

# City Council Regular Meeting

April 18, 2024

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CITY OF FRESNO  
CITY CLERK'S OFFICE

## FRESNO CITY COUNCIL



### Public Comment Packet

#### ITEM(S)

**9:20 A.M. (ID 24-469)** Actions pertaining to the fee interest acquisition of a parcel to construct the Blackstone McKinley BNSF Grade Separation Project (Council Districts 1 and 7)

[TITLE TRUNCATED FOR SUPPLEMENTAL PACKET COVER PAGE]

**Contents of Supplement:** Public comment email

#### Item(s)

##### **Supplemental Information:**

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

##### **Americans with Disabilities Act (ADA):**

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

**DESMOND, NOLAN, LIVAICH & CUNNINGHAM**

**ATTORNEYS AT LAW**

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April 17, 2024

*Submitted via Email*

Fresno City Council  
City of Fresno  
City Hall  
2600 Fresno Street, 2nd Floor  
Fresno, CA 93721  
ATTN: [clerk@fresno.gov](mailto:clerk@fresno.gov)

**STATEMENT OF WRITTEN OBJECTIONS TO ADOPTION OF PROPOSED  
RESOLUTION OF NECESSITY TO TAKE PROPERTY OWNED BY GRANETT  
INVESTMENT TRUST**

**Re: City Council Meeting Set for April 18, 2024; Agenda ID 24-469  
Proposed Resolution of Necessity: 1730 East McKinley Avenue, Fresno, CA 93703  
APN 451-071-35**

Councilmembers:

Our office represents Avedis Terzian, as trustee of the Granett Investment Trust, dated August 8, 1995, ("Owner"), the owner of the above-referenced real property ("Property" or "Subject Property"). We are in receipt of the City of Fresno's ("City") Notice of Proposed Fresno City Council Meeting to Determine Necessity to Acquire Land for the Construction of the Blackstone McKinley BNSF Grade Separation Project ("Project"), dated March 26, 2024 ("Notice").

This letter is in follow-up to the Owner's formal request, and reservation of rights, for himself and one or more of his representatives to appear and be heard at the Council's hearing on the Resolution of Necessity ("Resolution") to commence eminent domain proceedings for the Subject Property scheduled for April 18, 2024, at 9:00 a.m. in the Council Chambers of Fresno City Hall, 2600 Fresno Street, 2nd Floor, Fresno, CA 93721.

The Owner hereby submits the following statement of written objections to be included in the official record of the proceeding. Enclosed with this statement and to be included with it in the record are the following exhibits:

15<sup>th</sup> & S Building

Telephone: [REDACTED]  
Facsimile: [REDACTED]  
E-mail: [REDACTED]

J. Russell Cunningham  
Brian Manning  
Kristen Ditlevsen Renfro  
Benjamin C. Tagert  
James Silverthorn

Of Counsel  
William W. Nolan (Ret.)  
Gary Livaich  
Edward K. Dunn (Ret.)

Earl D. Desmond  
(1895-1958)  
E. Wayne Miller  
(1904-1965)  
Richard F. Desmond  
(1923-2004)  
William C. Livaich  
(1950-2007)



<b>Exhibit A</b>	Councilmember Esparza's Letter Endorsing the Project
<b>Exhibit B</b>	Diagram Depicting Temporary Road Plan
<b>Exhibit C</b>	Aerial Identifying Impacted Businesses
<b>Exhibit D</b>	Traffic Handling Detour Overview PowerPoint Presentation
<b>Exhibit E</b>	Measure C Annual Report for 2021–23
<b>Exhibit F</b>	Community Question and Responses re: Project
<b>Exhibit G</b>	Main PowerPoint Presentation re: Project
<b>Exhibit H</b>	General Plan 2022 Progress Report
<b>Exhibit I</b>	Blackstone Corridor Transportation + Housing Study (2017)
<b>Exhibit J</b>	Fresno General Plan (2014) Chapter 3: Urban Form, Land Use, and Design

### **Summary of Objections**

Mr. Terzian has run A&T Ceramics with his family for over 35 years and, since 1995, he has been located at the Subject Property off Highway 41 and the McKinley exit. Despite being a longtime resident and small business owner, the City now seeks to force Mr. Terzian from the Property without regard to the significant injury he would suffer. Not only would moving his business be a massive undertaking, but there is also simply no place to go. Since the City made its first offer less than six months ago, Mr. Terzian has not found anything remotely suitable for his business given the sky-high prices for places he could hypothetically move to if forced to do so. The City claims that it is taking a dozen businesses, including Mr. Terzian's, to build a *temporary* road and save six months on its estimated timeframe to complete the proposed Project. But, looking deeper, it becomes clear that the temporary road is merely the first step and, instead of returning these properties to their owners, the City intends to bank the land for development after it has fixed the traffic congestion in the area where these businesses have been running for years. (**Ex. F and G.**) Adopting this Resolution would merely be a pretense then. And such an action is wholly improper.

Adopting a resolution of necessity is a tremendous power, and the resolution must be adequately supported by facts and approved only after an independent and good faith examination thereof. In eminent domain, "[t]he condemnor acts in a quasi-judicial capacity and should be encouraged to exercise his tremendous power fairly, equitably and with a deep understanding of the theory and practice of just compensation." (*City of Los Angeles v. Decker* (1977) 18 Cal.3d 860, 871 [citing Hogan, Trial Techniques in Eminent Domain (1970) 133, 135].) A governing board must have the ability to reject the proposed taking because, if the board is already committed to taking a predetermined amount of property—meaning the taking is *fait accompli*—then the hearing is a sham and subject to challenge in court. (*See Redevelopment Agency v. Norm's Slauson* (1985) 173 Cal.App.3d 1121, 1127.) Moreover, the California Constitution prohibits local governments from using eminent domain to acquire property for the purpose of conveying it to a private person or entity. (Cal. Const. Art. I, § 19 (b); *People v. Nahabedian* (1959) 171 Cal.App.2d 302, 307–08.)



The City has made it abundantly clear: the benefits of the Project will include “redevelopment opportunity” and it has depicted a presumably privately developed mixed-use residential and commercial building where the Subject Property exists now. (Ex. G.) The City has already shown that traffic during the Project can be handled without taking any additional property. (Ex. D.) So the notion that the City is permanently taking the Subject Property in its entirety for a temporary road here—along with a dozen other businesses—is a sham. It has been stated that the Project “represents a dynamic change that will positively impact both residents and the environment.” (Ex. A, Councilmember Esparza’s Letter Endorsing the Project.) That may be, but at whose cost?

In light of these issues, the Owner objects to adoption of the Resolution on the following grounds:

1. The Property is not necessary for the Project, the Project is not planned or located in the manner that will be most compatible with the greatest public good and the least private injury, and the City has not adequately analyzed Project alternatives;
2. The Resolution is merely pretense and a sham: the City has shown that it is already committed to taking the Subject Property and the use of the Property for a temporary road is merely pretense for the actual purpose of using the Subject Property for private economic development once the Project is completed.
3. The requirements of Gov. Code section 7267.2 have not been complied with because the City has failed to properly consider the significant costs of relocation and loss of goodwill that will result in forcing the Owner from the Property after doing business there for 30 years. As such, the offer presented was not made in good faith.

The City has requested the Council adopt a RON that would be fatally deficient and ineffective to support condemnation of the property interests contemplated to be taken therein. Adopting the Resolution without resolving these issues would be improper and will expose it to attack.

### **Statement of Objections**

Taking the Subject Property in its entirety for the Project is not supported by the record before the Council. As of the date of these objections, it remains unclear what consideration—if any—was given to the significant consequences and costs of forcing more than a dozen businesses out permanently to build a *temporary* road and save an estimated six months on its timeframe to complete the proposed Project. (Compare Ex. B and C, with Ex. D.) Part of the problem in assessing the credibility of the necessity of this temporary road alternative has been the lack of transparency by the City. To date, the City has failed to comply with the Owner’s repeated formal and informal requests for public records and Project documents, instead supplying only a single



document to the Owner related to its plans for the Project—a diagram showing that the purported purpose for acquiring the Subject Property is for a temporary road. (Ex. B.)

***I. The Proposed Taking is Not Necessary for the Project, Has Not Been Planned in a Manner That Will Be Most Compatible with the Greatest Public Good and Least Private Injury, and the City Has Failed to Adequately Explore the Alternatives for the Proposed Taking.***

In order to avoid committing a gross abuse of discretion, the Council must reject the Resolution. To do otherwise, the Council will be rubber stamping a predetermined result without sufficient evidence in derogation of the Eminent Domain Law and its responsibilities as the governing body here. (See *Decker, supra*, 18 Cal.3d at 871; see also *Norm's Slauson, supra*, 173 Cal.App.3d at 1127.) There has been no explanation—written or otherwise—supporting why this temporary road plan was adopted or why it is necessary for the City to wipe out a slew of healthy, operating businesses for a temporary road. (Ex. C.) The only report uncovered by the Owner on this issue is a PowerPoint presentation identifying the temporary road as one alternative for handling traffic during the Project construction without any apparent analysis of the relative public or private costs. (Ex. D.) In that same vein, nothing has been provided suggesting that the Project has been planned in a manner that will be most compatible with the greatest public good and least private injury. In fact, based on the public records available online, it appears only a sliver of the Subject Property along McKinley would even be necessary for permanent acquisition to satisfy the actual needs of the Project. *These are critical issues given the fact that the other two traffic handling alternatives presented did not appear to call for any private property acquisition. (Ibid.)*

Making matters worse, the City continues to withhold Project documents from the Owner despite a pending Public Records Act request and successive informal requests after circumventing CEQA for the entire Project. As such, there is no EIR for the Project and no corresponding analysis of its myriad impacts. Even setting aside the lack of transparency by the City, its inability to prove the necessity and righteousness of the proposed taking *for the Project*, including showing that it has adequately explored alternatives, preclude the Council from making the requisite findings under Code Civ. Proc. section 1240.030 (a)–(c) and require the Resolution to be rejected.

***II. The Council's Adoption of the Resolution Would Be a Sham Because, at the Time of the Hearing, the Council Would Have Already Committed Itself to the Taking of the Property Regardless of the Evidence and the City Has Made Clear That It Intends to Use the Property for Private Use and Economic Development.***

The City has made clear its intent to develop the Blackstone-McKinley area and apparently decided some time ago to take the Subject Property without notice to the Owner when it adopted the



temporary road alternative and accepted significantly more Measure C acquisition funding from the Fresno County Transportation Authority. (See **Ex. E**, pp. 14–15.) It did this without adequately considering other alternatives as would have been required by CEQA and is required as part of the Resolution. In stark contrast to the lack of transparency on its actual, planned use with the Owner on the proposed taking, elsewhere the City has been blatant in forecasting its plans for the Subject Property after the Project is complete. For instance, in the Community Event #1 Questions and Responses regarding the Project, the City provided the following on what happens next:

As far as proper utilization, the project does require some impact to existing property uses. The City will need to acquire some of those parcels and in the after condition, there will be *an opportunity to have some of those parcels redeveloped once those parcels are no longer needed for either stage construction or contractor access for materials*. (**Ex. F** (*emphasis added*).)

This builds on prior express statements by the City that the Project will include “redevelopment opportunity” and plans to have a mixed-use residential and commercial building where the Subject Property exists now. (**Ex. G**.) Likewise, the 2022 General Plan Annual Progress Report stated that the Project is compatible with and builds on the Better Blackstone Initiative. (**Ex. H**.) The Initiative itself contemplates the acquisition of land to “assembl[e] . . . parcels to implement development appropriate for the [Neighborhood Mixed Use] district” and depicts the Subject Property as ideally having residential units on it. (See **Ex. I**, pp. 72 and 87.) And the General Plan considers the Blackstone-McKinley intersection where the Property is located as an “opportunity site” that should be redeveloped into an “Activity Center” consisting of “public spaces, medium-high and high-density residential, retail, and employment uses.” (See **Ex. J**, pp. 3–15.)

The problem is that the City cannot use the powers of eminent domain to take the Subject Property—or any other property—for development at the behest and for the benefit of private developers. And so, we are brought to the Resolution: a proposal to take an entire property in fee “for the Project” when only a slice is needed. Should the Council continue to forge ahead with simply rubber stamping an apparently predetermined result in the City’s pursuit of economic development, it would be an abuse of its discretion and nullify, if not deprive, the Resolution of any conclusive effect. (See *Norm’s Slauson*, *supra*, 173 Cal.App.3d at 1127.)

The stated purpose of the Resolution is to force out a small business that has been operating for more than 35 years so it can reroute traffic for three years during the Project construction. (Compare Resolution, with **Ex. D**.) Such a decision in itself would be senseless and is without support in the record before the Council. But taking the Property in fee after the City has accepted Measure C funding to “revitalize” the Blackstone area incident to the Project and handing the



Property over to developers when the Project is finished? That is a sham. And, for these reasons, in addition to those stated above, the Council must reject the Resolution.

***III. The City Has Failed to Comply with the Requirements of Gov. Code Section 7267.2 Because Its Offers to the Owner Failed to Provide a Good Faith Estimate of Just Compensation for the Subject Property.***

Although the amount of compensation will not be considered at the hearing, the issue of compensation is distinct from the question of whether a condemnor has complied with Government Code section 7267.2. (*People ex rel. Dept. of Transportation v. Cole* (1992) 7 Cal.App.4th 1281, 1286.) A condemnor must consider the property owner's objections that the mandatory requirements of section 7267.2 have not been complied with, including objections concerning the adequacy of the appraisal upon which an offer is based. (*Id.* at 1285-86 (*City of San Jose v. Great Oaks Water Co.* (1987) 192 Cal.App.3d 1005, 1011-1013).) And, in this context, the condemnor should bear in mind that it has a duty to act "fairly [and] equitably . . . with a deep understanding of the theory and practice of just compensation." (*Decker, supra*, 18 Cal.3d at 871.)

Section 7267.2 (a)(1), requires that "[p]rior to adopting a resolution of necessity pursuant to Section 1245.230 of the Code of Civil Procedure and initiating negotiations for the acquisition of real property, the public entity shall establish an amount that it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established." (*Id.*) "The amount shall not be less than the public entity's approved appraisal of the fair market value of the property." (Gov. Code § 7267.2.) Further, "[t]he public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation." (Gov. Code § 7267.2 (b).) The written statement must "contain detail sufficient to indicate clearly the basis for the offer" and must separately state "damages to real property," with included "calculations and narrative explanation supporting the compensation." (Gov. Code § 7267.2 (b), (b)(3).)

In this case, the appraisal and offers to purchase based thereon clearly did not reflect the full measure of just compensation mandated by the California Constitution and Eminent Domain Law. In particular, the appraisal gave no "consideration to the economic viability of the business" while failing to identify truly comparable properties/transactions or accounting for the significant costs that relocation will impose on the Owner's family business, which has been operating on the Property for nearly 30 years. Setting aside the logistical issue of relocating his business, if displaced, the Owner has no place to go. To this day he has found nothing remotely suitable, and what is available is sky-high in terms of price. The City's offer makes no effort to account for these damages. As such, the proposed offer falls far short of the constitutional requirements of just compensation and cannot be said to have been made in good faith.

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The Council cannot defer resolving this issue because the requirements of Section 7267.2 are prerequisites to its adoption of the Resolution. The problem here is particularly poignant given the other deficiencies and sham nature of the Resolution and the City's failure to comply with Section 7267.2 supplies an additional reason for why the Resolution must be rejected.

### **Conclusion**

For the foregoing reasons, the Council must reject the Resolution. Should the Resolution be adopted without an adequate basis and significant modification of the rights proposed to be authorized, and a condemnation suit initiated, the Owner will be compelled to judicially challenge the right to take, and will assert all of the objections stated herein, as well as any additional objections raised at the hearing, or that otherwise exceed the parameters set forth in the Notice or are based on facts later learned and currently unknown to the Owner, including information contained within the body of Project documents presently withheld from the Owner by the City. The bases for the above-stated objections are informed by the bare Notice with its vaguely stated parameters, and are limited to those the Owner is reasonably capable of making on the limited information available to him at this time. The Owner reserves the right to raise additional arguments objecting to the right to take both at the hearing and in any future proceedings.

Sincerely,

**DESMOND, NOLAN, LIVAICH & CUNNINGHAM**



Benjamin Tagert  
BCT/jns

Enclosures (10: Exhibits A–J.)

cc: Client



# **EXHIBIT A**



## COUNCILMEMBER NELSON ESPARZA

October 10, 2023

California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

Caltrans – Department of Rail Transportation  
1120 N Street  
Sacramento, CA 95814

Re: Blackstone and McKinley BNSF Grade Separation Project

To whom it may concern,

As the Councilmember representing District 7, I write to you in support of the City of Fresno Public Works Department grant application for the Blackstone and McKinley BNSF Grade Separation Project. This project exemplifies my commitment to ensuring our community continues to thrive as we move towards improving aging infrastructure for the residents of the City of Fresno.

Our City Council unanimously adopted the *Blackstone Avenue Smart Mobility Strategy* to create a more pedestrian and bicycle friendly environment in an area that serves as a main connector to Fresno City College, Tower District, Downtown Fresno, and the Bus Rapid Transit (BRT) service. The grade separation project will be compatible with the *Blackstone Avenue Smart Mobility Strategy* to increase multimodal abilities, improve air quality, and improve on-time service performance of the City's BRT service. The proposed grade separation project will provide a clear path of travel via underpasses for first responders, hazmat trucks, passenger and school buses, vehicles, bicycles, and pedestrians, thereby substantially reducing the potential for train to vehicle/pedestrian incidents.

I appreciate your consideration of this project. It represents a dynamic change that will positively impact both residents and the environment. Thank you.

Sincerely,



Fresno City Councilmember, District 7

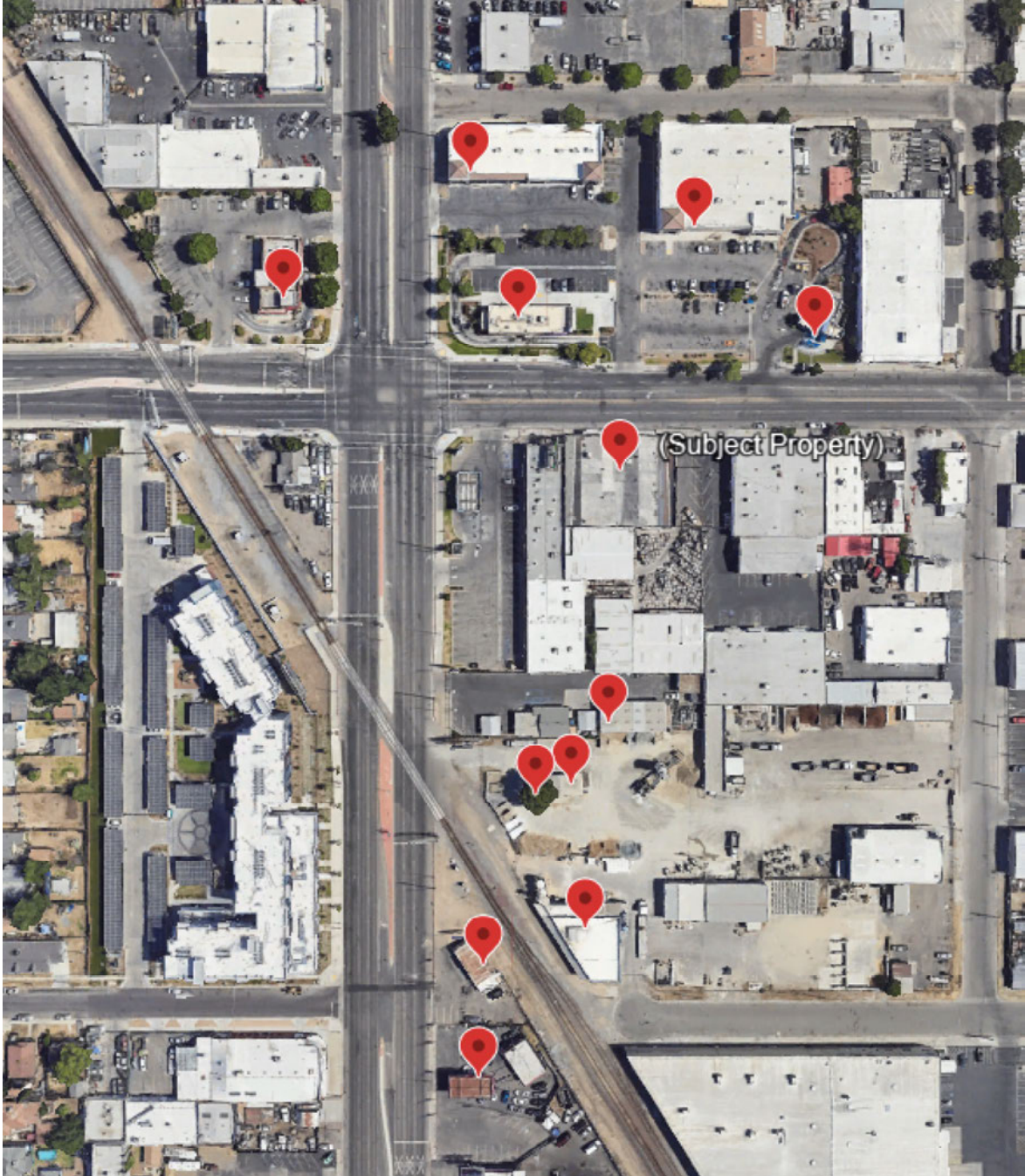


# **EXHIBIT B**





# **EXHIBIT C**





# **EXHIBIT D**

## Traffic Handling / Detour Overview

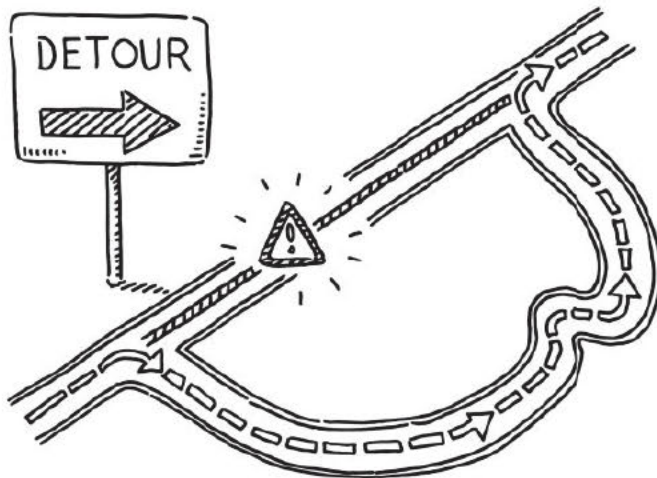
1

- Options to Consider

- Faster Construction Duration – Less Access*
- Longer Construction Duration – More Access*

*Community Input is Needed!*

*Review the following slides and respond to questions below.*





## Traffic Handling – Alternative 1 (On-Site Detour)

2

### Longest Construction – Most Access

#### • Key Notes

- 3.0-year construction
- 2 modified at-grade crossings
- Could consider closing one road at a time, but would add 1 year
- Reduced to 4 Lanes on Blackstone, 2 lanes on McKinley
- 2 stage bridge construction
- 5 stage construction under traffic
- 3-week full closure

- Stages 1 and 2 shown







## Traffic Handling – Alternative 1 (On-Site Detour)

4

- Stage 3 Shown
- 3-week road closure for partial intersection construction



## Traffic Handling – Alternative 1 (On-Site Detour)

5

- Stage 4 and 5 shown





## Traffic Handling – Alternative 2 (On-Site Detour)

6

### Mid Term Construction – Mid Access

#### • Key Notes

- 2.5-year construction
- Requires 2 temporary at-grade crossings
- Consider closing one road at a time, but would add 1 year
- 1 stage bridge construction
- No shoofly bridge/foundation
- 2 stage Construction w/o Traffic
- 3-week full closure for tie-ins

#### • Stage 1 shown



## Traffic Handling – Alternative 2 (On-Site Detour)

7

- Stage 2 shown





## Traffic Handling – Alternative 2 (On-Site Detour)

8

- Stage 3 shown
- 3 week closure for tie-in



## Traffic Handling – Alternative 2 (On-Site Detour)

9

- Stage 4 shown





## Traffic Handling – Alternative 3 (Off-Site Detour)

10

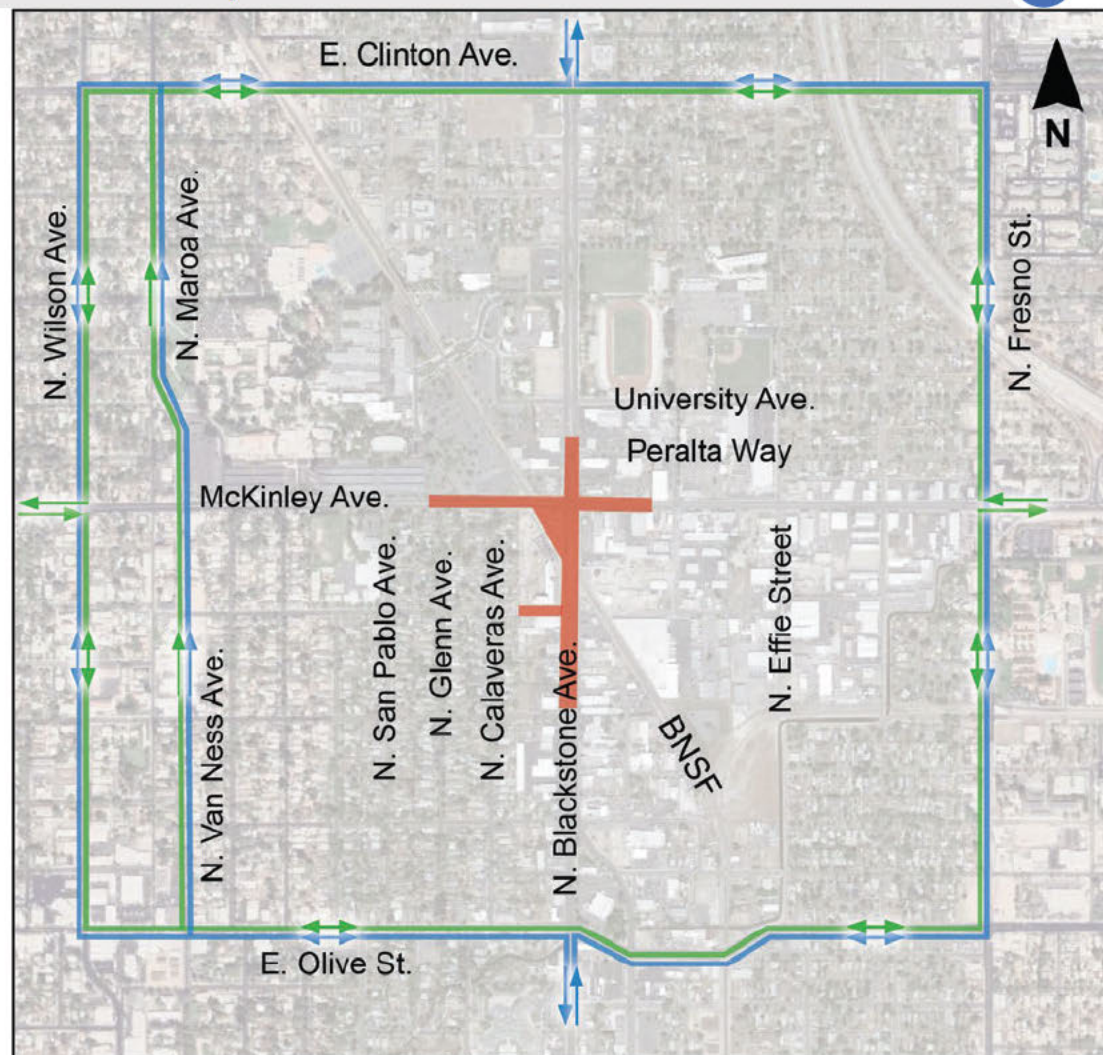
### Fastest Construction- Least Access

#### • Key Notes

- 2.0 Year Construction
- 1 stage Bridge Construction
- No Shoofly Bridge
- 1 stage Constr. with out Traffic
- 24-Month Off-Site Detour
- Truck Route:
  - McKinley, to Palm, to Belmont, to First

#### LEGEND

- █ Current Stage Construction
- █ McKinley Avenue Traffic Handling
- █ Blackstone Avenue Traffic Handling



# Stage Construction/Traffic Handling/Detours

11

## Alternative 1 – Longest Construction



- 3.0 years construction
- Short 3-week road closure

## Alternative 3 – Fastest Construction



- 2.0 years construction
- 24 month off- system detour

## Alternative 2 - Mid Duration Construction



- 2.5 years construction
- Short 3-week road closure



## Traffic Handling / Detour Community Survey

12

Please click on the link below to take the survey:

<https://www.surveymonkey.com/r/GV8ZMWQ>



# **EXHIBIT E**





# MEASURE C

ANNUAL REPORT  
2021 - 2023



GOLDEN STATE BLVD • KINGSBURG, CA

# BLACKSTONE/ MCKINLEY

## GRADE SEPARATION

The 2006 Measure C Extension Expenditure Plan included the Alternative Transportation Program (ATP) which was intended to provide seed funding to move the Burlington Northern Santa Fe (BNSF) railroad from the center of Fresno to the western edge of the city, adjacent to the Union Pacific Railroad alignment.

Other funding sources did not materialize and as a result, in 2020, the FCTA Board converted this ATP to a Grade Separation Program (GSP) and selected the Blackstone and McKinley crossings of the BNSF railroad as the first grade separation project. Initially \$6 million was allocated to the City of Fresno for environmental work and preliminary design.

In February 2021, \$2.1 million in additional funding was added for right of way (ROW) purchase and utility relocation. Subsequently on June 8, 2022, an additional \$27 million was allocated for ROW.

In March 2023, the Fresno Council of Government Policy Board and following on April 19, 2023, the FCTA Board approved Amendment No.7 to the 2006 Expenditure Plan which restored \$20 million of the \$25 million ATP funds set aside for the High Speed Rail Heavy Maintenance Facility by Amendment No. 1.

### PROJECT SCHEDULE MILESTONES

Q2/2025	Complete right of way acquisitions
Q2/2024	Complete utility relocation plans
Q2/2025	Complete Final Design
Q3/2025	Advertise and award
Q4/2025	Begin Construction
Q3/2028	Construction Complete

With this amendment, it is currently estimated that approximately \$75 million of FCTA Grade Separation funding will be available to the Blackstone/McKinley project.

The City of Fresno also applied for the Local Partnership Program (LPP) formulaic funding in the amount of \$3.9 million for the ROW phase, which was approved and allocated by the CTC Board on May 18, 2023.

The cost of the project has grown significantly since the project was originally approved by the FCTA Board for Grade Separation funding. The initial estimate was approximately \$80 million.





## BLACKSTONE MCKINLEY BNSF GRADE SEPARATION



Subsequent engineering and public outreach efforts have resulted in an increase of the estimate to \$152 million. This increase is largely due to the need to establish temporary detours during construction.

The initial estimate assumed use of full road closures during accelerated construction activities. It was believed that a short full closure would be less impactful than extended traffic restrictions.

However, even with accelerated construction, closures would exceed a year which was deemed infeasible due to impacts to traffic, area residents, and businesses.

The need for temporary construction detours increased construction costs, but more significantly increased the right of way and utility costs.

In order to close this funding gap, the City of Fresno submitted applications for grant funding.

In addition, on July 6, 2023, the City announced they were successful in obtaining an \$80 million grant for the project from the California State Transportation Agency (CALSTA) Transit and Intercity Rail Capital Program (T RCP).

With this grant, the project is currently fully funded at \$152 million. However, the design is not yet complete and right of way acquisitions have just begun so there is potential for further cost impacts. Should further cost increases occur, the City and FCTA staff have identified other potential funding sources.

The project is currently at the 40% design phase. Right of way appraisals have been completed for all of the parcels, the City is in the process of submitting first written offers to property owners.

# **EXHIBIT F**



## Community Event #1 Questions and Responses

### Community Event Description

The City of Fresno held the first Community Event for the BNSF Blackstone McKinley Grade Separation Project on Wednesday, March 30, 2022, from 6:00 to 7:30pm. The Event was held virtually via the Zoom platform and included simultaneous Spanish and Hmong interpretation services for Event attendees. A presentation was made and is available for review elsewhere in the Virtual room.

### Question | Answer and Comment Session

The following questions were asked at the meeting. Responses were provided for all questions either verbally or in writing via the Chat feature of Zoom. The responses provided at the meeting are shown in *Italics*. Additional information has been added to some of the responses and is shown as underlined. Questions asked regarding the meeting format or how to function within the meeting have been deleted since they are not germane to this follow-up summary of community questions.

1. **Will this signal a more efficient use of land on Blackstone with more high-density, multi-use development along with safe accessibility for those of us who need to use bikes to commute?**
  - *As we have shown tonight, the project does enhance the bicycle and pedestrian facilities along the corridor. It is part of the greater vision along the entire Blackstone corridor to have this cycle track separated bikeway available, as well as wider sidewalks along the entire corridor. This is the first of many projects that will be utilized to develop that vision. We are heading the in the right direction, so there is definitely a great emphasis on safe and efficient bicycle and pedestrian travel.*
  - *As far as proper utilization, the project does require some impact to existing property uses. The City will need to acquire some of those parcels and in the after condition, there will be an opportunity to have some of those parcels redeveloped once those parcels are no longer needed for either stage construction or contractor access for materials.*
  - *This link to the Fresno General Plan - Land Use map should be useful: [https://www.fresno.gov/darm/wp-content/uploads/sites/10/2021/01/Official-General-Plan-Land-Use\\_20210302.pdf](https://www.fresno.gov/darm/wp-content/uploads/sites/10/2021/01/Official-General-Plan-Land-Use_20210302.pdf).*
2. **Interested in the quiet zones. This relieves for the subject intersection.....I would like to know that the additional crossings north of the intersection will become quiet zones as well! The city did not address our neighborhood when the REST of the city gained quiet zone status. We are the one gap within the City limits, and it needs to be addressed now.**
  - *A little background, the first City quiet zone was between Ventura and Olive and was largely driven by Community Regional Medical Center who helped fund that quiet zone with the hospital spending about a million dollars in total. That was in the downtown area and was our first phase. To implement a quiet zone, basically the crossings have to receive additional safety improvements in order that the railroad, the State, California Public Utilities Commission, and the Federal railroad administration can all reach some concurrence that there is enough safety in place to offset the safety benefit of train horns being used. The City was able, fortunately, to implement a second quiet zone north of Shaw Avenue because of the Shaw and Marks Grade Separation. With Herndon Avenue already going over the railroad, we only had one railroad crossing to the deal with which was the Fig Garden Loop. The City spent about \$25,000 at the Fig Garden Loop crossing to make some upgrades and then we had a second quiet zone.*

*The Central section is one that Jesus Avitia our Deputy City Engineer has been managing and working through. That one is also in the millions, not just 1 million. Yes, the goal, our goal would be that Blackstone McKinley being grade separated will enable a quiet zone in that area, but also then going North towards Clinton, Maroa, Shields, that we would be able to implement there as well. We are working actively with the BNSF railroad and the other agencies on that project.*

**3. Why green? How will people who are blind or have low vision be able to tell the difference between the path for cyclist and the path for pedestrians?**

- *We will utilize textured surfaces to allow visually impaired members of the Community to cane and feel that separation of the path as well as the tactile devices that are used at the entrance of the sidewalk from the street. There are standard applications that we can apply in the design of this particular project that will allow visually impaired users to safely negotiate the roadway.*
- Green is the standard color adopted in the State and National Design Guidelines for Class IV Bikeways (Cycle Tracks).

For additional information on the State Design Guidelines refer to Caltrans Design Information Bulletin 89 at

<https://dot.ca.gov/-/media/dot-media/programs/design/documents/dib-89-01-a11y.pdf>

or the Federal Highway Administration Separated Bike Lane Planning and Design Guide at [http://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/publications/separated\\_bikelane\\_pdg/page00.cfm](http://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/separated_bikelane_pdg/page00.cfm)

**4. How do you plan to protect pedestrians from conflicts with cyclists? What cyclists calming methods are you including in the design?**

- *Cyclists are to remain in the cycle track, which is that lime green painted zone and the pedestrians would be in the adjacent cross-sectional area, which is an 11-foot sidewalk.*
- *There are specific locations where we would encourage pedestrians to cross over whether they are crossing the street or accessing one of the bus stops. At each of the bus stops there is a separated pedestrian waiting area with canopies and other information regarding the transit service that is outside of the bikeway. There are a few conflict points, and we try to have the conflicts minimized and cross safely at specific locations.*
- *This is the first of the major cycle track projects along the Blackstone Corridor and certainly there would be a need for traffic calming or cyclist calming in order to keep the speeds of the cyclist down. Within the limits of our project, which is a fairly short stretch, there is several turns that are required in order to transition from one side of the roadway to the other. As a result, that will definitely slow the traffic down on cyclists. But the long stretches outside of this project would need to incorporate planters and other traffic calming devices to slow the traffic.*

**5. Have there been previous public meetings about this project?**

- *This is really the first of the public meetings, there has been some public testimony and dialogue at the City Council meetings, regarding this project. There's also been dialogue at the County Tax Measure Authority meetings, but this is really the first of a series of public meetings. We value these meetings immensely and really seek your input on not only the nature of the project, the design, and specially tonight we really want to focus on aesthetic treatments and stage construction.*



**6. In Alternate 2, where is McKinley re-routed to at the North?**

- *It would be starting on the west and McKinley would be rerouted through the former City College parking lot and have a temporary railroad crossing through a parcel that would be acquired by the City of Fresno. It would be crossing maybe 100 feet north of the existing intersection and then transition back over to existing McKinley. We are really just relocating it far enough outside the construction zone to allow unimpeded construction to occur. This would provide both time savings and cost savings to the contractor and the City.*

**7. What kind of detectable warnings will be used? I worry about people who are blind or have low vision wandering off into traffic?**

- *I am assuming that this question is referring to the detectable warning devices for the visually impaired members of the community.*
- *We will utilize the standard detectable warning devices at each pedestrian crossing as well as a tactile device that can occur between the sidewalk and the cycle track to detect the change in facility.*
- *None of those details have been worked out yet, but we will be incorporating that into the design, as we get into more detail.*
- *We will share these details at the next public meeting*

**8. When will advanced utilities relocation begin? Will these plans or the impact of these plans be posted?**

- *We haven't scheduled that yet, but I would imagine that about a year from now we would probably see the first of the utility relocations begin.*
- *We are sorting out where the utilities will get relocated and which ones can be advanced before the larger bridge contract.*
- *There may be some utilities that must get relocated as part of the larger bridge construction contract just because there's simply not access or room to do the relocations in advance. We are still working out those details, but I would say the earliest utility relocation may start about a year from now.*
- *Yes, we will continue to add additional information to the City website as we progress in the development of the project. There will also be noticing to the public in advance of construction.*

**9. What were the main problems with current traffic on that intersection?**

- *The primary issue is really related to the length and frequency of the freight train. Each time a train runs up or down the BNSF corridor it stops traffic on both McKinley and Blackstone for a number of minutes and that causes the traffic to queue up causing businesses not to be accessed, students not to getting to school on time. Once this project is completed, there will no longer be these delays.*

**10. What streets will be permanently closed or blocked off? I live on Calaveras Street.**

- *There will be a need for new access off of McKinley into the transit-oriented development that is being developed. The first street to the west (Calaveras) of the transit development would be blocked off, but there will be an access road connected over to Glenn Avenue for ingress and egress out onto McKinley.*

**11. Was a rail tunnel considered? What were the challenges associated with that option?**

- *A rail tunnel was not considered. The two concepts that were considered were an overhead grade separation, where in this case, we would build Blackstone and McKinley over the BNSF railroad tracks. This concept was extremely challenging because there would be a much larger impact to the businesses and the parcels within the area.*

- *The best option that was considered is the one that we are presenting today, which is to have Blackstone and McKinley go under the railroad.*
- *Adjusting the grade or elevation on streets makes more sense as it is easier for cars to go up and down than a long, long freight train. Railroads have very strict criteria about how quickly you can go up or down so even if a railroad were open to a rail tunnel going below, their standards may require that to start several miles out in each direction leading to a multi-billion-dollar project.*

**12. Will the train no-horn zone extend to Clinton and Blackstone?**

- *A quiet zone extending through Clinton and Blackstone is part of a separately proposed project that has been approved for funding by our City Council. The City is working with BNSF, CPUC and Federal Railroad Administration on the studies and approval process.*

**13. Are you removing any businesses?**

- *There will be some businesses immediately adjacent to the project that are directly impacted because of the retaining walls with access restricted in the after conditions. Those businesses will be assisted in terms of relocating to a new location. That process will start in the coming months.*

**14. What is the width of the cycle track, and what is the separation between the cycle track and the sidewalk for pedestrians?**

- *The cycle track is seven (7) feet.*

**15. If you end up closing the intersection for 3-weeks, can you time the closure so that it is between semesters at Fresno City College? (Like summer break or winter break)**

- *Yes, we have been in close coordination with City College throughout the development of the project and will continue to work with them. We will look for the best opportunities for these closures to minimize the effect to the College.*

**16. How will they reroute the traffic at Dutch Brothers?**

- *That is a detail that we have not completely worked out. There will be a new driveway access built to the west of the Dutch Bros near the existing driveway. The first driveway closer to Taco Bell will not be able to be retained, but the one closest to the Dutch Bros can be retained with a slight modification.*
- The driveway access to Dutch Bros from Peralta Way will remain.

**17. Can we expect more separate cycle tracks in the future for better bike access throughout the surrounding area?**

- *This question has been addressed in another response. See Question 19.*

**18. Option 3 routing is a no go for us. I will lead street protests before agreeing to routing Blackstone through our historic neighborhood.**

- Thank you for your comment. No decision has been made on which staging option will be chosen. Option 3 is just one of the traffic handlining/stage construction themes under consideration. The streets shown for this detour are just one possible scenario and the city is open to other possible street choices if the community prefers to accelerate the construction schedule. The city will evaluate other optional detours and post updates for Option 3 if more suitable streets are determined to be feasible. The city is seeking input on the choices provided and requests community members to complete the survey contained at the end of the Stage Construction Slides.



**19. Why weren't cycle tracks chosen for McKinley? Don't regular bike lanes further enable the lack of safety for cyclist?**

- *The City has a Bicycle Master Plan that they develop every few years. This project is implementing a larger vision. The Blackstone Corridor has been established as a cycle track corridor where along McKinley it is an on-street bike lane, or a class two bike lane.*

**20. Will the alternate routes/detours provide safe bicycle and pedestrian access during construction?**

- *Yes, as we work through the details of stage construction, we will have to accommodate both pedestrians and bicycles as well as the vehicular traffic through the construction zone. At lot of these details depend on which of the three variations is ultimately selected by the City and the Community.*
- *Those details will come, and we will be able to share more information at subsequent meetings once a final alternative has been selected.*

**21. "Smart Mobility" was an interesting effort, but nothing concrete happened. Money went to engineering and consultants, not trees and street marking. How can we have faith this is not the same?**

- The City has this project as a high priority. The city has entered a contract with AECOM to complete the design and ready the project for construction. The city is working with FCTA and other funding sources to secure construction funding before the scheduled start of construction in Fall 2024.

**22. How will businesses who aren't property owners be affected?**

- *Tenants, if they are going to be displaced, have rights under Federal and State real estate laws. They will have the opportunity for relocation and the City real estate team will be working with them on those transitions.*

**23. A similar project in Mountain View along the Caltrain corridor includes stairways and a bridge for pedestrians and wheelchair users to use. Are there plans to include them in this project? Otherwise, it looks time consuming for pedestrians and bikes to get in and out of the trench.**

- *Currently we do not have plans for stairwells to come up from the depressed intersection adjacent to the property. As those properties are redeveloped, there may be an opportunity to incorporate stairwells if the adjacent property owner so desires.*

**24. Was putting the railroad in a trench (like San Gabriel) studied and compared with this proposal? How would that compare in terms of cost, construction, and long-term impacts?**

- *This question has been previously addressed. See Question 11.*

**25. What will the slope be on the sidewalk and how will it affect wheelchair users?**

- *All sidewalks will maintain not greater than a 5% longitudinal slope and no greater than a 2% cross slope which meets all ADA standards and accessibility guidelines.*

**26. In Option Number 2, can you say where Blackstone will be rerouted South of McKinley? Which parcels will be affected?**

- *South of McKinley, Blackstone would be routed to the east side of existing McKinley and it would be predominantly relocated through parcels that will need to be acquired by the City because of severed access due to the required retaining walls. We don't anticipate much, if any, additional property would be required to implement Option 2.*

**27. Will the college access from McKinley be modified in any permanent way given one of the access roads is in close proximity to the railroad?**

- *The first access road west of the McKinley crossing which runs diagonally from McKinley in a northwesterly direction, a portion of this would be reconstructed due to grade changes. It would still function in the after condition as it does today. There would also be a few parking stall adjustments in the parking lot between the access road and the railroad to perpetuate the right turn lane that exists today for that access road.*

**28. It seems like this could be easily fixed by relocation of the BNSF corridor to run parallel to the Union Pacific. Was this ever a consideration?**

- *Most definitely yes. Actually, Measure C, as approved by the Voters back in 2006 included a category for rail consolidation. The hope and vision was, can we get the entire Burlington Northern rail line moved over and parallel to the Union Pacific rail line. It could never be actually on the Union Pacific rail tracks because they are two separate companies. As competitors, they don't necessarily play well together, so BNSF would have needed its own parallel tracks.*
- *The Union Pacific tracks run along Golden State Boulevard and into downtown along G Street, so closer to 99. A number of studies completed by the Fresno Council of Governments, the regional planning agency, concluded that it was infeasible. The final that occurred that really made it infeasible is the High-Speed Rail project. The High-Speed Rail project is acquiring about a 60- to 100-foot-wide swath parallel to the Union Pacific line and there's just no option for the BNSF line to go.*
- *This option was thoroughly evaluated and there's no way to move that over.*

**29. Will the 4 corner businesses be affected, meaning demolished on Blackstone and McKinley?**

- *These details are still being worked out. There will be right-of-way acquisition that will be required on all four (4) corners. As you might imagine with a 17- to 20-foot-tall retaining wall between the roadway and the existing businesses, the access to the businesses will be cut off so therefore most of those business will be acquired in full.*

**30. The Heaton Elementary cross walk on the corner of San Pablo and McKinley is currently a very dangerous cross walk and motorists most times do not stop for pedestrians. How will this project consider this risk to elementary students trying to cross?**

- *The City of Fresno has received a State grant to upgrade the flashing beacon at San Pablo & McKinley with a full traffic signal, meaning McKinley traffic will receive a red light when San Pablo pedestrians get a "walk" signal. We are finalizing the design plans and headed towards construction & installation in 2023.*

**31. This project will create a very long area where the sidewalk is against a wall with no alternative exit, creating a prime opportunity for crime. Was this considered and what can be done to address this?**

- *This is typical of a street corridor. The street will be wider than it is today, and we will make sure that there is adequate lighting to promote the safe passage for pedestrians.*
- *As far as being to exit the sidewalk laterally, the retaining walls will prevent that, but with the lighting and visibility that will be provided with the wider cross section, we believe that it will be a safe facility.*

**32. Can pedestrians climb stairs at the corners instead of walking down the street and around to access shopping centers?**

- *This question has been previously addressed. See Question 23.*

**33. By when will businesses have to relocate?**

- *Ideally, we would have the right-of-way completed by the summer of 2024 so those relocations would probably occur during 2023 and early 2024.*

**34. Are the double left turn lanes and right turn lanes needed? Wouldn't removing some cut the cost of the project? Is the City concerned with the cost?**

- *As a result of the columns in the median that support the railroad bridge for the Blackstone crossing, it is necessary to have dual left turn lanes to convey enough traffic through the intersection on each green signal cycle. Dual left turn lanes are essential to the project from Blackstone to McKinley, but they are not needed from McKinley to Blackstone.*

**35. How would a gas station business be relocated?**

- *The City Real Estate Team will follow up with the gas station owner in the coming months to provide a more detailed discussion about that process.*

**36. For those driveway access points to businesses and Fresno City College within the depressed grade separation areas, how will access be maintained through construction, specifically for Alternative 1?**

- *Alternative 1 will always maintain traffic with one (1) lane in each direction on McKinley and two (2) lanes in each direction on Blackstone. They will either be on one side of the roadway or the other within the project limits. It may not be possible to cross over and provide access to the next adjacent property, so we will have to look at detours around the construction zone for those access points.*
- *Those details will be worked out with a more detailed traffic handling plan in the next phase of design.*

**37. Can the railroad bridge include a pedestrian component so pedestrians can cross the roads without having to go down and use the crosswalk?**

- *The railroad company would not want pedestrians in their corridor, they already have that problem today. While the pedestrians may have a lit bit of a grade, it will be less than 5% down and less than 5% back up. It will be a much safer location to travel then it would be along and adjacent to the railroad.*

**38. Mayor Dyer spoke about pedestrian safety in his message. A lot of the presentation focused on cyclists. Why is that? Also, I still don't feel that folks who are blind or have low vision, or anyone else will be well protected from cyclists or will be able to navigate the difference between the cycle track and pedestrian walkway well. Do you plan on putting detectable warnings all over the pedestrian side? That sounds like a mess.**

- *There are tactile warning devices that will be utilized in the final design and those details have not been fully worked out yet. We will be advancing those details in the coming months and will be able to share those details at subsequent meetings.*

**39. How will pedestrians be able access the bus stop? Especially those with vision loss? It all sounds complicated and dangerous. Over the cycle track? So, they will have to wait for cyclists to cross-over?**

- *Pedestrians will come down the 11-foot sidewalk either along McKinley or along Blackstone and cross over the cycle track into a bus stop pedestrian only area and those conveyances across the cycle track would utilize the detectable warning devices to direct them across at that location.*
- *There will be a short cross over location, and we will work out the details on how that would look and operate and function and provide that information at the next meeting.*



**40. Via call-in, California Council of the Blind – from your presentation it sounds like we are talking about a raised cycle track instead of a cycle track at grade, which is much safer for pedestrians with visual impairments to have it, when you could have a solid buffer between the cycle track and the street and have a sidewalk with a curb. That would be far superior to any tactile surface even the trapezoid indicator that I believe you are referring to instead of a detectable warning. Could you please respond on that? Thank you.**

- *Excellent question and excellent suggestions, those details have not quite been worked out, but we will be developing further details on that. There will be some form of detectable warning device between the sidewalk and the cycle track following State and National Design Guidelines for this facility type. We may also consider curbs, but we need to look at that in greater detail and develop something that fits within the guidelines and standards. We will present additional information to the Community at the next meeting.*
- This project is following the themes established in the Southern Blackstone Avenue Smart Mobility Strategy. This Report can be found at <https://www.fresno.gov/darm/wp-content/uploads/sites/10/2019/01/SouthBlackstoneSmartMobilityStrategyDRAFTREPORTUpdate012120191.pdf>

**41. Will the project include one or two railroad tracks? If one, will this create problems in the future as the railroad seems to be wide enough for two or three tracks.**

- *The current location of the railroad is in the center of the right-of-way. The design does provide for future tracks either to the east of the existing track or a future track to the west of the existing track. We don't know if the BNSF will ever add those additional tracks, but the design will be set-up so that the vertical clearance and profiles would accommodate the future addition of tracks either East or West.*

**42. Have you considered placing the southbound Blackstone bus stop north of the intersection instead of south of it? It would provide a better connection to the McKinley bus route and the college.**

- *All bus stops have been set-up downstream of the intersection on all four (4) corners. We worked closely with Fresno Area Express (FAX) to establish the details that we have shown tonight and will continue to work with them in the details that we are still developing.*
- *Some of those stops are needed for current service that is already operating and they anticipate that other stops will be needed for future and an alternative service that has been developed.*

**43. Will there be any utilities relocation on Home or Effie, or any relocation of power or sewer running under parcels on the southeast side of the intersection?**

- *There is a sewer line that runs north/south down Blackstone and we did look at a couple of different alternatives, but the decision has been made that a pump station would be required and constructed as part of the project to keep the sewer line maintained within the Blackstone corridor.*
- *We are still working through a lot of the details about how the utilities will get relocated, if that person wants to follow up, we will be happy to have a conversation and share what we have today and as the project gets developed further to provide additional details.*

**44. In option 3, will all traffic be diverted around the intersection or just truck and commercial traffic? how will residents or property owners access property during this time, if option 3 is chose?**

- *The primary detours are really for the through traffic, the traffic that is not destined for stopping within the project zone. Those businesses and those people who access those businesses or residents would be allowed to come into the construction zone. We would have to accommodate those, but that would be a small percentage of the traffic in comparison to the through traffic that runs up and down both Blackstone and McKinley.*

**45. I apologize if I missed it, but what is your goal start date for this project?**

- The start of construction is scheduled for Fall 2024 and the completion of construction is anticipated in Fall 2027.

**46. Will the medians on McKinley be extended so people don't turn illegally on a double yellow line? Like Dutch Brothers?**

- *There will be a raised median especially within the vicinity of the new structures, the new bridges. Those will be fairly wide to accommodate the columns that are necessary to support the bridges. Both the current bridge that is planned to be built as well as any future bridges that BNSF might add in the future.*
- *Details on how we are going to extend or transition those medians have not been completely worked out.*

**47. Has there been any consideration given to permanently realigning the railroad tracks to the location of the proposed shoo-fly alignment? Would there be any notable benefits or drawbacks to doing this as part of the project? (e.g., differences in noise impacts, increased/decreased engineering complexities)**

- Good question. While your suggestion to permanently realign the railroad to the proposed shoofly alignment would save money, BNSF would not approve this realignment. The shoofly alignment is designed at reduced operating speeds and sharper curvature than permanent facilities are designed.

# **EXHIBIT G**





# Public Meeting #1 for Blackstone McKinley Burlington Northern Santa Fe (BNSF) Railroad Grade Separation Project



Wednesday, March 30, 2022

6:00 PM to 7:30 PM

Presentation to start at 6:05 pm

Instructions for Interpretive Services at 6:00 pm



# Tonight's Agenda

- Opening Remarks- Mayor Dyer and Public Works Director Mozier
- Housekeeping
- Virtual Room Demonstration
- Preliminary Design
- Aesthetic Themes & Survey
- Stage Construction Options & Survey
- Project Schedule
- Questions and Answers



# Mayor's Welcome

3





# Public Works Director Remarks

4



# Housekeeping

- Meeting is being recorded for posting to City website.
- Presentation should last about 45 minutes.
- Audio/Video is Disabled During Presentation.
- Ask Questions
  - During the Presentation, you can use the Q & A button to ask questions
  - These will be answered during Questions and Answers Session
  - Attendees that want to discuss specific items that affect only their property or business to request a follow-up meeting along with a contact number and email address in the Q & A button.



Raise Hand



Q&A



## Project Background

6

- Safety and Operational Challenges
  - 4 Pedestrian/Motorist Fatalities in last 10 years
  - 2 min. 48 sec. Average Daily Delay for each Motorists
  - Pedestrian Delay
  - Business Access
- Gap in Train Horn Quiet Zones
- Project Funding
  - Fresno County Transportation Authority (Measure C) Funding





# Project Benefits

7

- Project Benefits

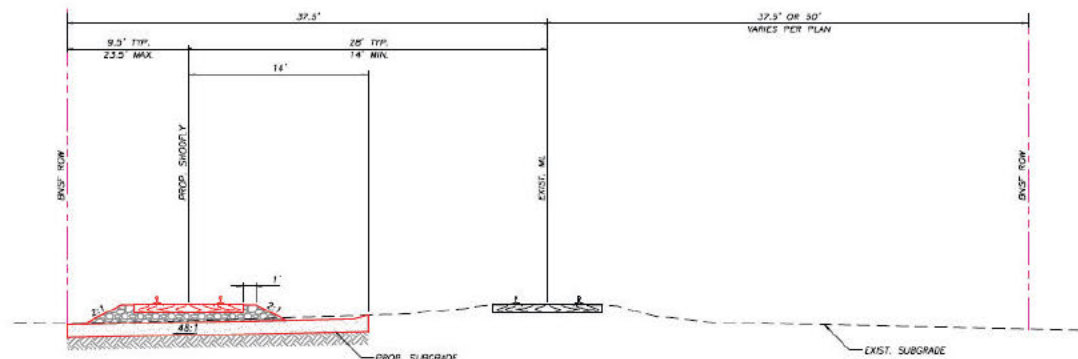
- Eliminate 2 at-grade crossings
  - Eliminate pedestrian/vehicle – train conflicts
  - Improved safety and operations
  - Decrease traffic interruptions, increase travel reliability
- No train horns at these 2 at-grade crossings
- Redevelopment opportunity
- Aesthetic treatment opportunity



# Railway Shoofly

8

- BNSF Railway Shoofly-  
A temporary rail alignment



TYPICAL SECTION

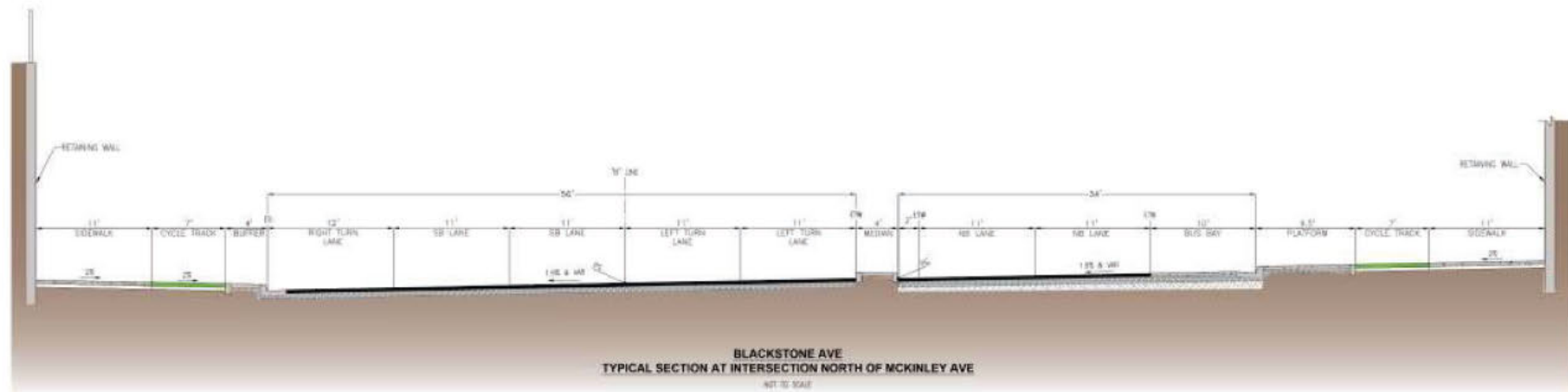
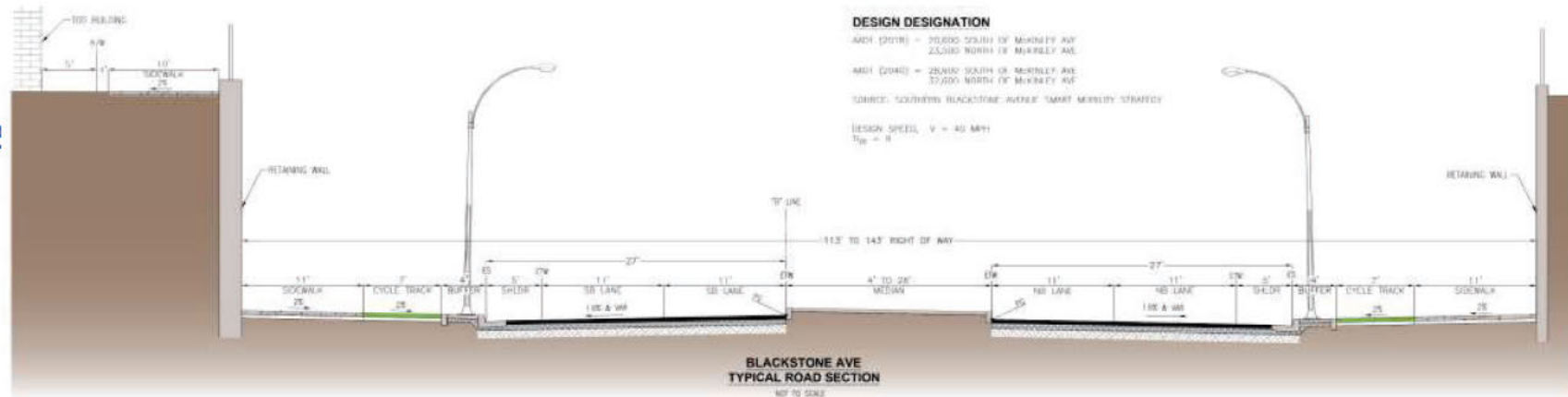


LAYOUT

# Roadway Typical Section

9

## • Blackstone Avenue



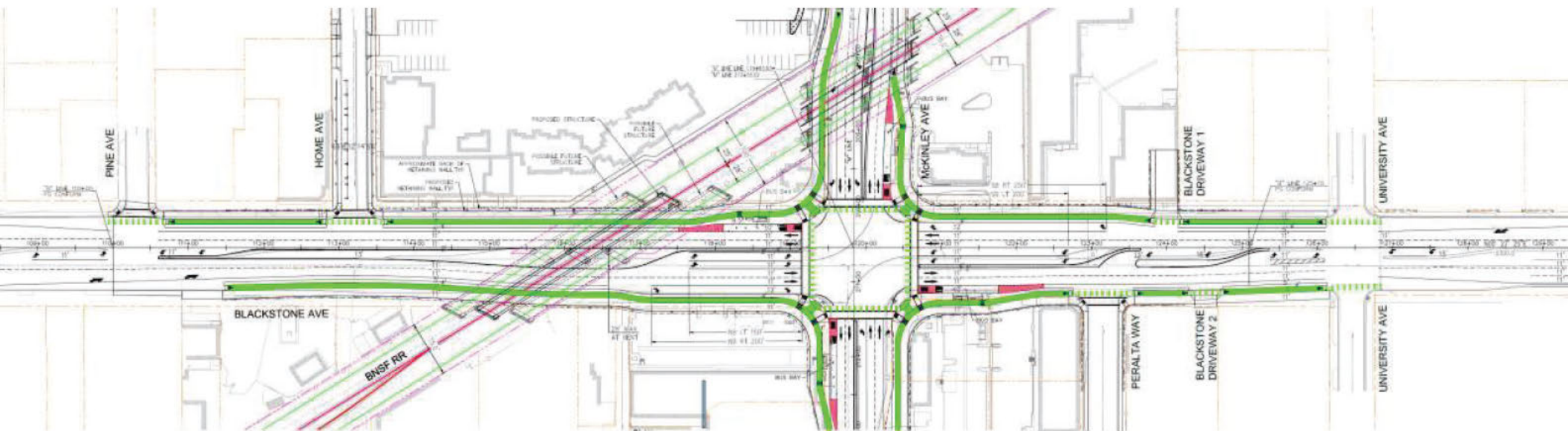




# Roadway Layout

11

- Blackstone Avenue



Here's what it could look like:



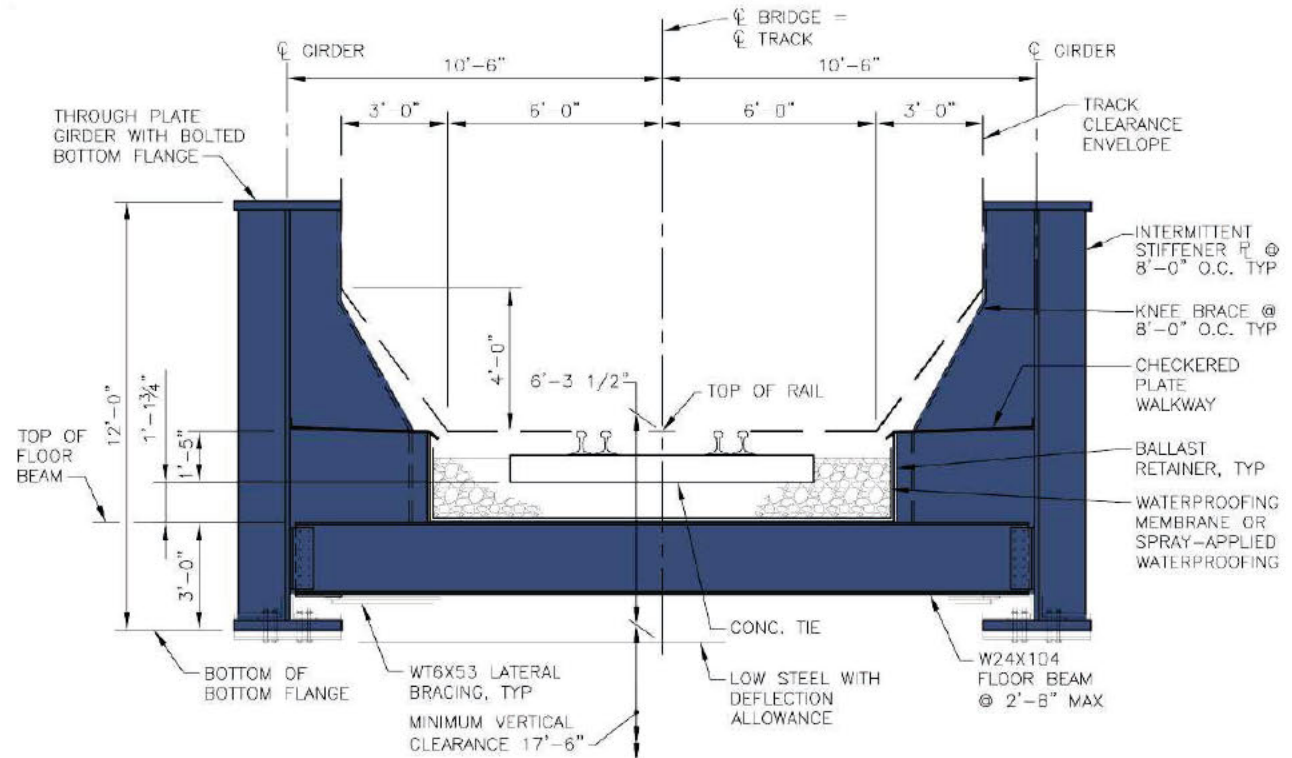




# Bridge Typical Section – Through Girder

14

## • Blackstone Avenue



**TYPICAL SECTION**

3/8" = 1'-0"

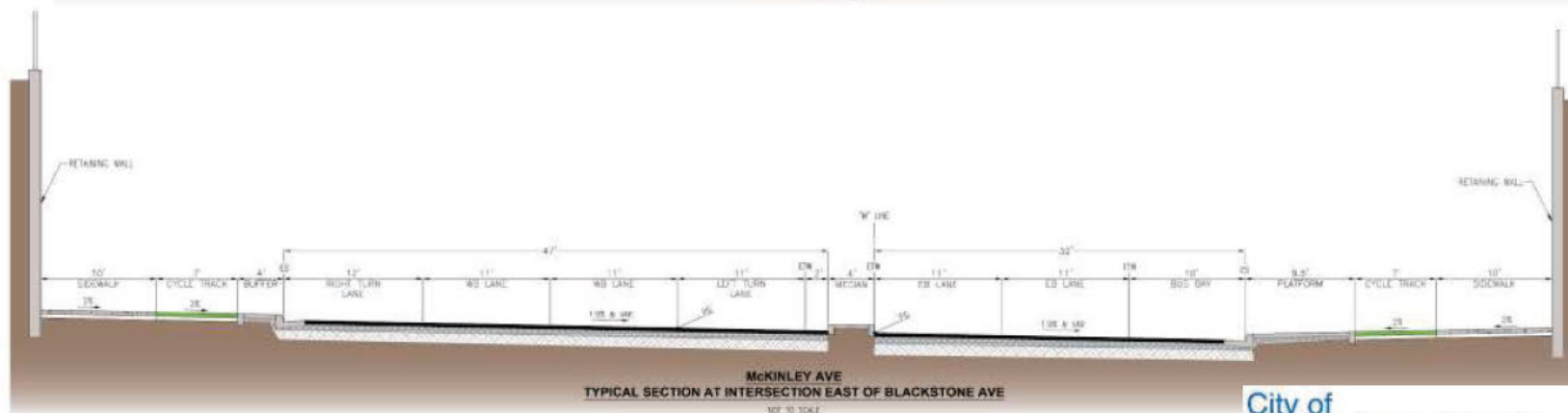
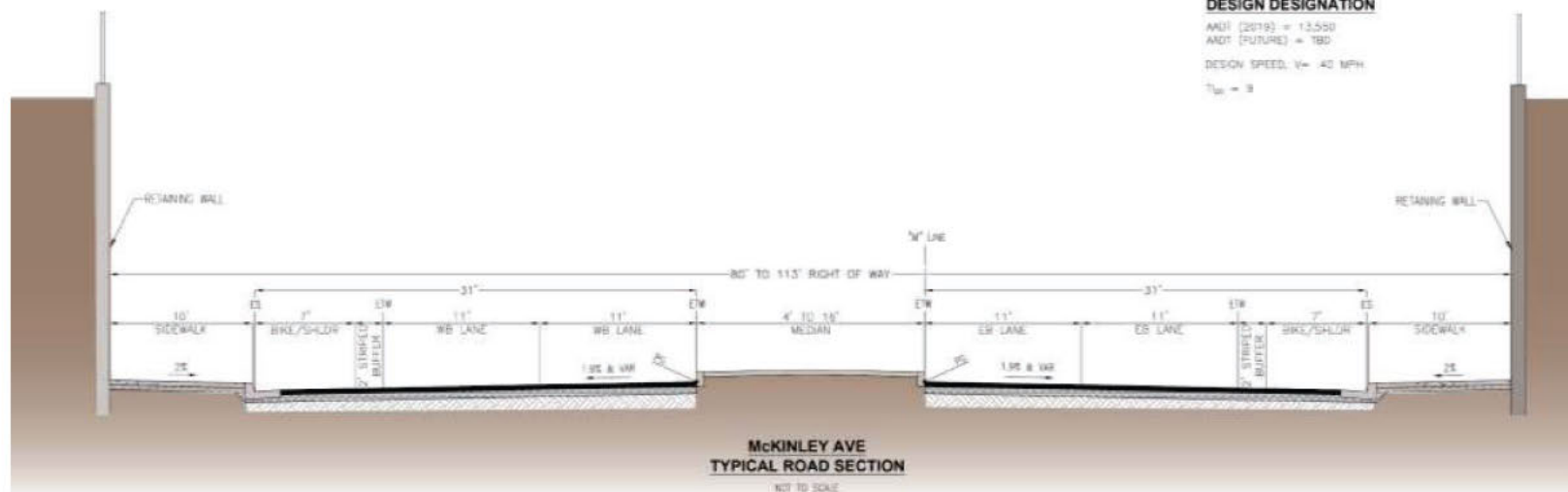
# Roadway Typical Section

15

- McKinley Avenue

## DESIGN DESIGNATION

ADOT (2019) = 13,550  
 ADOT (FUTURE) = 180  
 DESIGN SPEED,  $V = 40$  MPH  
 $T_{sp} = 3$

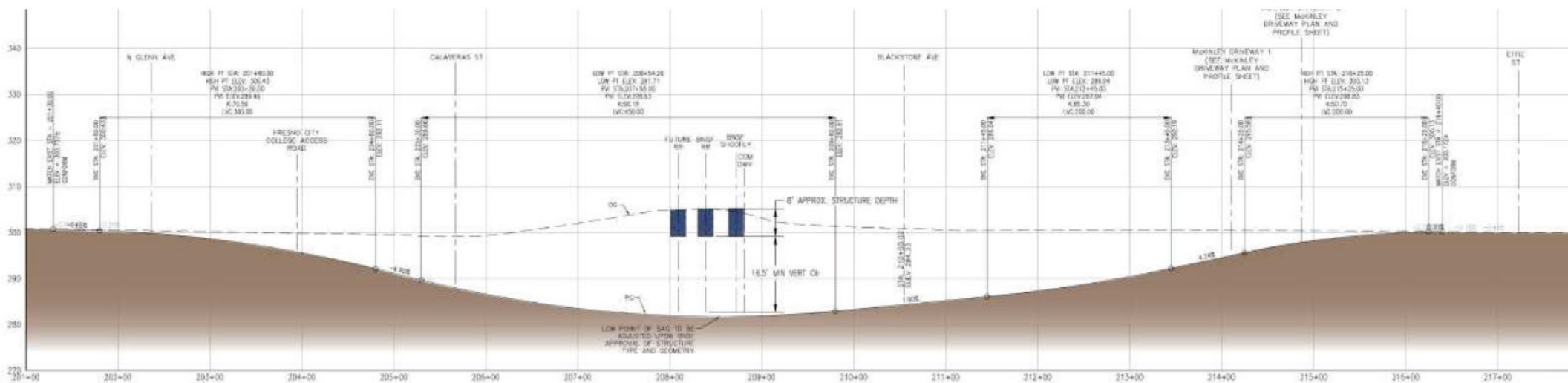




# Roadway Profile

16

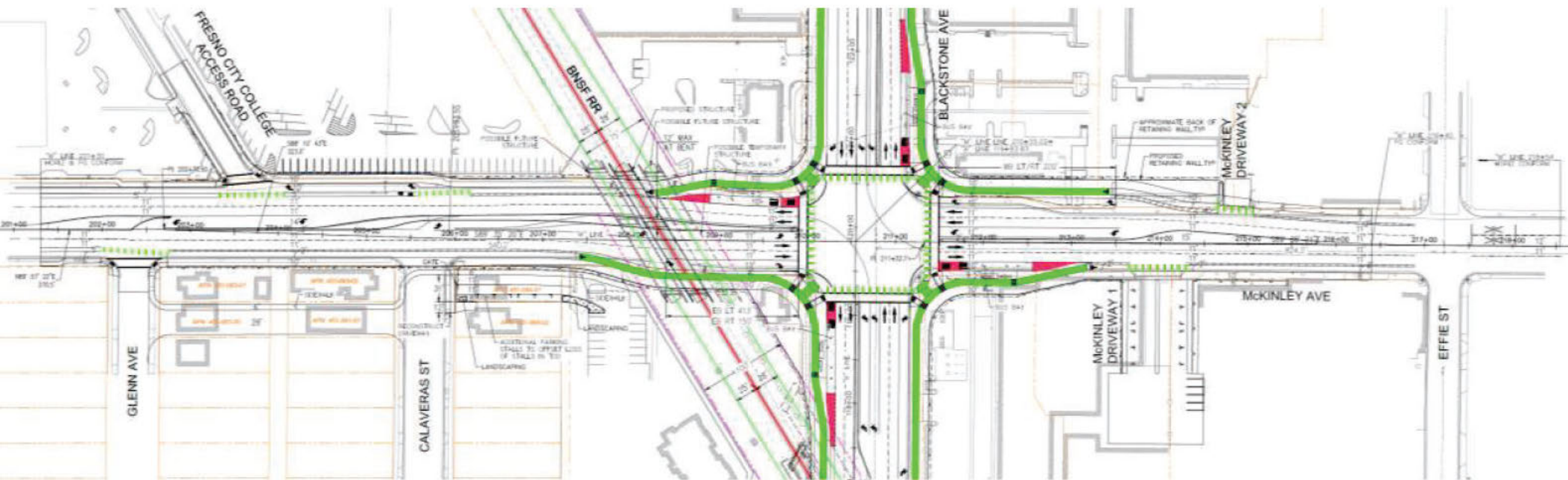
## • McKinley Avenue



# Roadway Layout

17

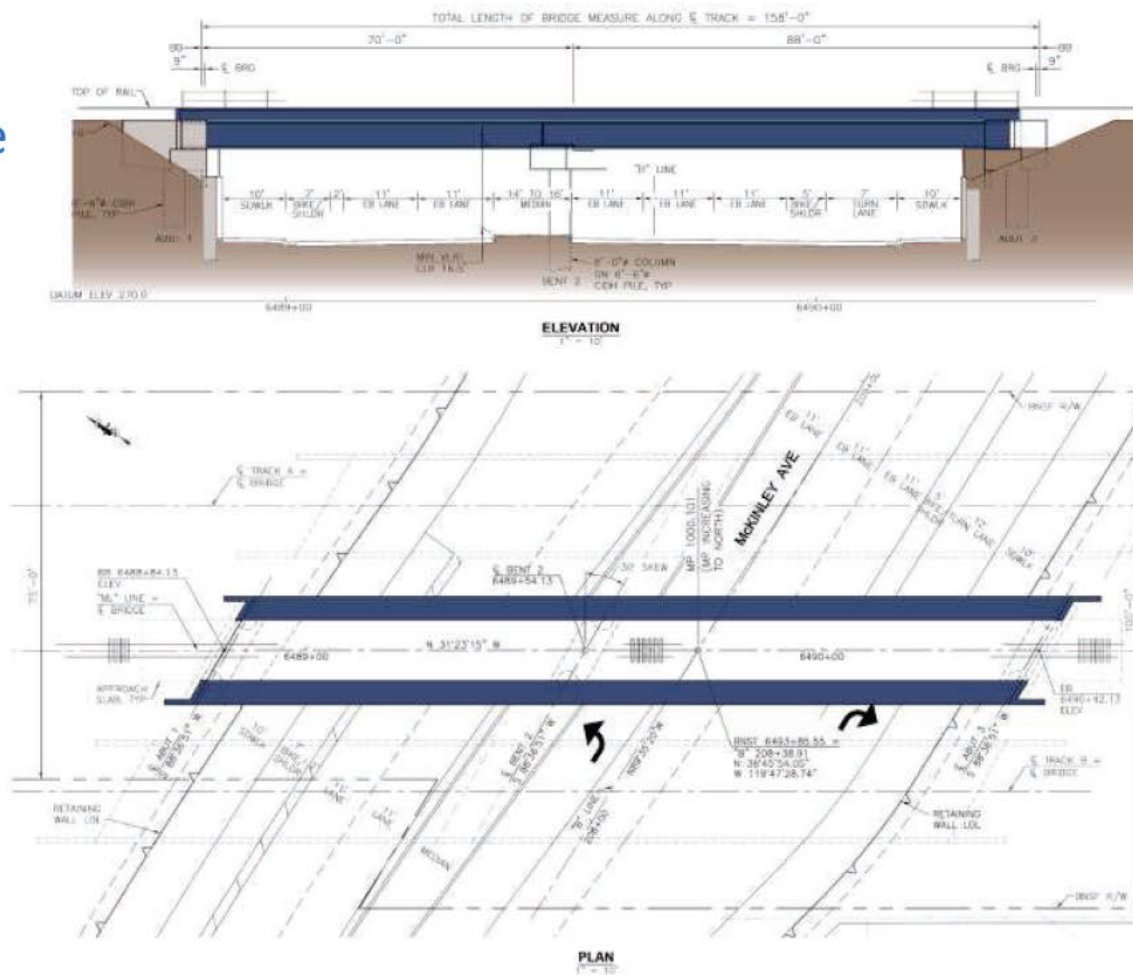
- McKinley Avenue



# Bridge Plan & Elevation

18

## • McKinley Avenue

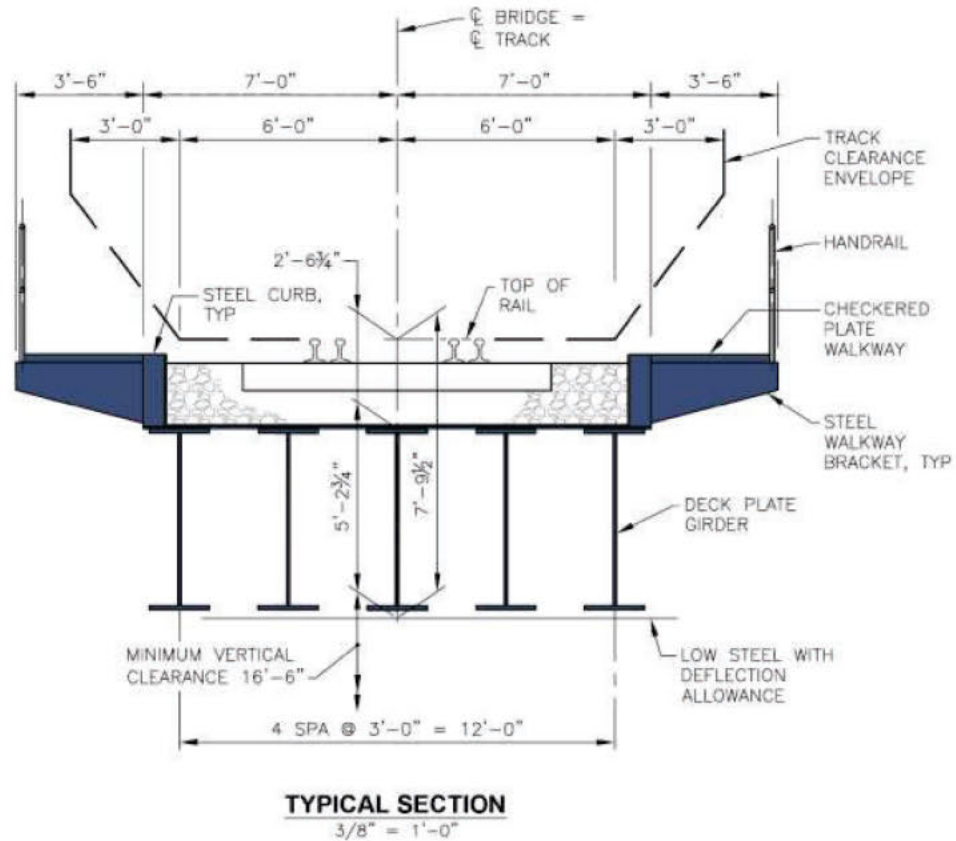




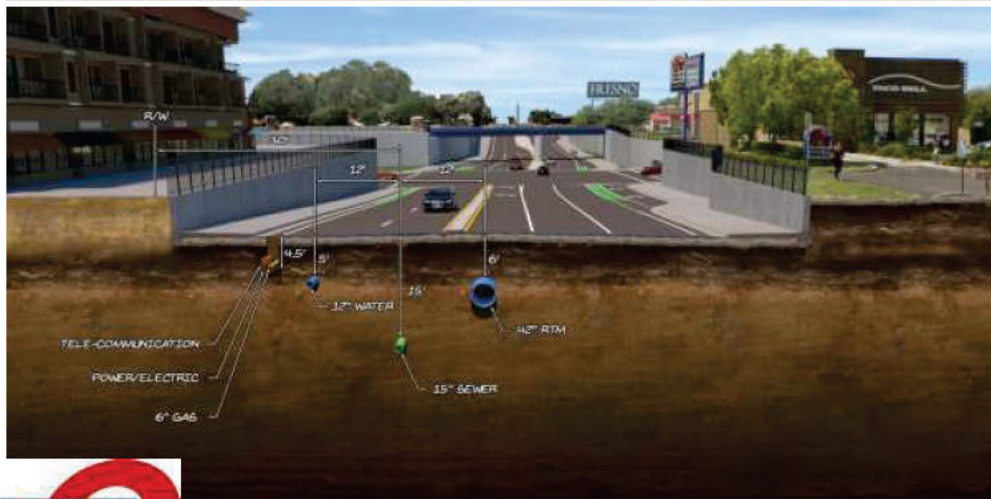
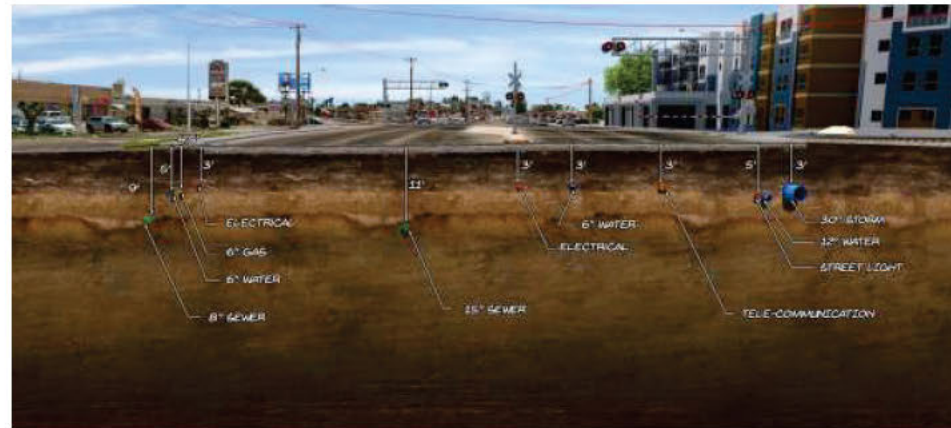
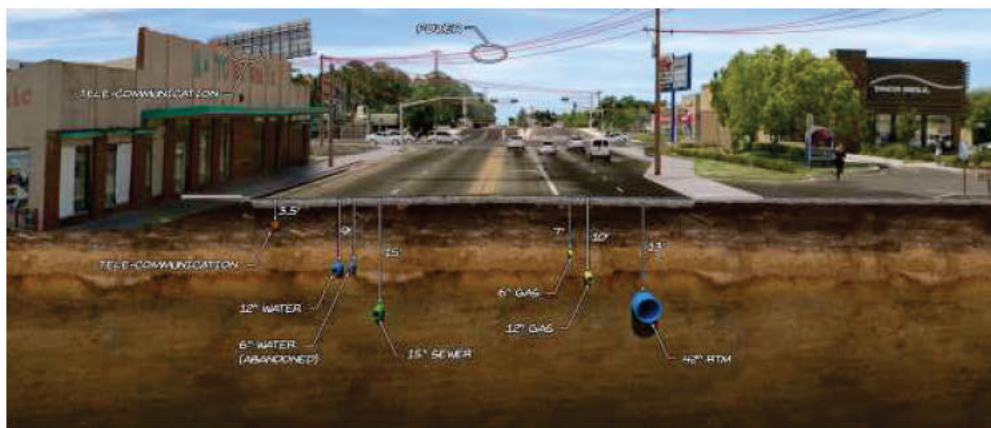
# Bridge Typical Section – Deck Girder

19

## • McKinley Avenue



# Utilities



## Project Schedule- Key Milestones

21

- Complete Design – Spring 2024
- Complete Acquisition of Right of Way – Summer 2024
- Start Construction – Fall 2024
- Complete Construction- Fall 2027
- Advanced Utility Relocation may occur where possible.





## Questions and Answers Session

- *The City and Consultant Team will answer as many of the questions as possible in the remaining time.*
- *The questions will be synthesized where possible. If we missed the essence of your question, please ask it again.*
- *We request attendees that want to discuss specific items that affect only their property or business to request a follow-up meeting along with a contact number and email address in the Q & A button.*
- *Within 10 days, the City will post Frequently Asked Questions with Responses*

# **EXHIBIT H**

# General Plan Annual Progress Report

*Planning and Development Department*

**MAY 26, 2022**





# State Requirements

- The State of California Office of Planning and Research (OPR) has General Plan Guidelines that all jurisdictions must follow
- All jurisdictions are required to provide OPR with a General Plan Annual Progress Report each year, per Government Code Sections 65400 and 65700



# ***The General Plan***

***12 Chapters***

***17 Goals***

***72 Objectives***

***569 Policies***

***1 Housing Element***



# Accomplishments:

- Several **plans in progress**: Kings Canyon Corridor Transit Oriented Development Connectivity Study, West Area Neighborhoods Specific Plan, Central Southeast Specific Plan, Tower District Specific Plan Update; South Central Specific Plan, Southeast Development Area Specific Plan
- **Mixed Use Text Amendment** underway, the Text Amendment will increase zoning density for the five Mixed Use Zone Districts that would allow higher intensity mixed-use development along high-quality transit corridors
- **Beautify Fresno** hosted several cleanup and beautification events throughout Fresno with partners across the community to provide weed, litter, and graffiti abatement, and support community-driven clean-up activities





# Accomplishments:

- The **Economic Development Department** worked with the SJMA to create a "**Fresno Made**" **campaign** for our manufacturing companies in Fresno
- Through a partnership with the Fresno Metro Black Chamber of Commerce, funding resources were established for start-ups and small businesses in need of micro-funding through **the KIVA Loan Fund** Economic Development Department with Workforce Connection and Economic Development Corporation to offer workshops on resume writing and interview skills
- The Economic Development Department initiated a **skills gap survey** of Career Technology Education providers and other stakeholders to determine what gaps may exist in the job training being offered and the needs of the business community
- The Economic Development Department facilitated a neighborhood **job fair in southwest Fresno at the Mary Ella Brown Community Center**. The job fair was focused on jobs available at nearby businesses and outreach was done to area residents
- Citywide **Fiscal Impact Study** underway



# Accomplishments:

- Staff Coordinated with the **High Speed Rail** Authority on station area planning to maximize transit connections at the future HSR station
- Staff participated in several **local and regional plans** and projects:
  - Fresno COG's 2022 Draft Regional Transportation Plan
  - Fresno COG's Fresno County Regional Trails Plans
  - Fresno COG's Reverse Triangle Transportation Plan
  - Fresno COG's Draft Regional Transportation Plan/Sustainability Community Strategy
  - Caltrans South Fresno Corridor Project on SR99
  - SR99 Rehabilitation from El Dorado Street to Clinton Avenue Project
- FAX Implemented **new bus routes**, extended existing bus routes, and participated in SB743 work.





# Accomplishments:

- **FAX ridership incentives:**
  - Tested pilot Free Fares program for six months;
  - Reduced regular base fare and reduced fares;
  - Implemented free transit for veterans, military, and children under 12;
  - Partnered with Fresno State University for subsidizing free fares for students;
- Phase 1 (Bullard extension) was complete and Phases 2 (grade separations) and 4a (Southern extension) were underway for **Veterans Boulevard** which will connect West Fresno to the east side of SR99
- City applied for and was awarded funding for **BNSF Blackstone McKinley Grade Separation Project** the Project will support the City's Southern Blackstone Smart Mobility Plan and will be compatible and build on the "Better Blackstone" initiative
- The City developed the **Residential Speed Hump Policy**





# Accomplishments:

- Applied for and awarded approximately **\$12,700,000 in Congestion Mitigation and Air Quality Improvement and Surface Transportation Block Grant funds** to maintain roadways and implement projects
- **Bike Lanes** were Installed:
  - 1.5 miles of Class II bikes lanes
  - 6 miles of buffered Class II bike lanes
  - 1.5 miles of Class IV bicycle facilities
  - 1.11 miles of Class I trail facilities
- The **BPAC produced PSA safety videos** on subjects such as sharrows, HAWKS, and Class IV bicycle facilities. Production of a PSA video for pedestrian scrambles was initiated with finalization in Spring 2022.



# Accomplishments:

- Staff partnered with Caltrans, Fresno COG and FCTA to seek BUILD and INFRA funding to implement **improvements at the SR 99 North and American Avenues interchanges.**
- Staff partnered with the SJVAPCD and AB617 group to continue the preparation of a **truck reroute study**
- Airports Department developed a new **Parking Structure** and designed a **Terminal Expansion** at FAT



# Accomplishments:

- The San Joaquin River Conservancy Board authorized bond funds to the City of Fresno to begin and complete final engineering designs and secure permits for the **River West Fresno Eaton Trail Extension**.
- Staff participated as technical advisors to the Building Healthy Communities **Western Reaches Access Activation Plan** for Camp Pashayan along the San Joaquin River Parkway
- **Trail Network Wayfinding, Promotion, and Connectivity Plan** drafted, and Public Review Draft released in February 2022





# Accomplishments:

- The **Police Department** collaborated with Commission on Police Reform and implementation of **72 recommended reforms**
- The Police Department developed **community groups** at the District level, the Chief's Youth Advisory Committee, and the Chief's Advisory Group
- The Police Department participates in the **Homeless Assistance and Response Team (HART)** with **mental health clinicians** to provide resources for our homeless population.
- **Southeast Police station** opened
- The Police Department participated in:
  - Police Athletics League
  - The Resilience Center NPO (Trauma Informed Services)
  - Barrios Unidos
  - Boys and Men of Color
  - School District RISE (mentoring program in Elementary Schools)
  - Mentoring programs in High Schools
  - Community Conversations (Mental Health Collaborative),
  - Bringing Broken Neighborhoods Back to Life,



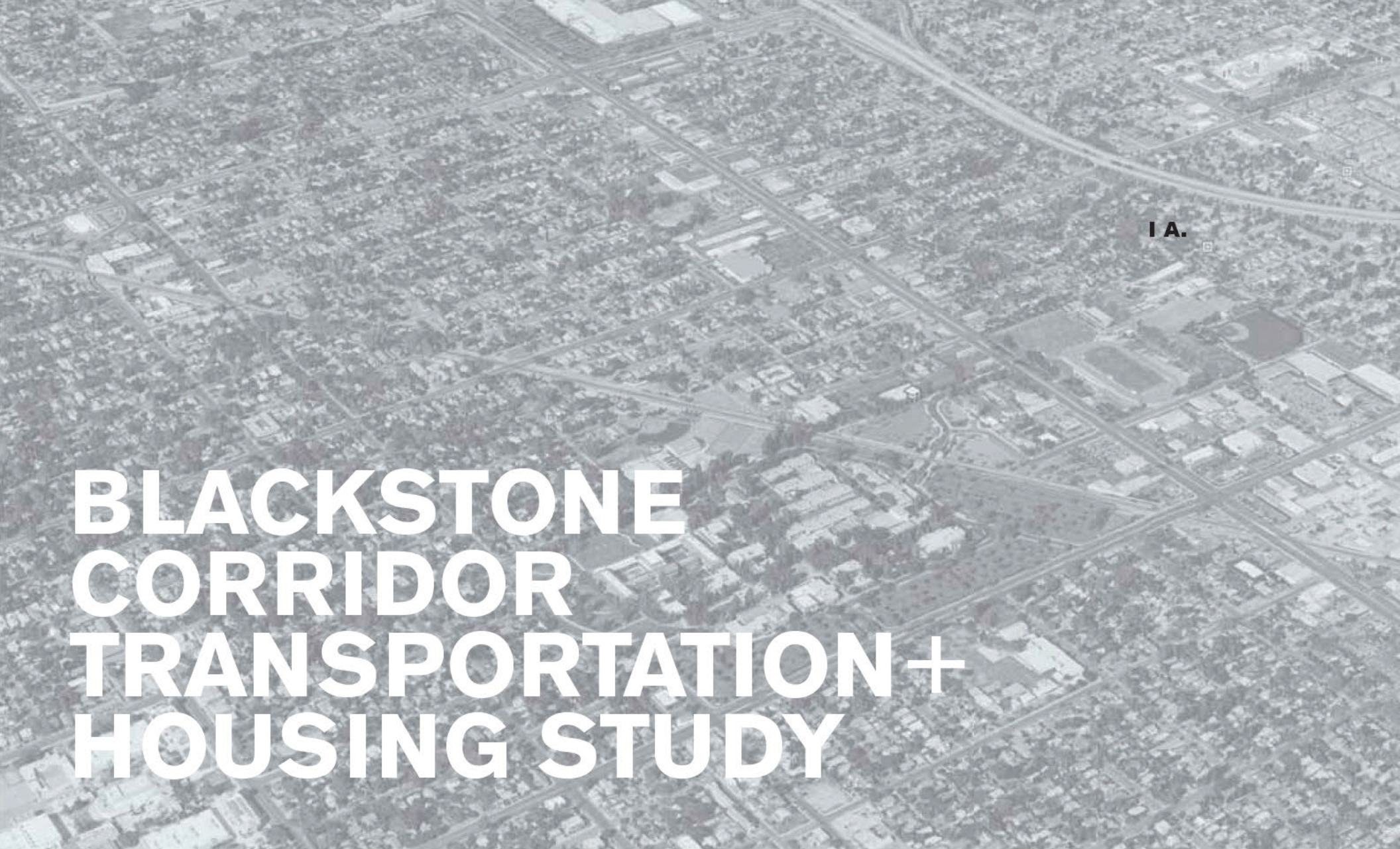
# Accomplishments:

- **Greenhouse Gas Reduction Plan** Update adopted
- **Vehicle Miles Traveled Mitigation Program** initiated
- 87 public **electric vehicle charging stations** at 12 locations installed
- 2020 **Urban Water Management Plan** adopted



# **EXHIBIT I**





I A.

# BLACKSTONE CORRIDOR TRANSPORTATION+ HOUSING STUDY

FINAL REPORT | APRIL 2017

FRESNO COUNCIL OF GOVERNMENTS  
CITY OF FRESNO



## Increment 4: Achieve Full Potential of Corridor

The fourth increment illustrates the full potential of the corridor, achievement of General Plan goals, and intensity of uses as allowed by the development code. The assembly of smaller parcels and subsequent development of the larger parcels is a key assumption. Highlights of the increment include the following:

- Complete redevelopment of every parcel fronting Blackstone at three and four story heights as is typical for financing these building types.
- The final hypothetical phase of full build-out on some of the catalyst sites that did not achieve it in the first increment.
- Some existing buildings with good value today (Dollar Store for example) are redeveloped to a more intensive, mixed use building.
- Existing alleys are maintained as vehicular access or a pedestrian paseo.
- New pedestrian paths are included within the development patterns of large parcels. These paths encourage connectivity to the surrounding streets of the district.
- A gateway commercial building is shown at the corner of McKinley and Blackstone after assembly of smaller, higher value parcels.
- Infill on the FCC campus is not shown however more intensive use of the eastern campus area is envisioned as a result of increased transit ridership, successful partnerships to strengthen northern neighborhoods, and conversion of surface parking to new academic buildings.

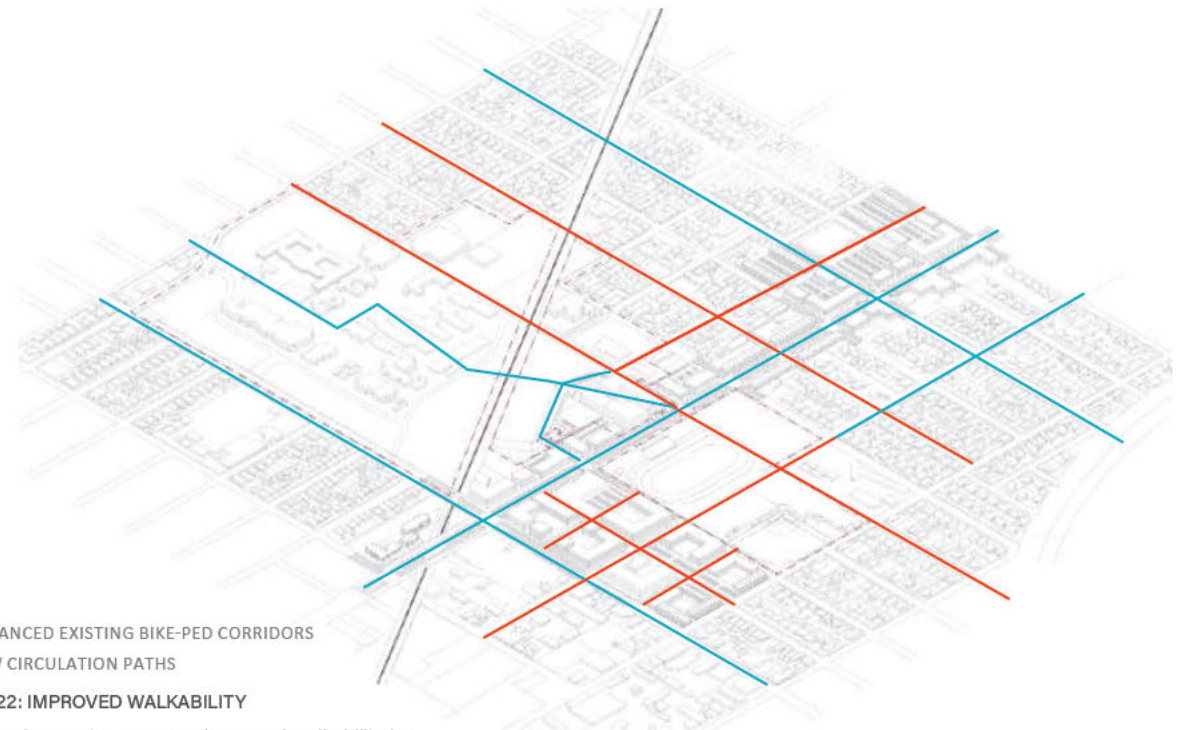


FIGURE 22: IMPROVED WALKABILITY

*Future development can ensure improved walkability by creating new circulation paths and enhancing existing ones.*

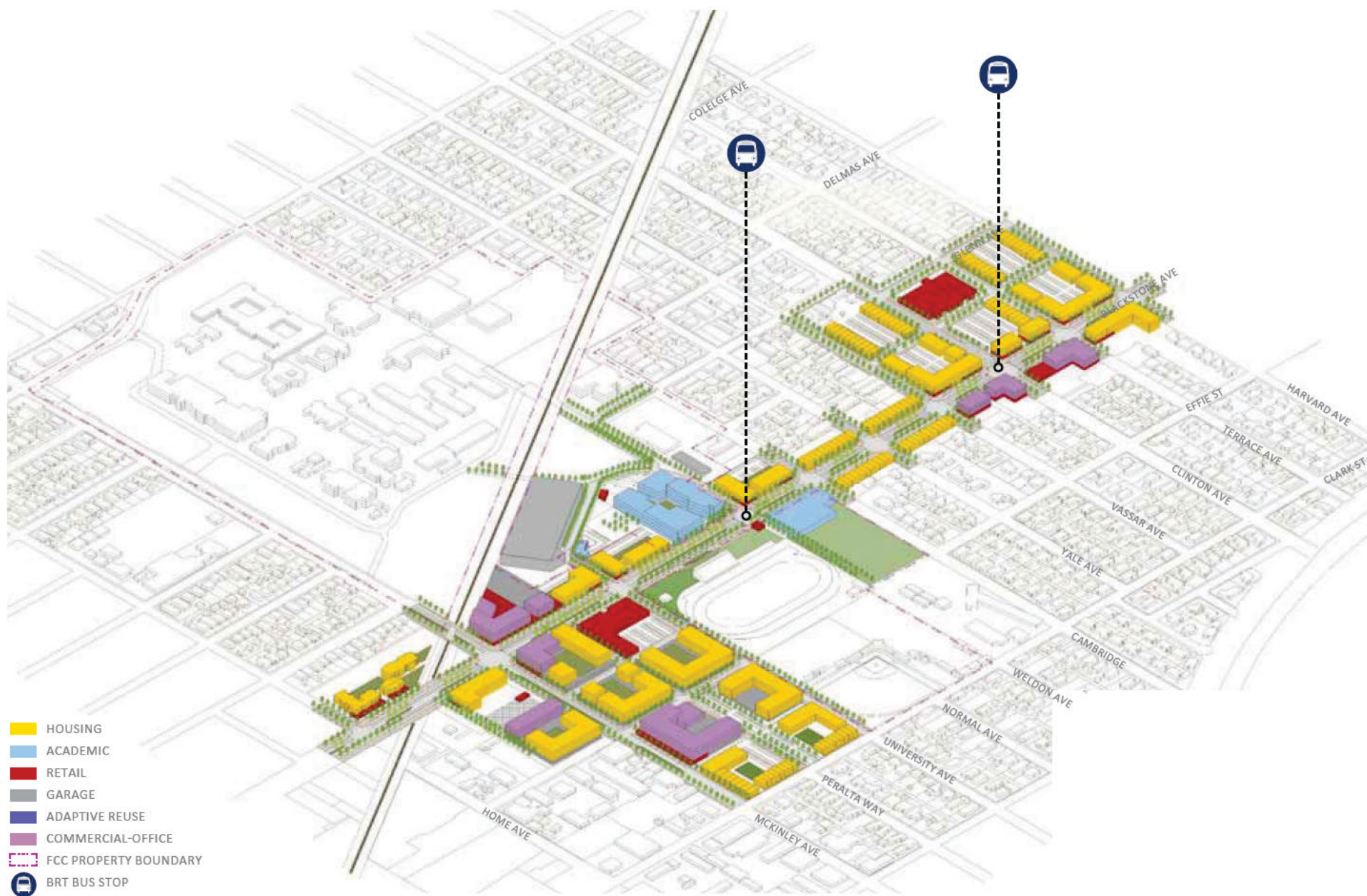


*Active retail front on street with high density housing and office use provide destination of varied users.*



*High density residential with commercial uses on a transit oriented support ridership.*

FIGURE 23: INCREMENT 4



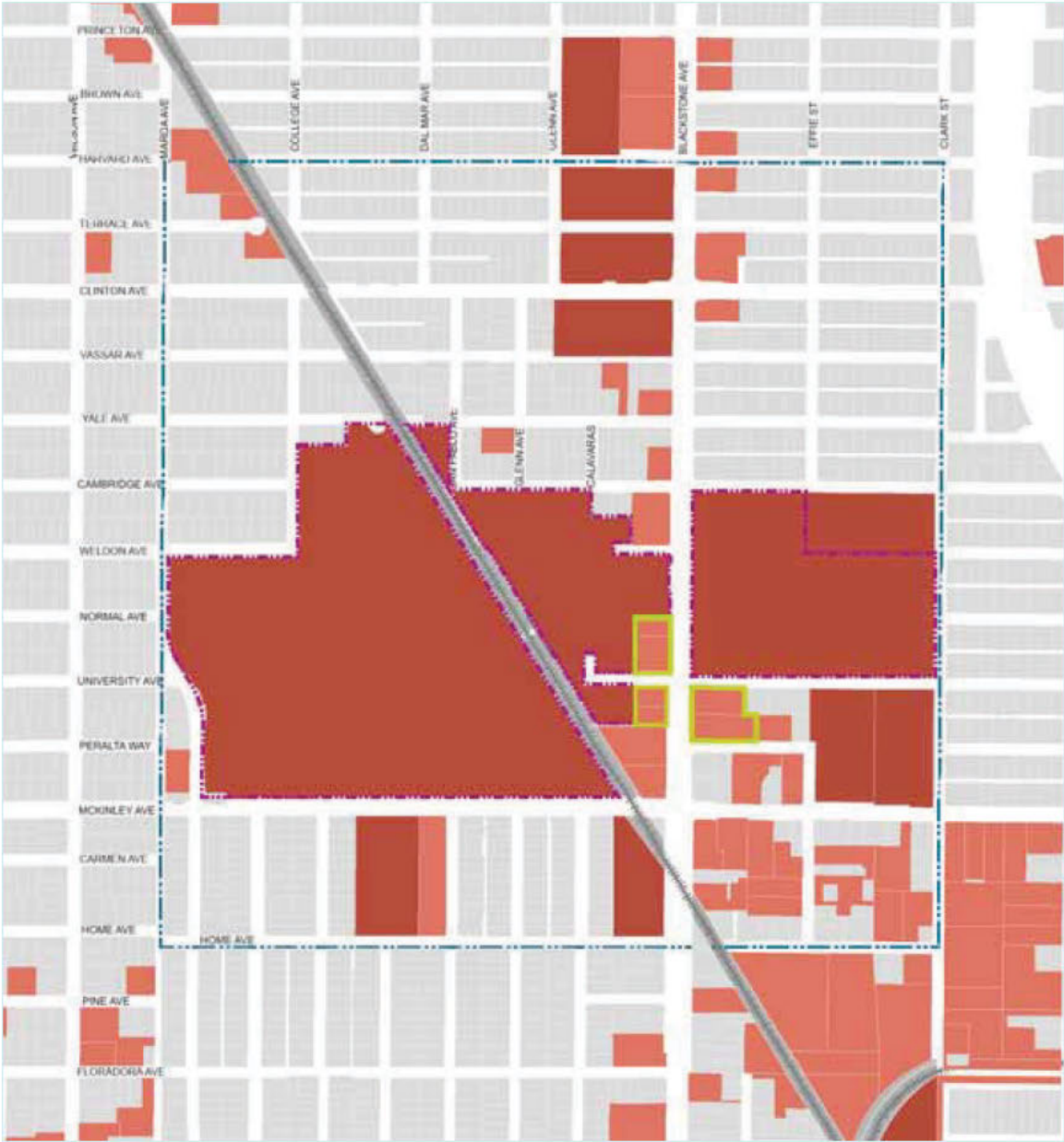


PARCEL SIZE

The parcel sizes along Blackstone Avenue, within the study area are varying in size with majority of them being less than half acre. Fresno City College is the largest property with a single owner. There are limited parcels between 0.5-3 acres and over 3 acres. This suggests that there may need to be assembling of parcels to implement development appropriate for the NMX district.

FIGURE 24: EXISTING PARCEL SIZES AND OWNERSHIP  
SOURCE: CITY OF FRESNO, GIS DATA

- ADJACENT PARCELS UNDER SAME OWNERSHIP
- 0.5 ACRE AND SMALLER
- 0.5 ACRE TO 3 ACRES
- OVER 3 ACRES
- FCC PROPERTY BOUNDARY
- STUDY AREA BOUNDARY



# **EXHIBIT J**



# FRESNO General Plan

**Adopted:**  
**December 18, 2014**

Development and Resource  
Management Department





- UF-10** Calibrate parking according to the Downtown’s parking needs and make it efficient and easy to find.
- UF-11** Revitalize the Fulton Corridor consistent with the reconstruction project.

### BRT Corridors & Centers

Fresno’s BRT corridors offer great opportunities for future growth over time in the form of mixed-use development on sites that are now underutilized or vacant. Vibrant Activity Centers with public spaces, medium-high and high-density residential, retail, and employment uses will be located on these major street corridors. The Activity Centers will also support surrounding neighborhoods, multi-modal transportation including the BRT system, and Downtown. BRT corridors proposed in the General Plan include the following:

#### Blackstone Avenue Corridor

Blackstone Avenue is currently the most prominent major street corridor connecting the Downtown area to the northern areas of Fresno, including the major commercial centers concentrated between Herndon and Nees Avenues. This major street is part of the first phase planned BRT route for transit supportive corridor related land use development and contains many “opportunity sites” that may be developed into Activity Centers in the future. Naturally, this development will occur over time as properties become available or landowners choose to re-develop. Initially, the BRT stops will occur every half-mile. Eventually, Blackstone Avenue is planned to have major BRT stations and surrounding mixed-use centers at one-mile intervals, located at the intersections of major east-west avenues such as Bullard, Shaw, Ashlan, Shields, and McKinley. Ultimately, the BRT stations will be the focus of mixed-use development that is pedestrian-oriented and closely ties the stations with the surrounding neighborhood.

#### Ventura Avenue - Kings Canyon Road Corridor

Ventura Avenue and Kings Canyon Road link the Downtown with the Southeast Development Area (SEDA) to the east. Much of the major street corridor is contained in the area anticipated to be encompassed by the DNCP, and the General Plan contains urban form and land use concepts and strategies from that proposed plan. Both north and south sides of this corridor are planned with existing and new residential neighborhoods. Like the Blackstone Avenue Corridor, the Ventura Avenue - Kings Canyon Road Corridor offers many opportunities for mixed-use development on both under-utilized properties and vacant land. This corridor is envisioned to be developed in the future with areas