶ All documents submitted to the City by other public agencies or members of the public in connection with the project;
- ▶ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the project;
- ▶ Any and all resolutions adopted by the City regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▶ Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings, in addition to those cited above; and
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6(e).

The custodian of the documents and other materials that constitute the record of the proceedings upon which the City's decisions are based is Jose Valenzuela, or his designee. Such documents and other materials are located at the City of Fresno Planning and Development Department, 2600 Fresno Street, Fresno, CA 93721.

4.5 FINDINGS REGARDING RECIRCULATION OF THE DRAFT EIR

The City Council adopts the following Findings with respect to whether to recirculate the Draft EIR. Under Section 15088.5 of the State CEQA Guidelines, recirculation of an EIR is required when "significant new information" is added to the EIR after public notice is given of the availability of the Draft EIR for public review but prior to certification of the Final EIR. The term "information" can include changes in the project or environmental setting, as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. Pursuant to State CEQA Guidelines Section 15088.5(a) "Significant new information" requiring recirculation includes, for example, a disclosure showing that:

- (1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- (2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- (3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
- (4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

The City Council recognizes that the Final EIR contains additions, clarifications, modifications, and other changes. (See Final EIR, Chapter 3, "Revisions to the Draft EIR.") As discussed in the Final EIR, none of the information added to the Draft EIR altered the significance conclusions. Rather, the new information refined, amplified, and clarified the information provided in the Draft EIR. None of the revisions or updates to the Draft EIR's analyses represents "significant new information" as that term is defined by the State CEQA Guidelines, Section 15088.5(a).

The City Council finds that recirculation of the Draft EIR is not required: (1) because recirculation is not required where the new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR; and (2) because no "substantial adverse" impact would result from any of the revisions to the portions of the Draft EIR that were not recirculated (State CEQA Guidelines Section 15088.5[e]).

5 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The City Council certifies that the Final EIR has been completed in compliance with CEQA and the State CEQA Guidelines, that the EIR was presented to the City Council, and that the City Council reviewed and considered the information contained therein before approving the proposed project, and that the EIR reflects the independent judgment and analysis of the City Council (State CEQA Guidelines Section 15090).

6 FINDING OF FACT

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 provides 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 goes on to provide 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."

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 which avoid or substantially lessen the significant environmental effect as identified in the final EIR." 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 such changes have been adopted by such other agency or can and should be adopted by such other agency." 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 final EIR." (State CEQA Guidelines Section 15091.)

PRC Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, legal, and technological factors." The State CEQA Guidelines Section 15364 adds another factor: "legal" considerations. (See *Citizens of Goleta Valley v. Bd. of Supervisors* (1990) 52 Cal.3d 553, 565.) 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. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410, 417.) 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.” (Ibid.; see also *Sequoyah Hills Homeowners Assn. v. City of Oakland* (1993) 23 Cal.App.4th 704, 715; *California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001.)

With respect to a project for which significant impacts are not avoided or substantially lessened, a public 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 why the agency finds that the project’s “benefits” render “acceptable” its “unavoidable adverse environmental effects.” (State CEQA Guidelines Sections 15093, 15043[b]; see also PRC Section 21081[b].) Those impacts that are not reduced to less than significant levels are identified and overridden due to specific project benefits identified specifically in a Statement of Overriding Considerations (see Section 12, below).

6.1 SIGNIFICANT EFFECTS AND MITIGATION MEASURES

Chapter 3, “Environmental Impacts and Mitigation Measures,” of the Draft EIR describes the potential impacts of the project in 14 resource areas, and recommends mitigation measures to reduce impacts, to the extent feasible. Chapter 4, “Cumulative Impacts,” of the Draft EIR determines whether the incremental effects of this project are significant when viewed in connection with the effects of past projects, other current projects, and probable future projects. After implementation of the recommended mitigation measures, most of the impacts associated with the project would be reduced to less-than-significant levels. For some impacts, there are no feasible mitigation measures or feasible alternatives that would reduce the impact to a less-than-significant level (see Section 5.2, “Significant and Unavoidable Impacts,” of the Draft EIR.)

The City Council’s Findings with respect to the project’s significant and potentially significant effects and mitigation measures are set forth in Sections 9 and 10, below. These sections do not attempt to describe the full analysis of each environmental impact contained in the EIR. Instead, the sections provide a summary description of each impact, describe the applicable mitigation measures identified in the EIR and adopted by the City, and state the City Council’s Findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Draft EIR. In making these Findings, the City Council ratifies, adopts, and incorporates into these Findings the analysis and explanation in the Draft EIR and Final EIR, and ratifies, adopts, and incorporates into these Findings the determinations and conclusions of the Draft EIR and Final 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.

7 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE FOUND TO BE LESS THAN SIGNIFICANT

The City Council finds that, based upon substantial evidence in the record, including information in the EIR, the following impacts have been determined be less than significant and no mitigation is required pursuant to PRC Section 21081(a) and CEQA Guidelines Section 15091(a).

7.1 AESTHETICS

Impact 3.1-1: Substantially Degrade the Existing Visual Character or Quality of Public Views of the Site and Its Surroundings or Conflict with Zoning and Other Regulations Governing Scenic Quality

Implementation of the project would alter views by adding built-environment elements on a vacant parcel. However, the existing visual quality of the parcel is low. The project elements proposed would not change the suburban visual character of the general area, as elements of the project's design (such as building height, color, massing, architectural detailing, screening vegetation and landscaping, and setback requirements) would be consistent with the visual character of the surrounding environment. (Draft EIR pp. 3.1-6 to 3.1-8)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.1-2: Create a New Source of Substantial Light or Glare Which Would Adversely Affect Nighttime Views in the Area

The project would introduce new sources of light onto the existing, vacant project site. Light spillover onto adjacent land uses would be reduced by using less powerful lights on fixtures at the edge of a property. Reflective, glare causing materials would not be used. All fixtures would be downcast and would not exceed the 0.5-foot-candle standard for light spillover onto residential areas. (Draft EIR p. 3.1-9)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-1: Cumulative Aesthetics Impacts

The project would contribute regional changes to aesthetics. The effects of these changes are highly subjective and tend to be localized. The combined effects of other projects in the cumulative impact area would not be cumulatively significant and the project would not have a considerable contribution such that a new cumulatively significant impact would occur. (Draft EIR p. 4-7)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.2 AGRICULTURAL AND FORESTRY RESOURCES

Impact 3.2-1: Involve Other Changes in the Existing Environment, Which, Due to Their Location or Nature, Could Result in Conversion of Farmland to Non-Agricultural Use

The project would result in the development of a parcel that was formerly used for agriculture and is recognized by the Department of Conservation as Farmland of Local Importance. The project site is no longer used for agriculture and is designated for commercial land use per the City of Fresno General Plan. Similarly, surrounding parcels are designated, and in some cases developed as, residential and commercial uses. The project would not involve changes to the existing environment that could result in conversion of farmland to non-agricultural use. (Draft EIR p. 3.2-5)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-2: Cumulative Agriculture and Forestry Resources Impacts

Although portions of the city, including the project site, were historically used for agriculture, the City has planned for urbanization of the incorporated city through its general plan. The City of Fresno General Plan Master Environmental Impact Report identified that development according to the of land uses in the General Plan would result in the loss of up to 15,903 acres of Farmland Mapping and Monitoring Program-designated farmland (City of Fresno 2014: 5.2-12).

Although the project site is not zoned for agriculture and is not under Williamson Act contract, it is designated Farmland of Local Importance. Development of the project site would result in permanent conversion of this land. Farmland of Local Importance is not a designation of concern under CEQA. Therefore, although there is an existing, adverse cumulative condition related to the loss of Farmland in the city of Fresno the project would not substantially contribute to the impact. (Draft EIR pp. 4-7 to 4-8)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.3 AIR QUALITY

Impact 3.3-1: Generate Short-Term Construction-Related Emissions of ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}

The project would not generate construction emissions of criteria air pollutants and ozone precursors exceeding SJVAPCD's annual mass emissions thresholds of significance or daily screening criteria. These thresholds are inherently tied to long-term regional air quality planning (i.e., SJVAPCD's air quality management plans) which demonstrates that the project would not conflict with the applicable air quality plans. (Draft EIR pp. 3.3-19 to 3.3-20)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.3-2: Generate Long-Term Operational Emissions of ROG, NO_x, CO, SO_x, PM₁₀, and PM_{2.5}

The project would not generate operational emissions of criteria air pollutants and ozone precursors exceeding SJVAPCD's annual mass emissions thresholds of significance or daily screening criteria for permitted and non-permitted sources following compliance with SJVAPCD's Rule 9510 (ISR) for this land use type. (Draft EIR pp. 3.3-20 to 3.3-21)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.3-3: Expose Receptors to TAC Concentrations Adversely Affecting a Substantial Number of People

Based on the health risk assessment prepared for the project, construction and operation of the project would not produce significant diesel particulate matter or other toxic air contaminants (TACs) such that SJVAPCD's thresholds for TAC cancer risk exposure of 20 in 1 million or an acute or chronic Hazard Index of 1 for the maximally exposed individual for non-carcinogens would be exceeded. Using these numerical thresholds established by SJVAPCD, the project would not generate substantial emissions of TACs causing an adverse health impact from TAC exposure. (Draft EIR pp. 3.3-22 to 3.3-23)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.3-4: Expose Receptors to Substantial CO Concentrations

Buildout of the project would not contribute to localized concentrations of mobile-source carbon dioxide that would exceed an applicable ambient air quality standard. (Draft EIR pp. 3.3-23 to 3.3-24)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.3-5: Generate Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People

Buildout of the project would not introduce an odor source identified by SJVAPCD that could result in an adverse odor impact. (Draft EIR p. 3.3-25)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-3: Cumulative Air Quality Impacts

There is a cumulative impact related to air quality in the city of Fresno. However, the project's contribution to this cumulatively significant air quality impact would not be cumulatively considerable. In accordance with CEQA Guidelines Section 15064, subdivision (h)(3), a lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program. All air quality pollutants would be below established thresholds. This level of emissions indicates that the project would not conflict with long-term regional air quality planning in the San Joaquin Valley Air Basin. Additionally, as long-term regional air quality planning is directly tied to attainment of the national and state air quality standards, the project would not contribute substantially to adverse health outcomes associated with cumulative air quality impairment. (Draft EIR p. 4-8)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.4 ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

Impact 3.4-3: Disturb Human Remains

Based on documentary research, no evidence suggests that any prehistoric or historic-period marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, ground-disturbing preconstruction and construction activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Section 7050.5 and PRC Section 5097 would make this impact less than significant. (Draft EIR p. 3.4-14 to 3.4-15)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-4: Cumulative Archaeological, Historical, and Tribal Cultural Resources Impacts

The project could contribute to cumulative impacts associated with damage or loss of cultural resources. Implementation of Mitigation Measures 3.4-1a and 3.4-1b would reduce the project's individual impact to a less-than-significant level by requiring that a worker environmental awareness program be prepared and provided to all construction personnel and supervisors who will have the potential to encounter and alter archaeological resources, requiring construction to halt if potential archaeological resources are discovered, coordination with Native American groups (if applicable), implementation of preservation options (including data recovery, mapping, capping, or avoidance), and proper curation if significant artifacts are recovered. Because the project's individual impact would be

reduced to a less-than-significant level, the project's contribution to this cumulatively significant impact would not be cumulatively considerable. (Draft EIR p. 4-9)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No additional mitigation measures are required.

7.5 BIOLOGICAL RESOURCES

Impact 4-5: Cumulative Biological Resources Impacts

The project would contribute to cumulative biological resources impacts associated with construction and operation of land uses in the cumulative impact area. Mitigation Measures 3.5-1a and 3.5-1b would prevent potential adverse effects on these species associated with the individual project. Because implementation of mitigation measures would reduce the project's individual impact to a less-than-significant level, the project's contribution to the cumulatively significant impact would be less than cumulatively considerable. (Draft EIR pp. 4-9 to 4-10)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No additional mitigation measures are required.

7.6 ENERGY

Impact 3.6-1: Result in a Potentially Significant Environmental Impact Due to the Wasteful, Inefficient, or Unnecessary Consumption of Energy Resources, During Project Construction or Operation

The project would not use energy for construction that would be considered wasteful or unnecessary, as that energy expenditure would facilitate operation of the project and achievement of project goals. The project does not include any construction activity beyond what is needed to provide a functional facility. Construction of the project would adhere to best management practices (BMPs) for construction (e.g., restrict idling time to 5 minutes or less). Moreover, the project would utilize Tier 3 construction equipment or construction equipment exceeding 50 horsepower. The project would introduce new electricity and natural gas consumption relative to baseline conditions; however, the project would be enrolled in the PG&E's Solar Choice Program to procure 100 percent of its electricity from solar resources. The project would also be served by existing infrastructure capable of meeting the project's operational energy needs. During operation, energy would not be used in a wasteful or inefficient manner. (Draft EIR pp. 3.6-7 to 3.6-9)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.6-2: Conflict with or Obstruct Implementation of Energy Measures of a State or Local Plan for Renewable Energy or Energy Efficiency

The project would be consistent with the relevant energy measures from the City of Fresno's Greenhouse Gas Reduction Plan (GHGRP) that pertain to nonresidential development. Because the project would incorporate relevant measures as project design features, such as a commitment to PG&E's Solar Choice Program, and would incorporate energy-reducing measures from the GHGRP, the project would not conflict with or obstruct implementation of the City of Fresno's GHGRP. (Draft EIR p. 3.6-9)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-6: Cumulative Energy Impacts

Cumulative development would result in increased energy demand and consumption from increased construction activities, vehicle trips, and electrical and natural gas consumption. The cumulative effects of related projects are not significant and the project would not have a considerable contribution such that a new cumulatively significant impact would occur. (Draft EIR pp. 4-10)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.7 GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Impact 3.7-1: Generate GHG Emissions That Would Conflict with the City's Greenhouse Gas Reduction Plan

The project would incorporate various measures similar to GHG reduction measures in the GHGRP as project design features. The project's emissions would also be reduced by regulatory mechanisms such as the Advanced Clean Cars II Program and the Advanced Clean Trucks regulation. To demonstrate compliance with the GHGRP, the project would be required to reduce its emissions by 1.5 percent or 381 metric tons of carbon dioxide equivalent (MTCO₂e) in 2030 and 11.6 percent or 2,711 MTCO₂e by 2035. Through the incorporation of on-site reduction measures derived from the GHGRP and reductions realized from these aforementioned programs, the project would reduce its emissions by 3,140 and 6,719 MTCO₂e in 2030 and 2035, respectively, as compared to levels of emissions without accounting for the project features and regulatory compliance. This level of reduction exceeds the GHGRP standards. Therefore, the project would be consistent with the GHGRP. (Draft EIR pp. 3.7-11 to 3.7-13)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.7.1 Impact 4-7: Cumulative Greenhouse Gas Emissions and Climate Change Impacts

There is an existing substantial adverse impact related to GHG emissions and global climate change. Based on consistency with the GHGRP, which itself is consistent with the state's targets established to address the existing cumulative condition of global climate change, the project would not have a considerable contribution to the cumulative condition. (Draft EIR p. 4-11)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.8 HAZARDS AND HAZARDOUS MATERIALS

Impact 3.8-1: Create a Significant Hazard through Routine Transport, Use, or Disposal of Hazardous Materials

Project construction and operation would involve the routine transport, use, and disposal of hazardous materials. Potential impacts would be addressed through compliance with applicable regulations that would reduce impacts associated with the use, transport, storage, and sale of hazardous materials, including measures taken to address the safety of underground storage tanks and the handling of hazardous materials in accordance with the Hazardous Materials Business Emergency/Contingency Plan and the local Certified Unified Program Agency. (Draft EIR pp. 3.8-7 to 3.8-8)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.8-2: Create a Significant Hazard through Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment or be Located on a Site which is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5 and would Create a Significant Hazard to the Public or the Environment

The potential for past use of the project site to result in substantial hazard has been evaluated, including soil sampling as part of a Phase II Environmental Site Assessment. Operation of the project, which would involve the use, storage, and sale of potentially hazardous materials, would be subject to regulations designed to reduce the potential for the project to create hazardous conditions through a reasonably foreseeable upset or accident condition. There is no evidence of a substantial hazard to the public or the environment. Implementation of the project would not result create a significant hazard due to release of chemicals associated with past agricultural use of the site, location on a site that is on a list of known hazardous materials sites, or due to operation of the project. (Draft EIR pp. 3.8-9 to 3.8-10)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.8-3: Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste within 0.25 Mile of an Existing or Proposed School

Compliance with all relevant regulations for the handling and transport of hazardous materials would reduce the potential for the generation of hazardous waste typical of construction activities. Additionally, the potential for operation of the project to result in hazardous effects on schools would be limited because the gas station would be designed to minimize potential for accidental releases of fuel into the environment. (Draft EIR pp. 3.8-10 to 3.8-11)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.8-4: Impair Implementation of or Physically Interfere with the Implementation of an Adopted Emergency Response Plan or Emergency Evacuation Plan

The Fresno County Multi-Hazard Mitigation Plan does not identify formal evacuation routes. Compliance with the conditions of the Street Work and Traffic Control Permit during any potential road closures, applicable General Plan policies, and review of the site plan by the City Fire Department would result in a less-than-significant impact on implementation of an adopted emergency response plan or emergency evacuation plan. (Draft EIR p. 3.8-11)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.8-5: Expose People or Structures, Either Directly or Indirectly, to a Significant Risk of Loss, Injury, or Death Involving Wildland Fires

The project site is not located within a designated urban-wildland interface area nor is it near designated State Responsibility Areas. Existing development and irrigated agricultural land surround the project site, and the likelihood for wildland fire in the area is low. The project design would comply with existing regulations and would ensure the Costco facility and associated tire center, gas station, and drive-through car wash meet the standards for emergency access, fuel modification, setback, signage, and water supply, which help prevent damage to structures or people by reducing wildfire hazards. (Draft EIR pp. 3.8-11 to 3.8-12)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-8: Cumulative Hazards and Hazardous Materials Impacts

Hazardous materials and safety issues generally occur independently of one another and are related to site-specific and project-specific characteristics and conditions. Compliance with all applicable federal, state, and local regulations related to hazards and hazardous materials on a project-by-project basis would ensure that site-specific impacts are appropriately addressed and cannot combine with site-specific impacts from other project sites. The cumulative effects of related projects are not significant, and the project would not have a considerable contribution such that a new cumulatively significant impact would occur. (Draft EIR pp. 4-11 to 4-12)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.9 HYDROLOGY AND WATER QUALITY

Impact 3.9-1: Violate Water Quality Standards or Waste Discharge Requirements or Otherwise Degrade Water Quality

Project construction activities such as grading, excavation, and trenching could result in erosion and sedimentation, and discharge of other nonpoint source pollutants. In addition, the project would include fuel storage and dispersal, tire maintenance, and a car wash facility that could generate stormwater pollutants including oils, lubricants, and heavy metals. Regulations apply to the project that would reduce potentially significant impacts, including the National Pollutant Discharge Elimination System Permit Program, underground storage tank regulations contained in CCR, Title 23, Water, Division 3, Chapter 16 (underground storage tank regulations), Central Valley RWQCB General Permit for Stormwater Discharges from municipal separate storm sewer systems (Order R5-2016-0040), and FMFCD's Storm Drainage and Flood Control Master Plan. Because compliance with these regulations and BMPs would be incorporated into the project, there would not be a violation of water quality standards or waste discharge requirement or interference with implementation of a water quality control plan. (Draft EIR pp. 3.9-8 to 3.9-9)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.9-2: Substantially Decrease Groundwater Supplies; Interfere with Groundwater Recharge, Such That the Project May Impede Sustainable Groundwater Management of the Basin; or Conflict with or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan

The project would receive water from the City of Fresno Department of Public Utilities, which relies on groundwater and surface water supplies. The North Kings Groundwater Sustainability Agency (GSA) is projected to reach sustainability by 2040 if groundwater flows from within the North Kings GSA plan area to neighboring GSAs and basins are reduced and projects are developed to address present and future projected groundwater conditions. The project would not decrease groundwater supplies or interfere with groundwater recharge such that implementation of a

sustainable groundwater management would be impeded, nor would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (Draft EIR p. 3.9-10)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.9-3: Substantially Alter the Existing Drainage Pattern of the Site or Area in a Manner That Would Result in Substantial Erosion or Siltation, Substantially Increase in Surface the Rate or Amount of Surface Runoff in a Manner That Would Result in Flooding or Exceedance of the Capacity of Existing or Planned Stormwater Drainage Systems, or Impede or Redirect Flood Flows

The applicant would construct utility improvements within the site to service the proposed uses and connect to available utilities adjacent to the project site. Stormwater from the site would be directed to existing FMFCD drainage facilities in North Riverside Drive, West Spruce Avenue, and West Herndon Avenue, located within the EH local stormwater drainage area. In addition, the project would be required to comply with the City of Fresno grading plan check process and National Pollutant Discharge Elimination System Construction General Permit Region-wide municipal separate storm sewer system. Compliance with the grading plan check process requires that all new development drains properly and is routed to the appropriate location. Additionally, these regulations would result in appropriate handling of stormwater on site to reduce potential for substantial increased runoff and minimize potential for downstream flooding. Participation in the region-wide municipal separate storm sewer system permit would reduce water quality impacts to surface and groundwater by ensuring that discharged water meets the water quality standards and goals established in the Central Valley RWQCB's Basin Plan through the implementation of BMPs described above. The runoff generated by the project is not anticipated to exceed the capacity of existing and planned stormwater drainage systems. (Draft EIR p. 3.9-11)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-9: Cumulative Hydrology and Water Quality Impacts

The effects of buildout of the project on surface water quality, groundwater quality and quantity, alteration of drainage patterns, and flood hazards would be addressed through compliance with existing regulations. Development associated with anticipated projects in the cumulative impact area would be subject to similar state and local regulations. The combined effects of other projects in the cumulative impact area would not be cumulatively significant and the project would not have a considerable contribution such that a new cumulatively significant impact would occur. (Draft EIR p. 4-12)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.10 LAND USE AND PLANNING

Impact 3.10-1: Cause a Significant Environmental Impact Due to a Conflict with Relevant Plans, Policies, and Zoning Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

The proposed project would require a general plan amendment (GPA), rezone, and conditional use permit (CUP). Requests for discretionary permits require that the project be evaluated for compliance and consistency with a variety of policy and regulatory programs adopted to avoid or reduce the severity of potential environmental effects. The project would not conflict with City policies adopted for the purposes of avoiding or mitigating an environmental effect. (Draft EIR pp. 3.10-5 to 3.10-7)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-10: Cumulative Land Use and Planning Impacts

Land use and planning impacts would occur where there would be physical division of established communities or inconsistency land use plans and regulations adopted to avoid or mitigate environmental effects. There is not a significant cumulative impact as a result of community division or development of projects that do not adhere to adopted plans and regulations. The cumulative effects of related projects are not significant and the project would not have a considerable contribution such that a new cumulatively significant impact would occur. (Draft EIR p. 4-13)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.11 NOISE

Impact 3.11-2: Generate Excessive Groundborne Vibration or Groundborne Noise Levels

Construction activity associated with the proposed project would generate short-term increases in vibration near sensitive receptors in the vicinity of the project site. Based on the distance between the equipment anticipated to be used during construction and the location of nearby sensitive receptors, vibration levels would not exceed applicable state and federal thresholds with respect to structural damage and human annoyance. Additionally, City of Fresno Municipal Code Section 15-2507 exempts construction activity from vibration standards. (Draft EIR pp. 3.11-20 to 3.11-21)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.11-4: Generate a Substantial Permanent Increase in Ambient Noise Levels in the Vicinity of the Project due to Traffic Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies

The proposed project is expected to increase traffic along the surrounding roadway network and, thus, increase traffic noise in the vicinity of the project site. Project-generated traffic noise would not result in an exceedance of the City's interior or exterior standard at any sensitive receptors (residences) along North Riverside Drive. Additionally, although existing noise levels on West Herndon Avenue exceed the City's exterior noise standard of 65 decibels (dB) at day-night level (L_{dn})/ Community Noise Equivalent Level (CNEL) for nearby residential uses, project-generated traffic would not result in an exceedance of interior noise standards (i.e., 45 L_{dn} /CNEL) or a substantial increase (i.e., greater than 3 dB) in transportation noise. (Draft EIR pp. 3.11-26 to 3.11-27)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-11: Cumulative Noise and Vibration Impacts

The ambient noise along West Herndon Avenue is influenced by roadway noise that exceeds the City's standards. The project's contribution to this cumulatively significant noise impact would be less than cumulatively considerable. Although the existing noise levels along West Herndon Avenue are above the City's noise standard, the traffic noise generated by the project would not result in a substantial increase. The 1 dB increase in traffic noise would be imperceptible and would not be a cumulatively considerable contribution to ambient noise on West Herndon Avenue in the cumulative condition. Although there is an existing, adverse cumulative condition associated with roadway noise along West Herndon Avenue, the project would not contribute significantly to this condition. The project would also result in noise that exceeds the City's standard due to increased traffic along North Riverside Drive. This impact would be addressed through implementation of Mitigation Measure 3.11-5. Because the project's individual impact would be reduced to a less-than-significant level, the project's contribution to the cumulatively significant impact would be less than cumulatively considerable (Draft EIR pp. 4-13 to 4-14)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No additional mitigation measures are required.

7.12 PUBLIC SERVICES AND RECREATION

Impact 3.12-1: Result in Substantial Adverse Physical Impacts Associated with the Provision of New or Physically Altered Fire or Police Facilities or the Need for New or Physically Altered Governmental Facilities

The project site is in a developing suburban area that is within the service area of the City's fire and police departments. The proposed facility would serve the city's existing population in northwest Fresno. The project would

not introduce new residents to the area and new or physically altered facilities would not be required. Further, the project would comply with all applicable fire safety regulations and pay fire impact fees.

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-12: Cumulative Public Services and Recreation Impacts

The project would not result in substantial demand for public services. The cumulative effects of related projects are not significant and the project would not have a considerable contribution such that a new cumulatively significant impact would occur. (Draft EIR p. 4-14)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.13 TRANSPORTATION AND CIRCULATION

Impact 3.13-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities

The proposed project would be consistent with established City and regional policies and plans related to bicycle and pedestrian facilities and transit service in the project area. The proposed project's off-site improvements include construction of bicycle facilities along its western, southern, and northern frontages (North Riverside Drive, West Herndon Avenue, and Spruce Avenue, respectively) and would be consistent with the City of Fresno Active Transportation Program. Additionally, although demand would be minimal, the existing transit service has the capacity to accommodate any increase in ridership generated by the proposed project. Lastly, the proposed project's reclassification of West Herndon Avenue between North Riverside Drive and North Hayes Avenue would allow the project to construct the proposed intersection that would provide additional access to the project site. This general plan amendment would allow for consistency between the proposed project and the general plan. Therefore, the project would not conflict with a plan, program, ordinance, or policy addressing the circulation system. (Draft EIR pp. 3.13-11 to 3.13-13)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.13-4: Result in Inadequate Emergency Access

The proposed project would be designed according to City of Fresno standards and would be reviewed and approved by the City of Fresno and the appropriate emergency service providers. Additionally, the proposed project would develop a Traffic Control Plan to ensure sufficient emergency access is maintained during construction activities. The proposed project would meet all City design standards, municipal code regulations, and requirements

provided in the 2019 California Fire Code as adopted by the City of Fresno. Additionally, the proposed project would be subject to review by the City and emergency service departments to ensure adequate access is provided. Thus, the proposed project would provide adequate emergency access during construction and operation. (Draft EIR pp. 3.13-21 to 3.13-22)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

7.14 UTILITIES

Impact 3.14-1: Require or Result in the Relocation or Construction of New or Expanded Water, Wastewater Treatment or Storm Water Drainage, Electric Power, Natural Gas, or Telecommunications Facilities, the Construction or Relocation of which could cause Significant Environmental Effects

The project would develop a currently vacant site into a Costco facility, which would require extending the surrounding utility infrastructure onto the project site. All utility infrastructure extensions and hookups would occur within the disturbance area of the project site, the environmental effects of which have been analyzed in the EIR. The project's projected demand for water, electric power, and natural gas, along with the project's projected wastewater and stormwater output, are within the existing and future capacity of the utility providers that serve the project site. For these reasons, the project would not require the relocation or construction of new or expanded utility infrastructure that could result in significant environmental effects that are not evaluated in the EIR. (Draft EIR pp. 3.14-11 to 3.14-12)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.14-2: Have Insufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development during Normal, Dry, and Multiple Dry Years

The Urban Water Management Planning Act projects that the City would have an excess of water through 2045 during normal, dry, and multiple dry years. While the project would require a GPA from Community Commercial to General Commercial, the City's *2020 Urban Water Management Plan* (UWMP) does not differentiate between commercial districts. Therefore, the project is accounted for within the UWMP's water supply calculation. Given that the project's water demand is accounted for in the City's UWMP projections for future development during normal, dry, and multiple dry years, and that the UWMP projections found that the City would have an excess of water in the aforementioned drought scenarios, there would be sufficient water supplies to serve the project. (Draft EIR pp. 3.14-12 to 3.14-13)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.14-3: Result in a Determination by the Wastewater Treatment Provider Which Serves or May Serve the Project That It Has Inadequate Capacity to Serve the Project's Projected Demand in Addition to the Provider's Existing Commitments

The City of Fresno Department of Public Utilities provides wastewater and sewer service to the project site. All wastewater is diverted to one of the City's two wastewater treatment plants that have an average flow capacity of 88.71 million gallons per day. The project would produce approximately 0.05 million gallons per day of wastewater. The City of Fresno Department of Public Utilities has reviewed the proposed project and has identified sewer facility charges as conditions of approval. The Department of Public Utilities has not identified inadequate capacity to serve the project's projected demand in addition to the City's existing commitments (Diaz and Gray pers. comm. 2021). Based upon the relative quantity of wastewater produced by the project and the consistency of the project with the General Plan land use designation for the project site, upon which the Department of Public Utilities bases future wastewater generation projections, it is anticipated that there is adequate capacity to accommodate provision of sewer service to the project site. (Draft EIR pp. 3.14-13 to 3.14-14)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 3.14-4: Generate Solid Waste in Excess of State or Local Standards, or in Excess of the Capacity of Local Infrastructure, or Otherwise Impair the Attainment of Solid Waste Reduction Goals or Not Comply with Federal, State, and Local Management and Reduction Statutes and Regulations Related to Solid Waste

The project would comply with all applicable federal, state, and local management and reduction statutes related to solid waste, including the state Integrated Waste Management Act and the solid waste policies of the City of Fresno General Plan. The project's anticipated solid waste production of 2.9 tons per day would comprise 0.13 percent of the American Avenue Landfill's maximum permitted throughput of 2,200 tons per day. The project would not generate solid waste in excess of the capacity of local infrastructure. Following closure of the American Avenue Landfill (anticipated in 2031), solid waste would be transported by the licensed waste hauler to the facility identified to accept waste from the city. The project would not be inconsistent with established regulations or generate solid waste that exceeds the capacity of existing infrastructure. (Draft EIR p. 3.14-14)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

Impact 4-14: Cumulative Utilities Impacts

The combined demand for some utilities, such as electricity, could result in the need to construct new or expected infrastructure. The cumulative effects of related projects would be potentially significant. However, the demand for utilities from the project and associated environmental effects would not result in cumulatively considerable environmental effects. (Draft EIR p. 4-15)

FINDING

The City Council finds, based upon substantial evidence in the record, that the potential impacts of the Costco Commercial Center Project would be less than significant. No mitigation measures are required.

8 POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACTS DETERMINED TO BE MITIGATED TO A LESS THAN SIGNIFICANT LEVEL

Based on the analysis contained in the EIR, the following impacts have been determined to fall within the category of impacts that can be reduced to less than significant levels with implementation of mitigation measures described below and put forth in the MMRP. Pursuant to Section 21081(a) of the PRC and Section 15091(a)(1) of the State CEQA Guidelines, the City Council finds that, for each of the following potentially significant effects identified in the EIR, changes or alterations have been required in, or incorporated into, the proposed project that mitigate the identified potentially significant effects on the environment to a less-than-significant level. These findings are explained below and are supported by substantial evidence in the record of proceedings.

8.1 ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of Archaeological Resources

Although no known archaeological resources have been identified on the project site, project-related ground-disturbing activities may result in the discovery of or damage to yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. (Draft EIR pp. 3.4-12 to 3.4-13)

MITIGATION MEASURES

Mitigation Measure 3.4-1a: Develop and Implement a Worker Environmental Awareness Program

The applicant shall retain a qualified professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeologists to prepare a worker environmental awareness program. The program shall be provided to all construction personnel and supervisors who will have the potential to encounter and alter archaeological resources. A copy of the worker environmental awareness program shall be provided to the City's Planning Division before construction activities begin. The topics to be addressed in the worker environmental awareness program will include, at a minimum:

- ▶ types of cultural resources expected on the project site;
- ▶ types of evidence that indicates cultural resources might be present (e.g., glass shards, lithic scatters);

- ▶ what to do if a worker encounters a possible resource;
- ▶ what to do if a worker encounters animal bones or possible human bones; and
- ▶ repercussions for removing or intentionally disturbing archaeological resources.

Mitigation Measure 3.4-1b: Retain an Archaeological Monitor and Native American Monitor, and Halt Ground-Disturbing Activity upon Discovery of Subsurface Archaeological Features or Tribal Cultural Resources

In the event that any historic-era subsurface archaeological features or deposits (e.g., glass, metal, and/or ceramic refuse scatters), or prehistoric subsurface archaeological features or deposits (e.g., locally darkened soil (“midden”), stone tool chipping debris, bones, shell beads, or concentrated charcoal layers), are discovered during construction, all ground-disturbing activity within 50 feet of the resources shall be halted and the City shall be notified. The applicant will then retain the services of a qualified professional archaeologist to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or tribal artifacts. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the City regarding appropriate procedures that should be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include preservation in place, archival research, subsurface testing, and/or data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact, the City shall provide a reasonable opportunity for input from a Native American tribal representative affiliated with the location of the discovery; affiliation shall be determined by the City, in consultation with the qualified archaeologist, based on the City’s AB 52 list or the contact list provided by the NAHC. If responsive, the tribal representative will then determine whether the artifact is considered a tribal cultural resource, as defined by PRC Section 21074. The applicant, in consultation with the City and Tribe, shall implement the recommended preservation options (which may include preservation in place, data recovery, mapping, capping, or avoidance), and proper curation of significant artifacts, if it determines that the measures are feasible in light of project design, logistics, and cost considerations.

FINDING

The City Council finds that the above mitigation measures are feasible and would reduce the potential impacts of the Costco Commercial Center Project to a less-than-significant level. These mitigation measures are adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, project that would avoid or substantially lessen the significant environmental effect identified in the EIR.

RATIONALE

Mitigation Measures 3.4-1a and 3.4-1b would minimize impacts by requiring that a worker environmental awareness program be prepared and provided to all construction personnel and supervisors who would have the potential to encounter and alter archaeological resources. These measures would also require construction to halt if potential archaeological resources are discovered, coordination with Native American groups (if applicable), implementation of preservation options (including data recovery, mapping, capping, or avoidance), and proper curation if significant artifacts are recovered. This mitigation would also be consistent with Objective HCR-1, Policy HCR-1-c, Objective HCR-2, Policy HCR-2-b, Policy HCR-2-c, and HCR-2-d of the City of Fresno General Plan and the Historic Preservation Ordinance. (Draft EIR p. 3.4-14)

Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

Tribal consultation has not resulted in the identification of tribal cultural resources on the project site. Despite this, excavation activities associated with project construction may disturb or destroy previously undiscovered significant subsurface tribal cultural resources. (Draft EIR p. 3.4-14)

MITIGATION MEASURES

Mitigation Measure 3.4-1a: Develop and Implement a Worker Environmental Awareness Program

The applicant shall retain a qualified professional archaeologist meeting the Secretary of the Interior's Professional Qualification Standards for archaeologists to prepare a worker environmental awareness program. The program shall be provided to all construction personnel and supervisors who will have the potential to encounter and alter archaeological resources. A copy of the worker environmental awareness program shall be provided to the City's Planning Division before construction activities begin. The topics to be addressed in the worker environmental awareness program will include, at a minimum:

- ▶ types of cultural resources expected on the project site;
- ▶ types of evidence that indicates cultural resources might be present (e.g., glass shards, lithic scatters);
- ▶ what to do if a worker encounters a possible resource;
- ▶ what to do if a worker encounters animal bones or possible human bones; and
- ▶ repercussions for removing or intentionally disturbing archaeological resources.

Mitigation Measure 3.4-1b: Retain an Archaeological Monitor and Native American Monitor, and Halt Ground-Disturbing Activity upon Discovery of Subsurface Archaeological Features or Tribal Cultural Resources

In the event that any historic-era subsurface archaeological features or deposits (e.g., glass, metal, and/or ceramic refuse scatters), or prehistoric subsurface archaeological features or deposits (e.g., locally darkened soil ("midden"), stone tool chipping debris, bones, shell beads, or concentrated charcoal layers), are discovered during construction, all ground-disturbing activity within 50 feet of the resources shall be halted and the City shall be notified. The applicant will then retain the services of a qualified professional archaeologist to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or tribal artifacts. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to the City regarding appropriate procedures that should be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include preservation in place, archival research, subsurface testing, and/or data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact, the City shall provide a reasonable opportunity for input from a Native American tribal representative affiliated with the location of the discovery; affiliation shall be determined by the City, in consultation with the qualified archaeologist, based on the City's AB 52 list or the contact list provided by the NAHC. If responsive, the tribal representative will then determine whether the artifact is considered a tribal cultural resource, as defined by PRC Section 21074. The applicant, in consultation with the City and Tribe, shall implement the recommended preservation options (which may include preservation in place, data recovery, mapping, capping, or avoidance), and proper curation of significant artifacts, if it determines that the measures are feasible in light of project design, logistics, and cost considerations.

FINDING

The City Council finds that the above mitigation measures are feasible and would reduce the potential impacts of the Costco Commercial Center Project to a less-than-significant level. These mitigation measures are adopted by the City

Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, project that would avoid or substantially lessen the significant environmental effect identified in the EIR.

RATIONALE

Impacts related to tribal cultural resources would be reduced by requiring that a worker environmental awareness program be prepared and provided to all construction personnel and supervisors who will have the potential to encounter and alter cultural resources; and requiring construction to halt if potential archaeological resources are discovered, coordination with Native American groups (if applicable), implementation of preservation options (including preservation in place, data recovery, mapping, capping, or avoidance), and proper curation if significant artifacts are recovered. (Draft EIR p. 3.4-14)

Impact 3.4-4: Directly or Indirectly Destroy a Unique Paleontological Resource or Site or Unique Geologic Feature

Although no known paleontological resources have been identified on the project site, project-related ground-disturbing activities may result in the discovery of or damage to yet undiscovered resources. (Draft EIR p. 3.4-15)

MITIGATION MEASURES

Mitigation Measure 3.4-4: Halt Ground-Disturbing Activity upon Discovery of Subsurface Paleontological Resources

If paleontological resources are discovered during earthmoving activities, the project applicant shall immediately halt operations within 30 feet of the find and notify the City. If the find is determined to be significant, it shall be salvaged by a qualified paleontologist retained by the project applicant following the standards of the SVP (2010) and curated at a certified repository such as the University of California Museum of Paleontology.

FINDING

The City Council finds that the above mitigation measure is feasible and would reduce the potential impacts of the Costco Commercial Center Project to a less-than-significant level. These mitigation measures are adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, project that would avoid or substantially lessen the significant environmental effect identified in the EIR.

RATIONALE

The potential for the project to result in the direct or indirect destruction of unique paleontological resources is low; however, the potential cannot be dismissed. With implementation of Mitigation Measure 3.4-4, which sets forth standard treatment measures to limit destruction of unique paleontological resources, the effect of the project on yet undiscovered paleontological resources would be effectively reduced. (Draft EIR p. 3.4-16)

8.2 BIOLOGICAL RESOURCES

Impact 3.5-1: Result in Disturbance to or Loss of Special-Status Wildlife Species and Habitat

Project activities would include ground disturbance, tree removal, and other vegetation removal, which could result in disturbance, injury, or mortality of several special-status wildlife species if present, reduced breeding productivity of these species, and loss of species habitat. (Draft EIR pp. 3.5-13 and 3.5-15)

MITIGATION MEASURES

Mitigation Measure 3.5-1a: Conduct Take Avoidance Survey for Burrowing Owl, Implement Avoidance Measures, and Compensate for Loss of Occupied Burrows

- ▶ A qualified biologist shall conduct a focused survey for burrowing owls in accessible areas (i.e., not including private property) of habitat suitable for the species on and within 1,640 feet (500 meters) of the project site no less than 14 days before initiating ground disturbance activities using survey methods described in Appendix D of the CDFW 2012 Staff Report (CDFW 2012). Much of the area within this 1,640-foot survey area does not contain habitat suitable for burrowing owl (e.g., residential areas, commercial development, roads) and would not require surveys. Inaccessible areas that contain habitat suitable for burrowing owl (e.g., the Riverside Golf Course property) shall be surveyed using binoculars or a spotting scope.
- ▶ If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the City of Fresno, and no further mitigation shall be required.
- ▶ If an active burrow is found within 1,640 feet of pending construction activities during the nonbreeding season (September 1 through January 31), the applicant shall establish and maintain a minimum protection buffer of 164 feet (50 meters) around the occupied burrow throughout construction. If an active burrow is found on property outside of the project site (e.g., the Riverside Golf Course), then the protection buffer shall be established on a map, and only the portion of the buffer within the project site shall be marked with fencing, flagging, or other means. The actual buffer size shall be determined by the qualified biologist based on the time of year and level of disturbance in accordance with guidance provided in the CDFW Staff Report on Burrowing Owl Mitigation (CDFW 2012). The protection buffer may be adjusted if, in consultation with CDFW, a qualified biologist determines that an alternative buffer shall not disturb burrowing owl use of the burrow because of particular site features or other buffering measures. 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 the CDFW Staff Report. Burrowing owls shall not be excluded from occupied burrows until the project burrowing owl exclusion plan is approved by CDFW. The exclusion plan shall include a compensatory habitat mitigation plan (see below).
- ▶ If an active burrow is found during the breeding season (February 1 through August 31), occupied burrows shall not be disturbed and shall be provided with a protective buffer at a minimum of 164 feet 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 may be adjusted depending on the time of year and level of disturbance as outlined in the CDFW 2012 Staff Report. If an active burrow is found on property outside of the project site (e.g., the Riverside Golf Course), then the protection buffer shall be established on a map, and only the portion of the buffer within the site shall be marked with fencing, flagging, or other means. The size of the buffer may be reduced if a broad-scale, long-term, monitoring program acceptable to CDFW is implemented so that burrowing owls are not adversely 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 2012 Staff Report.

- ▶ If burrowing owls are evicted from burrows and the burrows are destroyed by implementation of project activities, 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 on nesting, occupied, and satellite burrows, and burrowing owl habitat (i.e., grassland habitat with suitable burrows) shall be mitigated such that habitat acreage and number of burrows 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 throughout its range.
- ▶ If feasible, mitigation lands shall be provided adjacent or proximate to the project site so that displaced owls can relocate with reduced risk of injury or mortality. Feasibility of providing mitigation adjacent or proximate to the project site depends on availability of sufficient habitat to support displaced owls that may be preserved in perpetuity.
- ▶ If habitat suitable for burrowing owl is not available for conservation adjacent or proximate to the project site, mitigation lands can be secured off-site and shall aim to consolidate and enlarge conservation areas outside of planned development areas and within foraging distance of other conservation lands. Mitigation may be also accomplished through purchase of mitigation credits at a CDFW-approved mitigation bank, if available. Alternative mitigation sites and acreages may also be determined in consultation with CDFW.
- ▶ If burrowing owl habitat mitigation is 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.

Mitigation Measure 3.5-1b: Conduct Focused Surveys for Swainson's Hawk, White-Tailed Kite, Other Nesting Raptors, and Other Native Nesting Birds and Implement Protective Buffers

- ▶ To minimize the potential for loss of Swainson's hawk, white-tailed kite, other raptors, and other native birds, project construction activities (e.g., tree removal, vegetation clearing, ground disturbance, staging) shall be conducted during the nonbreeding season (approximately September 1-January 31, as determined by a qualified biologist), if feasible. If project construction activities are conducted during the nonbreeding season, no further mitigation shall be required.
- ▶ Within 14 days before the onset of project construction activities during the breeding season (approximately February 1 through August 31, as determined by a qualified biologist), a qualified biologist familiar with birds of California and with experience conducting nesting bird surveys shall conduct focused surveys for Swainson's hawk, white-tailed kite, other nesting raptors, and other native birds. Surveys shall be conducted in accessible areas (i.e., not including private property) within 0.5 mile of the project site for Swainson's hawk and white-tailed kite; within 500 feet of the site for other raptors; and within 50 feet of the site for non-raptor common native bird nests. Inaccessible areas that contain habitat suitable for nesting birds (e.g., the Riverside Golf Course property) shall be surveyed using binoculars or a spotting scope.

- ▶ If no nests are found, the qualified biologist shall submit a report documenting the survey methods and results to the City of Fresno, and no further mitigation shall be required.
- ▶ Impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance to the nest. Project construction activity, including tree removal, shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. An avoidance buffer shall be implemented for Swainson's hawk and white-tailed kite in consultation with CDFW. CDFW guidelines recommend implementation of 0.25- or 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 City of Fresno, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. For other species, a qualified biologist shall determine the size of the buffer for nests of non-special-status species after a site- and nest-specific analysis. Buffers typically shall be 500 feet for common raptors. Buffer size for non-raptor common bird species generally shall be at least 20 feet. Factors to be considered for determining buffer size shall include presence of natural buffers provided by vegetation or topography, nest height above ground, baseline levels of noise and human activity, species sensitivity, and proposed project construction activities. The size of the buffer may be adjusted if a qualified biologist determines that such an adjustment would not be likely to adversely affect the nest. Any buffer reduction for a listed or fully protected species (i.e., Swainson's hawk, white-tailed kite) shall require consultation with CDFW. If an active nest is found on property outside of the project site (e.g., the Riverside Golf Course), then the protection buffer shall be established on a map, and only the portion of the buffer within the project site shall be marked with fencing, flagging, or other means. Periodic monitoring of the nest by a qualified biologist during project construction activities shall be required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project construction activities, as determined by the qualified biologist.

FINDING

The City Council finds that the above mitigation measures are feasible and would reduce the potential impacts of the Costco Commercial Center Project to a less-than-significant level. These mitigation measures are adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, project that would avoid or substantially lessen the significant environmental effect identified in the EIR.

RATIONALE

Mitigation Measures 3.5-1a and 3.5-1b would minimize impacts by requiring preconstruction surveys for burrowing owl, Swainson's hawk, white-tailed kite, other common raptors, and other native birds, and implementation of protective measures for active nests. Specifically, Mitigation Measure 3.5-1a would reduce potential impacts on burrowing owl to a less-than-significant level by requiring a take avoidance survey for burrowing owl, implementation of measures to avoid injury or mortality of burrowing owls and destruction of active burrows if detected, and compensation if burrows cannot be avoided such that the habitat acreage and the number of burrows destroyed are replaced through permanent conservation of comparable or better habitat. Implementation of Mitigation Measure 3.5-1b would reduce potential impacts on Swainson's hawk, white-tailed kite, other raptors, and other common native nesting birds to a less-than-significant level by requiring focused surveys for nesting birds and implementation of measures to avoid disturbance, injury, or mortality of the species if nests are detected. (Draft EIR pp. 3.5-15 and 3.5-16)

8.3 NOISE

Impact 3.11-3: Generate a Substantial Permanent Increase in Ambient Noise Levels in the Vicinity of the Project due to Operational Stationary and On-Site Noise in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies

The proposed project would involve the generation of noise from various stationary and other operations-related non-transportation noise sources. Combined noise levels from non-transportation noise sources would fluctuate depending on each noise source's location and proximity to sensitive receptors, the presence of noise barriers (i.e., building walls), operating hours, and if the nature of each noise is intermittent or continuous. Although noise may combine from the various generators, it is unlikely that combined noise levels would increase to levels that exceed the City's noise standards at nearby sensitive receptors. The HVAC equipment, parking area, tire center, car wash, and transformer and trash compactor would not exceed applicable City standards. However, the loading area could result in potentially significant levels of noise depending on project design.

MITIGATION MEASURES

Mitigation Measure 3.11-3: Reduce Exposure of Existing Sensitive Receptors to Noise Generated by Loading Dock Activity

The project applicant shall construct a sound wall or other noise attenuating feature west of the loading docks with a demonstrated ability to result in a 4 dB noise decrease at the existing residences along North Riverside Drive.

FINDING

The City Council finds that the above mitigation measure is feasible and would reduce the potential impacts of the Costco Commercial Center Project to a less-than-significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, project that would avoid or substantially lessen the significant environmental effect identified in the EIR.

RATIONALE

The implementation of Mitigation Measure 3.11-3 would require the implementation of design features to reduce noise levels to meet required standards. (Draft EIR p. 3.11-25)

Impact 3.11-5: Generate a Substantial Permanent Increase in Ambient Noise Levels in the Vicinity of the Project due to Intermittent Single-Event Noise Levels from Trucks in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies

The proposed project has the potential to expose nearby residents to single-event noise levels (SENLs) due to operation of heavy vehicles accessing the project site during operational activities. The closest sensitive receptor west

of North Riverside Drive could experience interior noise levels of approximately 66.4 dB SENLs exceeding a threshold of 65 dB SENL.

MITIGATION MEASURES

Mitigation Measure 3.11-5: Implement Traffic Noise Reduction Measures along North Riverside Drive

The project proponent shall implement noise reduction measures to ensure that exterior noise levels at residential land uses near the west side of North Riverside Drive do not exceed the City's current noise standard of 65 dB $L_{dn}/CNEL$ under existing-plus-project conditions. This measure is consistent with General Plan Policy NS-1-I, which recommends the use of design alterations to reduce noise impacts. This performance standard can be achieved using either of the following measures. Therefore, if one option is not implemented, the other would be required.

- ▶ Pave the roadway segment with rubberized hot-mix asphalt or equivalent surface treatment with known noise-reducing properties on top of the roadway surface. The rubberized hot-mix asphalt overlay shall be designed with appropriate thickness and rubber component quantity (typically 15 percent by weight of the total blend), such that traffic noise levels are reduced by an average of 4 to 6 dB (noise levels vary depending on travel speeds, meteorological conditions, and pavement quality) as compared to noise levels generated by vehicle traffic traveling on standard asphalt. Rubberized hot-mix asphalt has been found to achieve this level of noise reduction in other parts of California (Sacramento County 1999). Pavement will require more frequent than normal maintenance and repair to maintain its noise attenuation effectiveness. The applicant shall fund the incremental cost for maintaining the roadway segment with the surface treatment.
- ▶ Construct a sound barrier taller than the 6-foot cinderblock wall that is currently present from West Spruce Avenue to West Herndon Avenue. The sound barrier shall be constructed of solid material (e.g., wood, brick, adobe, an earthen berm, boulders, or combination thereof). The reflectivity of each sound barrier shall be minimized to ensure that traffic noise reflected off the barrier does not contribute to an exceedance of applicable Leq standards at other receptors. The level of sound reflection from a barrier can be minimized with a textured or absorptive surface or with vegetation on or next to the barrier. 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 (Caltrans 2013: 2-41; FTA 2018: 42). Barriers higher than the line of sight provide increased noise reduction (FTA 2018: 16). Scenic quality factors shall be taken into account during design, such as using more natural materials (e.g., berms and boulders) to reduce the visible mass of a wall. All barriers shall be designed to blend into the landscape along the roadway, to the extent feasible. Ensuring a character consistent with the surrounding area may involve the use of strategically placed native trees or other vegetation; the addition of special materials (e.g., wood or stonework) on the façade of the sound wall; and/or a sound wall that is covered in vegetation. Additionally, the sound barrier shall meet the standards established in General Plan Policy NS-1-o which establishes aesthetic considerations for sound walls including a maximum allowable height of 15 feet. If the sound barriers ensure that exterior traffic noise levels on the residential properties would not exceed 60 dB Leq, then the applicant shall not be required to pave the roadway with a special low-noise surface treatment. Sound wall construction would only be implemented if all of the property owners on the west side of North Riverside Drive between West Herndon Avenue and West Spruce Avenue collectively agree to the mitigation.

FINDING

The City Council finds that the above mitigation measure is feasible and would reduce the potential impacts of the Costco Commercial Center Project to a less-than-significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that pursuant to PRC Section 21081(a)(1) and State CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, project that would avoid or substantially lessen the significant environmental effect identified in the EIR.

RATIONALE

The implementation of Mitigation Measure 3.11-5 would require the project applicant to construct a sound wall and/or pave North Riverside Drive with noise reducing materials. The City will require the project applicant to engage property owners to determine the feasibility of raising the existing sound wall. As described in the measure, the sound wall would only be implemented if all of the property owners on the west side of North Riverside Drive between West Herndon Avenue and West Spruce Avenue collectively agree to the mitigation. If sound barriers that reduce exterior traffic noise levels on the residential properties to less than 60 dB energy-equivalent noise level (L_{eq}) are constructed, then the applicant shall not be required to pave the roadway with a special low-noise surface treatment. However, if the sound wall component of the mitigation measure cannot feasibly reduce the exterior traffic noise levels to below established City thresholds, the rubberized hot-mix asphalt or equivalent surface treatment would be required. City staff have confirmed the feasibility of this option, which is less desirable due to ongoing maintenance requirements. The implementation of either one of these mitigation measure options would ensure residents near North Riverside Drive would not experience SENL above 65. (Draft EIR p. 3.11-29)

9 ENVIRONMENTAL EFFECTS OF THE PROJECT THAT ARE CONSIDERED UNAVOIDABLE SIGNIFICANT IMPACTS

As documented throughout Chapter 3, “Environmental Impacts and Mitigation Measures,” and Chapter 4, “Cumulative Impacts,” of the Draft EIR, after implementation of the recommended mitigation measures, most of the impacts associated with the project would be reduced to a less-than-significant level. The following impacts are considered significant and unavoidable; that is, no feasible mitigation is available to reduce the project’s impacts to a less-than-significant level:

- ▶ Impact 3.11-1: Generate a Substantial Temporary Increase in Ambient Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies
- ▶ Impact 3.13-2: Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled
- ▶ Impact 3.13-3: Substantially Increase Hazards Due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., Farm Equipment)
- ▶ Impact 4-13: Cumulative Transportation and Circulation Impacts

9.1 NOISE

Impact 3.11-1: Generate a Substantial Temporary Increase in Ambient Noise Levels in Excess of Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies

Construction would be located in close proximity to existing noise-sensitive receptors. Most noise-generating construction activity would be performed during daytime hours, when construction noise is exempt from noise standards by the City of Fresno Municipal Code. However, it is possible that construction activity may be required during the non-exempt evening and nighttime hours (10:00 p.m. to 7:00 a.m., Monday through Saturday, and all-day Sunday) for activities such as large continuous concrete pours. On-site construction could start as early as 2:00 a.m. and the exterior nighttime noise standard of 50 dB between the hours of 10:00 p.m. and 7:00 a.m. could be exceeded during nighttime construction activities. Thus, potential nighttime construction activities could expose nearby noise-

sensitive receptors to noise levels that exceed City nighttime noise standards as detailed in the Municipal Code. (Draft EIR pp. 3.11-16 to 3.11-19)

MITIGATION MEASURES

Mitigation Measure 3.11-1: Implement Additional Measures to Reduce Exposure to Construction Noise Reduction during Noise-Sensitive Time Periods

For all outdoor construction activity that is to take place outside of the City of Fresno construction noise exception timeframes (i.e., 10:00 p.m. and 7:00 a.m., Monday through Saturday, and all hours of the day on Sunday), and that is anticipated to generate interior noise levels at sensitive receptors that exceed the City of Fresno General Plan interior noise standard of 45 dB for residential land uses, the construction contractor shall comply with the following measures:

- ▶ Consistent with Section 10-110 of the City Noise Control Ordinance, obtain an exception to Article 1, "Noise Regulations," through the Chief Administrative Officer. A permit may be issued authorizing noises prohibited by the noise ordinance whenever it is found that the public interest will be served thereby or that extreme hardship will result from the strict enforcement.
- ▶ Install temporary noise curtains as close as possible to the noise-generating activity such that the curtains obstruct the direct line of sight between the noise-generating construction activity and the nearby sensitive receptors. Temporary noise curtains shall consist of durable, flexible composite material featuring a noise barrier layer bounded to sound-absorptive material on one side. The noise barrier layer shall consist of rugged, impervious, material with a surface weight of at least one pound per square foot.
- ▶ Noise-reducing enclosures and techniques shall be used around stationary noise-generating equipment (e.g., concrete mixers, generators, compressors).
- ▶ Operate heavy-duty construction equipment at the lowest operating power possible. All construction equipment shall be properly maintained and equipped with noise-reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- ▶ Where available and feasible, construction equipment with back-up alarms shall be equipped with either audible self-adjusting backup alarms or alarms that only sound when an object is detected. Self-adjusting backup alarms shall automatically adjust to 5 dB over the surrounding background levels. All non-self-adjusting backup alarms shall be set to the lowest setting required to be audible above the surrounding noise levels.
- ▶ Provide a minimum of one week of advanced notice to owners of all residential located within 350 feet of where nighttime construction activity would take place. This noticing shall inform the recipients of when and where nighttime construction would occur and the types of measures being implemented to lessen the impact at potentially affected receptors. This noticing shall also provide the contact information for the designated disturbance coordinator. The disturbance coordinator shall receive all public complaints and be responsible for determining the cause of the complaint and implementing any feasible measures to alleviate the problem.

FINDINGS

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 EIR (State CEQA Guidelines Section 15091[a][1]). However, the City Council finds that feasible mitigation measures may not reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

RATIONALE

The proposed project is anticipated to require limited nighttime construction, which has the potential to result in short-term, temporary exceedances of the nighttime exterior noise standard. Interior noise standards would not be exceeded and sleep disruption is not anticipated. Therefore, actual effects would be limited to individuals outdoors between 10:00 p.m. and 7:00 a.m. on the specific night(s) of construction and their experience of the tranquil nighttime environment.

Implementation of Mitigation Measure 3.11-1 would provide substantial reductions in levels of construction noise exposure at noise-sensitive receptors by ensuring proper equipment use; and requiring the use of enclosures, shields, and noise curtains (noise curtains typically can reduce noise by up to 10 dB [EPA 1971]). Thus, construction noise could potentially be reduced from 63 dB L_{eq} prior to mitigation to approximately 53 dB L_{eq} after Mitigation Measure 3.11-1 is implemented. Although noise reduction would be achieved with implementation of these measures, the effectiveness of Mitigation Measure 3.11-1 would depend upon the specific site conditions at the time of construction. Because it cannot be assured that the applicable noise standards can be met, this impact would remain significant and unavoidable.

9.2 TRANSPORTATION AND CIRCULATION

Impact 3.13-2: Conflict or be Inconsistent with State CEQA Guidelines Section 15064.3, Subdivision (b)

Construction activity is temporary and would generate fewer than 500 daily trips; thus, the proposed project meets the screening criteria established in the City of Fresno *CEQA Guidelines for VMT Thresholds* while construction activities occur. Generation of vehicle miles traveled (VMT) attributed to project operation is expected to result in a net increase of average daily VMT by 129,326. The City of Fresno *CEQA Guidelines for VMT Thresholds* states that "VMT generated by retail projects would indicate a significant impact for any net increase in total VMT" (City of Fresno 2020); therefore, the proposed project would result in a significant impact to VMT. (Draft EIR pp. 3.13-13 to 3.13-15)

MITIGATION MEASURES

Mitigation Measure 3.13-2: Provide a Program to Reduce Costco Employees' VMT by at least 26 Percent

Costco shall provide a program that is designed to achieve at least a 26 percent reduction in employee VMT. The program shall be provided to the City for acceptance prior to issuance of a certificate of occupancy. Specific actions must include the following measures described in the California Air Pollution Control Officers Association's 2021 *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity*:

- ▶ **Commute Trip Reduction Marketing (estimated to result in up to 4 percent employee VMT reduction):** Costco shall implement a marketing strategy to promote Costco's commute reduction program. Information sharing and marketing promote and educate employees about their travel choices to the employment location beyond driving such as carpooling, taking transit, walking, and biking, thereby reducing VMT and greenhouse gas emissions. The following features (or similar alternatives) shall be provided:
 - on-site or online commuter information services,
 - employee transportation coordinators,
 - on-site or online transit pass sales, and
 - guaranteed ride home service.

- ▶ **Provide Ridesharing Program (estimated to result in up to 8 percent employee VMT reduction):** Costco shall develop and implement a ridesharing program. Ridesharing encourages carpooled vehicle trips in place of single-occupied vehicle trips, thereby reducing the number of trips, VMT, and greenhouse gas emissions. The following strategies provide examples of a multifaceted approach for promoting a rideshare program:
 - designating a certain percentage of desirable parking spaces for ridesharing vehicles,
 - designating adequate passenger loading and unloading and waiting areas for ridesharing vehicles, and
 - providing an app or website for coordinating rides.
- ▶ **Implement Subsidized or Discount Transit Program (estimated to result in up to 5.5 percent employee VMT reduction):** Costco shall provide free transit passes for employees. Reducing the out-of-pocket cost for choosing transit improves the competitiveness of transit against driving, increasing the total number of transit trips and decreasing vehicle trips. This decrease in vehicle trips results in reduced VMT and, thus, a reduction in greenhouse gas emissions.
- ▶ **Provide End-of-Trip Bicycle Facilities (estimated to result in up to 4.4 percent employee VMT reduction):** Costco shall install and maintain end-of-trip facilities for employee use. End-of-trip facilities include elements such as bike parking, bike lockers, showers, and personal lockers. The provision and maintenance of secure bike parking and related facilities encourages commuting by bicycle, thereby reducing VMT and greenhouse gas emissions.
- ▶ **Improve Street Connectivity (estimated to result in up to 30 percent employee VMT reduction):** Costco shall construct West Spruce Avenue along the northern site boundary, creating new connections between West Spruce Avenue and North Aurthur Avenue. The increased connectivity and intersection density that would result from these improvements would facilitate shorter trips, thereby reducing VMT.
- ▶ **Provide Pedestrian Network Improvements/Construct Bike Facilities/Expand Bikeway Network (estimated to result in up to 10 percent employee VMT reduction¹):** Costco shall construct new, 12-foot-wide pedestrian and bicycle paths along West Herndon Avenue and North Riverside Drive to improve pedestrian access and connect to a larger bicycle network. This encourages a mode shift from automobiles to biking and walking, resulting in VMT reduction.

FINDING

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 EIR (State CEQA Guidelines Section 15091[a][1]). However, the City Council finds that feasible mitigation measures would not reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

RATIONALE

The primary source of daily VMT is warehouse shopping by Costco members. Members purchase items in bulk at Costco facilities, making walking, biking, or transit trips to the warehouse impractical. Bulk shopping generally requires access to a personal automobile and is often a single-destination outing. Mitigation that would substantially reduce the VMT of Costco members is infeasible due to the nature of Costco's land use and business model, which is inherently auto-oriented. Implementation of Mitigation Measure 3.13-2 would reduce employee trips. However, employee trips account for 436 daily trips (less than 2 percent of the total daily trips) and 13,385 VMT (approximately 7 percent of the daily VMT). Based on the California Air Pollution Control Officers Association's estimates in the Quantifying Greenhouse Gas Mitigation Measures Handbook (CAPCOA 2021), Mitigation Measure 3.13-2 could

¹ Measures T-18 through T-22-C are in the Neighborhood Design subsector. The VMT reduction from the combined implementation of all measures within this subsector is capped at 10 percent (CAPCOA 2021: 135).

achieve up to a 26 percent reduction in project employee commute VMT, which is less than 2 percent of the proposed project's total daily regional VMT. (Draft EIR p. 3.13-18)

Impact 3.13-3: Substantially Increase Hazards Due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., Farm Equipment)

The proposed project would follow all safety protocol during construction activities and would develop a Traffic Control Plan in accordance with City standards. The proposed project would be required to meet City design standards and regulations, including internal circulation and off-site improvement standards for all modes of transportation. Additionally, the proposed project would be subject to ministerial review by the City; thus, ensuring applicable design requirements related to safety are met. However, as detailed in the *Fresno Costco Relocation Transportation Impact Analysis* (TIA) prepared for the proposed project (Kittelson & Associates 2023) and included as Appendix D to the Draft EIR, the proposed project would not meet safety thresholds related to intersection queuing. The City has issued several conditions of approval for the proposed project that would require the implementation of off-site improvements to reduce transportation hazards. However, no off-site improvements at the intersection of North Golden State Boulevard and West Herndon Avenue are included in the conditions of approval. (Draft EIR pp. 3.13-18 to 3.13-20)

MITIGATION MEASURES

Mitigation Measure 3.13-3: Provide Off-Site Improvements

Costco shall provide the following off-site improvements to alleviate queuing that would result in transportation hazards to the greatest extent feasible prior to issuance of a certificate of occupancy:

- ▶ North Golden State Boulevard and West Herndon Avenue: Revise signal phasing to optimize green-time allocation relative to anticipated volumes. To reduce queue blockage of the intersection, "DO NOT BLOCK" pavement markings are required for the full width of North Weber Avenue. On the north leg of the intersection (i.e., North Golden State Boulevard, northeast of West Herndon Avenue), reconstruct the median to extend the south bound dual left-turn pocket as far north as possible without interfering with the existing north bound left-turn pocket at West Kathryn Avenue.

All off-site improvements shall be designed in accordance with City roadway design standards and are subject to review by the City and responsible emergency service providers.

FINDING

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 EIR (State CEQA Guidelines Section 15091[a][1]). However, the City Council finds that feasible mitigation measures would not reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

RATIONALE

Following construction of off-site improvements detailed in Mitigation Measure 3.13-3, the southbound left-turn queue at the North Golden State Boulevard and West Herndon Avenue intersection would continue to overflow the available storage for the turn pocket and block the adjacent travel lane by approximately 50 feet. Constraints in the

median preclude increasing the southbound left-turn lanes to fully accommodate the 95th percentile queue. As discussed in the EIR, existing roadway layout and approved projects in the area preclude additional design features to address this impact. Specifically, the alignment of the California High Speed Rail parallels the existing railway northeast of North Golden State Boulevard and limits the available right of way for improvements. According to analysis in the TIA, the spillback condition would occur during the most congested period of the day and would not be a continuous condition. However, because the southbound left-turn queue at the North Golden State Boulevard and West Herndon Avenue would continue to overflow the available storage for the turn pocket and block the adjacent travel lane during certain times throughout the day, this would remain a transportation hazard with mitigation. (Draft EIR p. 3.13-21)

Impact 4-13: Cumulative Transportation and Circulation Impacts

The project would result in an increase in VMT. Growth projected in the cumulative impact area could also result in increased VMT. The discussion of VMT impacts associated with the project in Impact 3.13-2 is inherently a cumulative impact analysis because it addresses project generated VMT based on an efficiency threshold that is aligned with long-term goals and relevant plans. The proposed project would result in a net increase of 129,326 regional daily VMT. (Draft EIR p. 4-14)

MITIGATION MEASURES

No additional feasible mitigation measures are available to reduce impacts.

FINDING

The City Council finds that feasible mitigation measures would not reduce the identified significant impact to a level below significant. Therefore, this impact would remain significant and unavoidable. However, pursuant to PRC Section 21081(b), see the Statement of Overriding Considerations for the specific overriding economic, legal, social, technological, and other benefits of the project that outweigh this significant and unavoidable impact.

RATIONALE

The implementation of Mitigation Measure 3.13-2, which requires the project applicant to provide a commute reduction program would be focused on reducing employee trips, which account for less than 2 percent of trips. Due to the unique nature of the project, which involves bulk shopping that generally requires access to a personal automobile and is often a single-destination outing, it would be infeasible to implement other mitigation to minimize VMT impacts from Costco members. (Draft EIR p. 4-14)

10 FINDINGS REGARDING PROJECT ALTERNATIVES

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 proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.”

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

be deemed by the lead agency to be “infeasible” if it fails to fully promote the lead agency’s underlying goals and objectives with respect to the project. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 999–1000 (*CNPS*); *Citizens for Open Government v. City of Lodi* (2012) 205 Cal.App.4th 296, 314–315; *City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 401, 417; *Los Angeles Conservancy v. City of West Hollywood* (2017) 18 Cal.App.5th 1031, 1041-1043.) “‘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.” (*Ibid.*; see also *CNPS, supra*, 177 Cal.App.4th at p. 1001.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of the project, the decision-makers may reject the alternative if they determine that specific considerations make the alternative infeasible.

10.1 ALTERNATIVES CONSIDERED IN THE EIR

The EIR identified and compared the significant environmental impacts of alternatives in Chapter 4, “Alternatives.” The emphasis of the analysis is on a determination of whether the alternative would reduce, eliminate, or create new significant impacts, as well as the alternative’s relative beneficial effects compared to the project and how well the alternative meets each of the project objectives. In accordance with the provisions of State CEQA Guidelines Section 15126.6, the EIR identified and considered the following reasonable range of feasible alternatives to the proposed project. These alternatives would be capable, to varying degrees, of reducing identified impacts.

- ▶ **Alternative 1a: No Project Alternative** assumes continued operation of the existing Costco facility at its current location, but also assumes development of the project site with the type and intensity of commercial uses consistent with the existing General Plan land use designation and zoning.
- ▶ **Alternative 1b: No Development Alternative** assumes continued operation of the existing Costco facility at its current location and no development of the project site.
- ▶ **Alternative 2: Reduced Size Costco Warehouse** assumes that the proposed warehouse at the proposed site would be similar in size to the existing Costco warehouse.
- ▶ **Alternative 3: Mixed-Use Costco Center Alternative** would adjust the land use mix on the project site to include high-density residential development intended to promote VMT efficiency.

The City Council finds that the range of alternatives studied in the EIR reflects a reasonable range of alternatives.

10.1.1 Alternative 1: Alternative 1a: No Project Alternative - Development Consistent with Existing Land Use and Zoning

Alternative 1a assumes that development of the site would occur consistent with existing land use designation (Community Commercial) and zoning (Community Commercial) of the site. The existing Community Commercial designation allows a floor area ratio (FAR) of 1.0, whereas the proposed General Commercial designation allows a FAR of 2.0, which is twice the floor area allowed under the existing designation. Also, whereas the General Commercial designation allows uses with higher traffic volumes, such as strip malls, wholesale businesses, and specialized retail, the Community Commercial designation is intended for commercial development that primarily serves local needs, such as medium-scale retail, office, civic and entertainment use, supermarkets, drug stores, and supporting uses. Based on the applicable development standards, and assuming that future development would be consistent with City standards related to building coverage, setbacks, landscaping, and building heights, future development of the site is anticipated to include commercial/retail development totaling approximately 120,000 square feet (s.f.), which is approximately half the intensity of the proposed project. It should be noted that, although Alternative 1a would include less overall development, this analysis assumes that no portion of the site would remain vacant, and that the entire site would be graded. However, because there would be less overall floor area, there would likely be opportunities for increased landscape areas.

Under Alternative 1a, the existing Costco facility on West Shaw Avenue would continue to operate. Operation of the existing facility is accounted for in the baseline, existing conditions described throughout this EIR. For this reason, continued operation and associated energy use, VMT, and air pollutant and greenhouse gas (GHG) emissions of the magnitude disclosed for existing operations are considered a continuation of baseline conditions and are not considered impacts resulting from Alternative 1a. However, the existing Shaw Avenue Costco has existing circulation challenges and limited parking would persist with intensification of the use of the Costco property as the customer base in northwest Fresno continues to grow. (Draft EIR pp. 6-7 to 6-8)

ENVIRONMENTAL EFFECTS

Implementation of Alternative 1a would result in less overall development than the project and would be consistent with the existing general plan land use designation and zoning for the project site. As demonstrated in the Draft EIR analysis, most impacts would be similar to the proposed project. Impacts related to Noise and Vibration and Traffic and Circulation would be reduced under this alternative. Under Alternative 1a, the overall floor area would be substantially smaller than the proposed project and may also consist of a series of smaller structures (depending on the specific development); therefore, overnight foundation pouring may not be necessary under this scenario. Also, the smaller size would also likely allow for increased site design flexibility, which could place structures farther from existing sensitive receptors than under the proposed project. Because of these reasons, there is a reasonable likelihood that Alternative 1a could result in a substantial reduction to the project's significant impacts related to construction noise.

As described above, unlike the proposed General Commercial designation, which allows uses with higher traffic volumes, the existing Community Commercial designation is intended for commercial development that primarily serves local needs, such as medium-scale retail, office, civic and entertainment use, supermarkets, drug stores, and supporting uses. Therefore, a project consistent with this designation would generally be more VMT efficient than a wider-serving project, such as a Costco facility. Also, whereas some transportation demand management measures are not very effective for a Costco facility (i.e., shoppers buying in bulk would not generally be able use bicycles or transit), they may be much more feasible for a local-serving retail development. Therefore, Alternative 1a may substantially reduce the project's significant impacts related to VMT and traffic hazards due to overall reduced traffic volumes. (Draft EIR pp. 6-8 to 6-9)

RELATION TO PROJECT OBJECTIVES

Alternative 1a would not achieve the basic project objective of establishing a facility of sufficient size that integrates several services, including home and/or business delivery service, under one roof. Alternative 1a would also not meet the project objective related to meeting demand for automobile services, including gasoline, car wash, and tire center because the car wash is not consistent with existing zoning. Other objectives related to operation of a retail center that serves the community with a wide variety of goods in northwest Fresno that is serviced by adequate infrastructure, creating a commercial center that is integrated with the overall design context, reducing energy consumption, increasing taxable sales, and minimizing circulation conflicts could be achieved by commercial development of the site under Alternative 1a. (Draft EIR p. 6-8)

FINDINGS

The City Council finds that Alternative 1a would result in similar or reduced impacts on the project site and would not alleviate existing adverse logistical conditions on the project site that make continued operation or redevelopment of the Shaw Avenue Costco less desirable. The City Council rejects Alternative 1a because it does not meet many of the project objectives which establish the underlying purpose of the project.

10.1.2 Alternative 1b: No Project Alternative - No Development

The No Development Alternative is a version of the “no project” alternative wherein the existing environmental setting is maintained. The existing Costco facility on West Shaw Avenue would continue to operate.

This alternative assumes that permissible development would not occur on the project site and the lot would remain vacant. Alternative 1b is provided for informational purposes and discloses the effects on the environment if the environmental setting were maintained. Although the site remaining undeveloped is a potential outcome of not approving the proposed project, decision-makers could only select and implement this alternative if the City also purchased the property or changed the land use designation to ensure a “no development” outcome. Otherwise, it is reasonably foreseeable that development of the property would occur as described in Alternative 1a. (Draft EIR p. 6-9)

ENVIRONMENTAL EFFECTS

The No Development Alternative would eliminate all environmental effects of construction and operation identified in the Draft EIR. Alternative 1b would not conflict with City policies adopted for the purposes of avoiding or mitigating an environmental effect. However, the No Development Alternative would not be consistent with the existing general plan land use designation and zoning, which have been established by the City to identify appropriate locations for development. Eliminating the development potential of the project site could result in increased pressure to develop commercial land uses in other areas of northwest Fresno that are less suitable for this type of development. With the exception of land use and planning impacts, which would be similar to the proposed project, all impacts would be reduced under this alternative. (Draft EIR pp. 6-9 to 6-10)

RELATION TO PROJECT OBJECTIVES

The No Development Alternative would not meet any of the objectives established for the project. (Draft EIR p. 6-9)

FINDINGS

The City Council finds that Alternative 1b would result in similar or reduced impacts on the project site. However, the alternative would not alleviate existing adverse logistical conditions on the project site that make continued operation or redevelopment of the Shaw Avenue Costco less desirable. Moreover, the City does not intend to purchase the property or changed the land use designation to ensure a “no development” outcome. The City Council rejects Alternative 1b because it does not meet any of the project objectives, which establish the underlying purpose of the project.

10.1.2 Alternative 2: Reduced Size Costco Warehouse

The Reduced Size Costco Warehouse Alternative assumes development of a Costco warehouse on the project site that is the same size as the existing Costco warehouse on Shaw Avenue. As with redevelopment of the existing Costco site, a smaller warehouse would not accommodate consolidation of the market delivery operation and those processes would continue at their current location. The fueling station would also be substantially smaller than the proposed station, and there would be no car wash. The site would be designed to place the smaller structure as far as reasonably possible from existing sensitive receptors that back onto North Riverside Drive across from the project site. Under this alternative, there may be a slight reduction in construction activity, but the general duration and types of construction would be similar. (Draft EIR p. 6-10)

ENVIRONMENTAL EFFECTS

Implementation of the Reduced Size Costco Warehouse Alternative would result in less intense development on the project site, although the overall level of ground disturbance and the construction period and intensity would be similar. Overall operations would be similar. The significant impacts associated with the project that cannot be minimized or avoided through mitigation relate to traffic queuing, VMT, and construction noise. Reducing the size of the Costco warehouse would result in a reduction in total VMT. Although the Reduced Size Costco Warehouse Alternative may result in a slight decrease in total VMT, it would not eliminate the VMT generated. It would also not change the effectiveness of mitigation measures (i.e., shoppers buying in bulk would not typically use bicycle or transit). Regarding the project's significant impact related to noise, a smaller version of the project may allow more flexibility in terms of site design and layout, potentially providing more distance between specific project elements and existing sensitive receptors. Because noise generally attenuates according to the "inverse square law" (i.e., a doubling of distance from a point source reduces sound pressure by approximately 6 dB), the amount of increased distance a smaller structure would allow would not likely avoid the impact, but in combination with the mitigation measures identified, the construction-related noise impact would be further reduced. (Draft EIR p. 6-11)

RELATION TO PROJECT OBJECTIVES

This alternative would likely not adequately meet several of the project objectives, including expanding the space available for integrated retail sales and services in the local market, providing a state-of-the-art facility to better serve the membership in the greater Fresno area, integrated automobile services, and developing a facility that is large enough to accommodate all the uses and services that Costco provides to its members elsewhere. (Draft EIR p. 6-10)

FINDINGS

The City Council finds that Alternative 2 would result in similar or slightly reduced impacts on the project site while substantially limiting the development potential and functional use of the site. The City Council rejects Alternative 2 because it does not meet many of the project objectives, which establish the underlying purpose of the project.

10.1.3 Alternative 3: Mixed-Use Costco Center Alternative

Under the Mixed-Use Costco Center Alternative, a two-story Costco warehouse would be developed within a smaller footprint to allow room for a low-to-mid-rise, high-density housing development on the project site. Given the large number of commercial/retail uses in the area and the generally low level of medium- and high-density housing, a high-density housing development may perform moderately well in this location compared to the project. The overall floor area would likely be smaller than the proposed Costco warehouse but may be larger than the existing Costco warehouse. Due to site constraints, no gas station, car wash, or market delivery operation would be included under this alternative.

Critically, the Costco warehouse structure would be designed such that loading docks and other noise- and air-pollutant-generating facilities and equipment are located on the side of the building farthest from any sensitive receptor and as far from sensitive receptors as possible, including the on-site high-density residential structure. It should be noted that this design constraint may affect the feasibility of this alternative and that more detailed design work would be needed to make the final feasibility determination. (Draft EIR pp. 6-11 to 6-12)

ENVIRONMENTAL EFFECTS

Implementation of the Mixed-Use Costco Center Alternative would result in greater intensity of development on the project site, although the overall level of ground disturbance and the construction period and intensity would be similar. The Mixed-Use Costco Center Alternative would involve development of structures much larger in scale than the proposed project, including a two-story Costco warehouse and a low-to-mid-rise high-density housing

development. Under this alternative the mass of structures on the project site would be much more prominent and would not generally be consistent with the one- and two-story single-family residential development or the single-story commercial development in the vicinity. The contrast would be especially stark on the northern portion of the site, which is adjacent to the fairway for Riverside Golf Course. Although this change in visual character may not rise to the level of a significant impact that cannot be minimized, it would be greater than the proposed project.

Because the Mixed-Use Costco Center Alternative would result in a smaller commercial warehouse and includes uses that are more VMT efficient than the Costco warehouse facility alone, the alternative would likely result in somewhat reduced VMT impacts compared to the project. However, because the project site is not in a jobs-rich area that would support walkable/bikeable employment for on-site residents, the VMT efficiency associated with the residential development would be limited, and not likely enough to counter the project's daily VMT generation. As discussed above, the City's *CEQA Guidelines for VMT Thresholds* establishes that any increase in net VMT for retail projects would be a significant impact. Therefore, although the project would likely result in modest reductions, it would not avoid or minimize the significant impact related to VMT. (Draft EIR pp. 6-12 to 6-13)

RELATION TO PROJECT OBJECTIVES

This alternative would likely not meet several project objectives, including developing a Costco facility that is large enough to accommodate all the uses and services that Costco provides to its members elsewhere and meeting member demand for automobile services, including gasoline. Also, because this alternative would involve large multi-story structures in an area dominated by one-and two-story residential development and single-story commercial development, it would likely not achieve the objective related to integration with the overall design context for the area. (Draft EIR p. 6-12)

FINDINGS

The City Council finds that Alternative 3 would result in the potential for moderate reductions in the significant and unavoidable noise and transportation impacts of the project. However, Alternative 3 may also increase aesthetic impacts. While potentially feasible, this alternative would limit the functionality and efficiency of the larger, integrated Costco Commercial Center and would require the project applicant to engage a third party of the design and development of high-density housing because Costco does not have housing development credentials. Because Costco does not construct housing, this is considered an excessive development requirement. The City Council rejects Alternative 3 because it does not substantially reduce impacts, does not meet several of the project objectives, and would result in a project of different scope than the proposal.

10.2 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Because the No Development Alternative (Alternative 1b, described in Section 6.4.2 of the Draft EIR) would avoid all adverse impacts resulting from construction and operation of the proposed project, it is the environmentally superior alternative. However, the No Development Alternative would not meet the objectives of the project. The No Project Alternative (Alternative 1a, described in Section 6.4.1 of the Draft EIR) would also avoid the significant and unavoidable effects of the project, while achieving some of the project objectives related to providing a commercial center on the site.

When the environmentally superior alternative is the No Project Alternative, the State CEQA Guidelines (Section 15126[d][2]) require selection of an environmentally superior alternative from among the other action alternatives evaluated. Alternative 2: Reduced Size Costco Warehouse would be environmentally superior action alternative because although the environmental impacts would be similar to the proposed project, and no significant impacts or significant and unavoidable impacts would be completely avoided, the project's significant impacts related to VMT and construction noise would be slightly reduced. (Draft EIR p. 6-13)

As described above, the City Council finds that Alternative 2 would result in similar or slightly reduced impacts on the project site while substantially limiting the development potential and functional use of the site. The City Council rejects Alternative 2 because it does not meet many of the project objectives, which establish the underlying purpose of the project.

11 CONCLUSION

In accordance with CEQA and the State CEQA Guidelines, the City Council adopts these Findings as part of its certification of the Final EIR for the project. Pursuant to Section 21082.1l(3) of the PRC, the City Council also finds that the Final EIR reflects the City Council's independent judgment as the lead agency for the project. As required by CEQA, the City, in adopting these Findings, also adopts an MMRP for the project. The City finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of Section 21081.6 of the PRC by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project. Based on the entire record before the City, and having considered the significant and unavoidable impacts of the project, the City hereby determines that all feasible mitigation within the responsibility and jurisdiction of the City has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts.

12 STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed in the Findings of Fact above, approval of the Costco Commercial Center Project (hereafter the project) will result in significant adverse environmental effects that cannot be avoided with the adoption of all feasible mitigation measures. Further, there are no feasible project alternatives that would mitigate or substantially lessen the impacts. Despite the occurrence of these effects, however, the Fresno City Council chooses to approve the project because, in its view, the economic, environmental, social, and other benefits of the project will render the significant effects acceptable.

In making this Statement of Overriding Considerations the City Council has considered the information contained in the EIR for the project and the record of proceedings in which the project was considered. The City Council hereby determines that the project's benefits outweigh the significant unmitigated adverse impacts, as discussed below.

12.1 SIGNIFICANT AND UNAVOIDABLE IMPACTS

Pursuant to PRC Section 21081(b) and CEQA Guidelines Section 15093, the City Council has balanced the benefits of the project against the following significant unavoidable adverse impacts and has adopted all feasible mitigation measures with respect to these impacts.

- ▶ **Impact 3.11-1:** Generate a Substantial Temporary Increase in Construction Noise Levels in Excess of Applicable Standards Established in the Local General Plan or Noise Ordinance, or Applicable Standards of Other Agencies
- ▶ **Impact 3.13-2:** Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled
- ▶ **Impact 3.13-3:** Substantially Increase Hazards Due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., Farm Equipment)
- ▶ **Impact 4-13:** Cumulative Transportation Impacts

12.1.1 Construction Noise (Impact 3.11-1)

As described above in Section 9, “Environmental Effects of the Project that are Considered Unavoidable Significant Impacts,” the proposed project is anticipated to require limited nighttime construction, which has the potential to result in short-term, temporary exceedances of the nighttime exterior noise standard. Interior noise standards would not be exceeded and sleep disruption is not anticipated. Therefore, actual effects would be limited to individuals outdoors between 10:00 p.m. and 7:00 a.m. on the specific night(s) of construction and their experience of the tranquil nighttime environment. In addition, mitigation has been identified that is anticipated to sufficiently reduce noise levels at nearby sensitive receptors to eliminate the significant impact.

The significant and unavoidable impact is identified due to uncertainty. If significant impacts occur, they would be limited to individuals outside at night during the limited construction window.

12.1.2 Vehicle Miles Traveled (Impact 3.13-2 and Impact 4-13)

As described above in Section 9, “Environmental Effects of the Project that are Considered Unavoidable Significant Impacts,” the primary source of daily VMT is warehouse shopping by Costco members. Members purchase items in bulk at Costco facilities, making walking, biking, or transit trips to the warehouse impractical. Mitigation that would substantially reduce the VMT of Costco Members is infeasible.

The implementation of Mitigation Measure 3.13-2 would reduce employee trips. However, employee trips account for 436 daily trips (less than 2 percent of the total daily trips) and 13,385 VMT (approximately 7 percent of the daily VMT). (Draft EIR p. 3.13-18)

The City’s standard of no net increase in VMT for commercial projects cannot be achieved by a warehouse retail project due to the practical considerations of purchasing items in bulk. The concept of VMT is largely tied to the understanding of vehicle exhaust as a major contributor to global GHG emissions. Importantly, bulk shopping does present the opportunity for numerous efficiencies in shipping and packaging that may reduce GHG emissions compared to other commercial projects. As described in Section 3.7 of the Draft EIR, the project is consistent with the GHGRP and would not result in significant GHG emissions overall. Additionally, through regulatory mechanisms in place, such as the Advanced Clean Cars program and Advanced Clean Trucks, gasoline and diesel fuel consumption will continue to decrease as California’s on-road transportation sectors electrifies over time.

12.1.3 Traffic Hazards (Impact 3.13-3)

As described above in Chapter 9, “Environmental Effects of the Project that are Considered Unavoidable Significant Impacts,” following construction of off-site improvements detailed in Mitigation Measure 3.13-3, the southbound left-turn queue at the North Golden State Boulevard and West Herndon Avenue intersection would continue to overflow the available storage for the turn pocket and block the adjacent travel lane by approximately 50 feet. Constraints in the median preclude increasing the southbound left-turn lanes to fully accommodate the 95th percentile queue. Specifically, the alignment of the California High Speed Rail parallels the existing railway northeast of North Golden State Boulevard and limits the available right of way for improvements. According to analysis in the TIA, the spillback condition would only occur during the most congested period of the day. (Draft EIR p. 3.13-21)

The City has required all feasible mitigation to address this intermittent condition, which presents a traffic hazard only if motorists are not adequately attentive to the turn pocket spillover. This area is undergoing change due to the construction of the Highspeed Rail, which both limits the City’s ability to expend the roadway and creates a dynamic environment where the impact may be less severe in the cumulative condition (i.e., once the rail improvements are complete).

Therefore, the significant and unavoidable impact is due to intermittent conditions in an area undergoing changes to the transportation network. The project alternatives are not anticipated to substantially reduce this impact.

12.2 OVERRIDING CONSIDERATIONS

CEQA requires decision makers to balance, as applicable, the economic, legal, social, technological or other benefits of a project against its significant and unavoidable environmental impacts when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of the project outweigh the significant and unavoidable impacts, those impacts may be considered "acceptable" (CEQA Guidelines Section 15093(a)). When significant impacts are not avoided or lessened, CEQA requires the agency to state, in writing, the specific reasons for considering a project acceptable. Those reasons must be based on substantial evidence in the EIR or elsewhere in the administrative record (CEQA Guidelines Section 15093(b)).

In the City Councils' judgment, the project and its benefits outweigh its unavoidable significant effects. The following statements, based in part upon the project objectives described in the EIR and Findings, support this conclusion. The substantial evidence supporting the various benefits can be found in the administrative record including the preceding Findings, which are incorporated by reference into this section. The City Council finds that each of the enumerated benefits is individually meritorious and, taken together, provide substantial public benefits that justify adoption of the project.

- ▶ The project would provide convenient shopping to serve existing and projected demand for retail warehouse shopping in the growing area of northwest Fresno.
- ▶ The project would result in a state-of-the-art facility of sufficient size to integrate several services, including home and/or business delivery service, under one roof. This promotes operational efficiencies compared to existing Costco warehouse and market delivery operations.
- ▶ The project would be conditioned on the completion of several elements of the transportation network in northwest Fresno, including a pedestrian pathway along West Herndon Avenue and the completion of West Spruce Avenue. The project would be consistent with the furtherance of General Plan policies that support multimodal transportation and complete streets, such as Policy MT-1-b, Policy MT-1-g and Policy MT-1-j.
- ▶ The project would continue and increase big-box retail store sales tax revenues received by the City.
- ▶ The project is consistent with Objective ED-1 of the General Plan to support economic development by maintaining a strong working relationship with the business community and improving the business climate for current businesses.

12.3 CONCLUSION

After balancing environmental costs against project benefits, the City Council has concluded that the benefits the City will derive from the project outweigh the anticipated impacts to noise and transportation. The City Council has chosen to accept certain environmental impacts because to eliminate them would unduly compromise some other important economic, fiscal, environmental, land use or other goal.

The City Council finds that any residual or remaining effects on the environment resulting from the project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations. The City Council finds and determines that the project and the supporting environmental documentation provide for a positive balance of the competing goals and that the economic, fiscal, environmental, land use or other benefits to be obtained by the project outweigh any environmental and related potential detriments from the Project. The City Council has concluded that the Project's implementation will represent a net positive impact on the City based upon a comprehensive analysis of all the underlying planning and environmental documentation. Therefore, the City adopts this Statement of Overriding Considerations.

13 REFERENCES

- California Air Pollution Control Officers Association. 2021. California Emissions Estimator Model. Available: <https://www.caleemod.com/>. Accessed July 20, 2022.
- City of Fresno. 2014. *City of Fresno: General Plan and Development Code Update Master EIR*. Prepared by First Carbon Solutions. Available: <https://www.fresno.gov/darm/wp-content/uploads/sites/10/2016/11/Sec-08-00-EFNS-MEIR.pdf>. Accessed December 14, 2021.
- . 2020. *Fresno General Plan Public Review Draft Program Environmental Impact Report*. State Clearinghouse Number 2019050005. Prepared by LSA, Fresno. CA.
- Kittleson & Associates. 2023 (May). *Fresno Costco Relocation Transportation Impact Analysis*. Prepared for Costco Wholesale.