

# EXHIBIT H



**FINAL**  
**Supplement to the Tower District Specific Plan**  
**Final Environmental Impact Report**

**Producers Dairy Cheese Plant Project**



**September 2017**

**Prepared for:**

City of Fresno  
Development and Resource Management  
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**Prepared by:**



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*This statement is prepared in compliance with the California Environmental Quality Act*

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## Chapter 1 - Introduction

Producers Dairy (Producers) proposes to remove two boarded-up buildings at 450 E. Belmont Avenue, Fresno, California totaling approximately 12,500 square feet. The purpose of the Producers Dairy Cheese Plant Project (Project) is to secure additional parking for Producers delivery trailers due to the loss of delivery trailer parking at the southwest corner of Tuolumne Street and H Street to the High-Speed Rail project.

In accordance with 14 CCR Section 15088, California Environmental Quality Act (CEQA) Guidelines, the City of Fresno (City) as the lead agency for the proposed Project has evaluated the comments received on the Draft Supplement to an Environmental Impact Report (SEIR), State Clearinghouse No. 2017031030. The Draft SEIR was released for public review and comment for a period of 45 days from March 10, 2017 through April 24, 2017. The Revised Draft SEIR was recirculated for public review and comment for a period of 30 days from August 1, 2017 through August 30, 2017. This Final SEIR (including the Response to Comments and Errata) and the Revised Draft SEIR together comprise the Final SEIR for use by the City in their review of the proposed Project.

This Final SEIR document is organized as follows:

- **Chapter 1: Introduction.**
- **Chapter 2: Response to Written Comments.** Provides a list of agencies, organizations, and individuals that commented on the Revised Draft SEIR. Includes a copy of all letters received and provides responses to comments on environmental issues describing the disposition of the issues, explaining the Revised Draft SEIR analyses, supporting the Revised Draft SEIR conclusions, and/or providing clarifying information or corrections as appropriate. This section is organized with a copy of any comment letters followed by the corresponding responses.
- **Chapter 3: Errata.** Includes Errata, clarifications, and minor additions to the Revised Draft SEIR.

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

- a) A lead agency is required to recirculate an EIR when significant new information is added to the SEIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term "information" can include changes in the project or environmental setting as well as additional data or other information. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation include, 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 significance.
  - 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.
  - 4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.
- b) Recirculation is not required where the new information added to the EIR merely clarifies, amplifies, or makes insignificant modifications in an adequate EIR.

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

## Chapter 2 - Response to Written Comments

A list of public agencies, organizations, and individuals that provided comments on the Draft SEIR is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

### List of Authors

#### Author

#### Author Code

##### State Agencies

No comments received

##### Regional Agencies

No comments received

##### Local Agencies

No comments received

##### Organizations

No comments received

##### Individuals

Bruce A. Owdom .....RDSEIR 1

### Responses to Comments

In accordance with CEQA Guidelines Section 15088, the City, as the Lead Agency, evaluated the comments received on the Revised Draft SEIR (State Clearinghouse No. 2017031030) for the Producers Dairy Cheese Plant Project and has prepared the following responses to the comments received. This Response to Comments section becomes part of the Final SEIR for the Project in accordance with CEQA Guidelines Section 15132.

The comment letter reproduced in the following pages follows the same organization as used in the List of Authors above.

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August 30, 2017

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RE: **REIVSED DRAFT** Supplement to the Tower District Specific Plan Final Environmental Impact Report (1991) for Producers Dairy Truck Parking Lot Enlargement Project prepared July 2017

Dear Mr. Sanchez:

Paul E. Pierce and I submit the following comments on the Revised Draft Supplement to the Tower District Specific Plan Final Environmental Impact Report (1991) prepared July 2017 (RDSEIR) for the proposed demolition of two historic structures and enlargement of the proponent Producer's Dairy truck trailer parking operation at 450 E. Belmont Avenue, Fresno, California, which is intended to service its production facility located at 144 E. Belmont Avenue.

On December 31, 2016, we commented at length on the Initial Study (IS) for this project. On April 24, 2017, we also commented on the inadequacy of the Draft Supplemental Environmental Impact Report (DSEIR). Unfortunately, our suggestion to revise the IS because of its glaring inadequacies was rejected, and the applicant chose to continue the environmental review process without completely describing and analyzing the proposed project in a revised IS. Just as the DSEIR failed to address the December 31, 2016 comments, our comments to DSEIR, dated April 24, 2017, that the DSEIR inadequately describes the "project," the RDSEIR fails again to completely describe the project and analyze its impacts. Further, the RDSEIR repeats fundamental flaws in its review and analysis. That fundamental flaw is the that the "project" actually involves a huge expansion at its production facilities in this neighborhood for which Producer's seeks a 123% increase in parking capacity for storage of its truck trailers at the 450 E. Belmont Avenue location.

We reiterate our repeated requests to receive and review, and to have incorporated in the official record of these proceedings, the full history of the contract under which the environmental work for this project is being performed, including all drafts, revisions, notes, and correspondence regarding the contract, by or among any agents or representatives of the City of Fresno, SOAR Environmental Consulting, Inc., and

**RDSEIR**  
**1-1**

**RDSEIR**  
**1-2**

RDSEIR  
1-2

/or Producers Dairy. As we have mentioned, we are concerned that this contract may violate Public Resources Code section 21082.1(a), which requires that:

“Any draft environmental impact report, environmental impact report, negative declaration, or mitigated negative declaration prepared pursuant to the requirements of this division **shall be prepared directly by, or under contact to, a public agency.**” [Emphasis added.]

We are informed that this contract is not so formed. Rather, the contract is formed between the consultant SOAR and the project applicant, Producers Dairy. The resulting IS, DEIR and DRSEIR and their biases in favor of the proposed project is astonishing. Please provide the requested documents immediately. Although Producers may have provided the actual contract between Producer’s and its consultant, SOAR, the notes and other written history of this contract have not been provided. In addition, the distribution list of notices regarding this project has not been provided and thus, we are unable to confirm that persons entitled to notice have received it. Accordingly, we reserve our right to object that notice of this action has not complied with the law.

RDSEIR  
1-3

We renew our repeated requests to receive and review legible site plans with dimensions and to scale, for both the subject property at 450 E. Belmont Avenue and 302 N. Thorne Avenue, the latter of which is the previous location of the applicant’s permanent truck trailer parking. Although a portion of the Thorne Avenue property was apparently purchased by the High Speed Rail Authority, the City staff report prepared for the Council meeting on February 26, 2016, indicated that “[o]nce work is complete the current leased site (302 N. Thorne) truck parking will again be available.” Neither the applicant nor the consultant have disputed this statement. RDSEIR, Response to Comments, Response, Seir1-5 states that “site plans for 1752 G Street and 302 N. Thorne Avenue are private plans and are not part of the proposed Project.” Therefore, the RDSEIR has failed to disclose this critically important information.

The Resp. 1-5 also reveals only that the 302 N. Thorne Avenue site is “currently not used for delivery trailer parking. Therefore, site plans for the two sites do not fall under the scope of the Draft SEIR.” However, truck trailer parking is not the defining feature of this project. The total scope of this project includes the integration of this grossly over-parked, proposed project and the production facility at 250 E. Belmont Avenue, the project’s effects on the health and aesthetics of the people who live and work in the vicinity, and the status of the Thorne Avenue property and other sites that are more suitable for this project. Unfortunately, Producer’s is apparently unwilling to consider better alternatives for itself and the protection of its neighbors.

**The Tower District Specific Plan and The Tower District Specific Plan Final Environmental Impact Report (1991).**

RDSEIR  
1-4

Applicable provisions, goals and objectives of the TDSP which demonstrate the inconsistency of the proposed Project with the Plan were quoted in our earlier comments, dated April 24, 2017, and will not be repeated here. The TDSP is a conservation and preservation plan that protects the unique features and characteristics of the Tower District that will serve as defining building blocks for future, appropriate development to revitalize historic neighborhoods. In 1991, Producers’ understood and agreed with these goals and objectives with respect to the historic structures on this site. That agreement became law by the



RDSEIR  
1-4

unanimous vote of the City Council. Now Producers seeks to revoke unilaterally this agreement and law. This neighborhood needs land uses and economic development consistent with the TDSP, not in opposition to it.

RDSEIR  
1-5

The RDSEIR falsely and disingenuously claims this project is "consistent with the applicable Tower district Specific Plan goals and objectives, zoning and land use" (Respns., SEIR 1-7.), and because it was zoned light industrial for 26 years, and has supported dairy factory operations for at least 88 years." Producer's finds itself in this position because it has broken its promises to the City of Fresno, the Tower District Specific Plan and its neighbors, especially the residential neighbors around this parking facility. 26 years ago Producers agreed to the mitigation measures enumerated in the Plan, in exchange for the light industrial zoning, as adopted by the TDSP and part of the zoning ordinance. This issue only arises now after 26 years because Producer's has failed to protect and preserve, or even stabilize, the historic structures as it agreed to do. Producer's also asks for a variance from established municipal law requiring a minimal set from the side walk to allow the parking of **14 more truck trailers** on this 1.83 acre parcel. Producer's asks the City Council to grant its request to escape its obligations made over 26 years ago.

Producer's claims that this project "complies" with the Plan is incredible. If the project complied with the Plan it would not be requesting amendments to the Plan and it would not be seeking a variance.

Producer's acts as if it is entitled to revise the TDSP simply because the previously proposed use for the property is no longer being proposed, "and, as such the mitigation measures are not applicable to the proposed Project." (Respns., SEIR 1-7.) The property did support dairy operations in the past, but it was not diesel refrigerator truck parking before Producer's. Indeed, it has been suggested to Producer's and the Lead Agency that a more appropriate use of this neighborhood space is local retail that promotes the health and opportunities of the surrounding residents. Producer's, unfortunately, is indifferent to its neighbors and maybe to its brand, purporting to be a helpful, hopeful friend.

RDSEIR  
1-6

Response SEIR 1-15 is illustrative of the disdain this Project has for the TPSP. These words are not quoted here, but they are shockingly dismissive of the rule of law in our city. The TDSP and the zoning of and mitigations measures for this property were was duly adopted unanimously by the Fresno City Council in 1991. Now, because in Producer's view, all mitigation measures adopted into law are "not applicable," they should be avoided. How can this project be in "compliance" with the very specific plan that Producer's demands the city council modify?

#### **The Project Description Is Inadequate and Fails to Disclose the Full Impact of the Project.**

RDSEIR  
1-7

The DSEIR fails to define and address adequately the project's impacts on neighborhood stability, pedestrian safety, family health, surrounding property values, and the historic fabric of the area, that arise from this intensity of use, including: dangerously heavy truck traffic where children walk to school; significant health impacts of significantly increased deadly diesel particulate matter (both PM2.5 and PM10); significant cumulative impacts, when increased DPM is added to proximate freeway pollution.

RDSEIR  
1-8

The RDSEIR finally confirms what was ambiguous in the DSEIR-- that this industrial project will host a 24 hour operation of truck and trailer ingress and egress. Producer's does not deny that the operation will also include trailer maintenance, tire changes, cleaning, and the associated operation of powered maintenance equipment and tools in the midst of this residential neighborhood. The proposed project would also allow regular, heavy, and, normally prohibited, truck-trailer traffic on residential streets (Roosevelt and Ferger Avenues) to enter and exit the parking lot. The southern half of the perimeter of the subject property is surrounded by at least eight residential properties (See, RDSEIR, Figure 2, p. 25.)

RDSEIR  
1-9

The project description and RDSEIR are inadequate because they fail to identify and analyze the loss of opportunities and property values incurred by the neighbors of the proposed expanded truck parking lot. Producer's may believe that neighbors' property values should not be considered under CEQA, but with any project a neighbor's condition and desire for fair treatment must be considered. Why is an already marginalized and disadvantaged community made to suffer the worst impacts of industrial, economic activity?

RDSEIR  
1-10

The proposed project will **increase the number of parked truck trailers on the site from the current 30 to a new maximum of 67 trailers, a whopping 123% increase** of parked refrigerated truck trailers. The RDSEIR finally concedes that the project will "result" in an additional 20 round-trip truck-trailer trips per day, for a total of at least 70 round-trips daily seven days a week (for a total of 140 trips per day) and "approximately 182 truck movement events." (RDSEIR, p.55.) What this actually means is that there will be at least 140 truck trailer ingresses to and egresses from the site every day of the week, including weekends. In addition to the truck-trailer traffic on Belmont, Roosevelt and Ferger Avenues, there is the clanging and banging, associated with the so-called truck events on the site, that is, the noise emitted from the trucks' disconnecting and connecting to a trailers with the diesel engines idling and related maintenance work. Again, 24 hours, day and night.

RDSEIR  
1-11

As noted above, the true and total scope of this project is integration and consolidation of this 1.83 acre parcel at 450 E. Belmont Avenue into an expanded production facility located at 250 E. Belmont Avenue. Producer's refusal to state whether the parking location at 302 N. Thorne Avenue will be available for parking in the future can only mean that it may be available for parking in the future. Producer's needs to disclose the status of this property. The Thorne Avenue property is within the scope of this project whether Producer's wants it to be or not.

#### **The External Noise Mitigation Is Inadequate.**

RDSEIR  
1-12

The RDSEIR obscures the true facts which are that this project will increase daily truck trips to and from this site to at least 140 per day and because the number of parked trailers at the site would increase from 30 to 67, noise related to parking movement events within the project site will dramatically increase. None of these cumulative impacts is analyzed. The proposed mitigation measures are woefully inadequate to mitigate the overwhelming burden of such an increase in trucks and trailers. Furthermore, the applicant does not have a good record in fulfilling mitigation measures agreed to 26 years ago regarding this property. In its attempt to comply with the city's noise ordinance, the unconvincing mitigation such as a 12 foot sound wall

RDSEIR  
1-12

clearly reveals the incongruity of this project with the neighborhood. Truck trailers parked in the middle and north rows will have the refrigeration units facing southbound directly at the adjacent residential neighborhood. To make this project “fit”, the proponent is forced to seek a variance in order to place a fence at the very edge of the property line and within the required setback. By eliminating the normal setbacks for this project, it only moves its noise and pollution that much closer to its neighbors.

**The Transportation and Traffic Section, Section 4.3.1, Is Flawed and Must Be Rejected.**

The RDSEIR repeats the same error as the DSEIR. The transportation discussion is not factually based and therefore is not relevant for purposes of this RDSEIR. The discussion bases its projected benefits for reduction of vehicle miles travelled to the current, temporary parking location at H and Tuolumne Streets. In the DSEIR, Producer’s utilized another temporary parking lot at 1752 G Street, now it uses the temporary parking lot at H and Tuolumne Streets for its calculations. The RDSEIR should use Producer’s last permanent parking location at 302 N. Thorne for any such analysis. The present analysis is inadequate.

RDSEIR  
1-13

The calculation of a reduction in vehicle miles travelled under the proposed project is not factually based and cannot be accepted as a valid impact reduction. Further, the RDSEIR still contains no information or discussion about the impacts of the massive, at least daily 140 truck trailer trips on pedestrians in the neighborhood, including children walking northbound through the proposed traffic maze of trucks, to nearby John Muir Elementary School and Fresno High School. The RDSEIR does not analyze the creation of the new proposed exit and traffic on Ferger Avenue and the impact of that new feature on that street specifically and throughout the neighborhood in general.

**The RDSEIR Again Fails to Consider Adequately Dangerous Air Quality Impacts of the Project.**

RDSEIR  
1-14

The RDSEIR and its Appendix I, p. 7, conclude that the proposed project viewed under the Small Project Analysis Level (SPAL) does not reach a “threshold of CEQA significance for criteria pollutant emissions,” and “would result in a less than significant impact.” The RDSEIR further concludes that, in any event, any diesel exhaust emissions, one of the most deadly vehicle emissions, on an annual project emission basis is 3.68 lbs, and below the 4.3 lbs. annual emission threshold. The RDSEIR at page 6, Appendix J, RSP SEIR1-20, argues that because these deadly emissions are estimated to be **only 14% below** the threshold required for a full health risk assessment of the project, it is exempt from conducting an official Health Risk Assessment. Producer’s ignores the health impacts of the proposed project on its residential neighbors and sensitive receptors by avoiding this critical issue and not conducting an HRA. Without any fact based analysis, Producer’s is willing, by 14% margin, to risk that sensitive populations, like residential neighbors, will not contract a deadly disease or condition caused by dangerous, toxic emissions from this project especially Diesel Particulate Matter.

RDSEIR  
1-15

The California Air Resources Control Board classifies Diesel Particulate Matter as a separately toxic air pollutant, though DPM also contains PM2.5 and PM10. CARB’s “Methodology for Estimating the Potential

RDSEIR  
1-15

Health Impacts from Diesel Truck Idling Operations” prescribes assessing exposed individuals’ cancer health risks “based on hours of diesel engine idling operations and downwind distance of the receptor.” Accordingly, California restricts siting of new schools near major highways and busy traffic corridors. (California Education Code, sec. 7213.c.2.C) See Comment Letter, dated December 31, 2016, Appendix A. The Lead Agency should not countenance this project. It would not be permitted in North Fresno.

RDSEIR  
1-16

In addition, we reserve the right to further comment on the applicability of the SPAL exemption when the acreage of the total project, including 250 E. Belmont, 450 E. Belmont, and 302 N. Thorne Avenue s, when they are ascertained. It is believed that the total acreage exceeds the SPAL exemption acreage limit.

**The Alternative Analysis Continues to be Incomplete and Inadequate.**

RDSEIR  
1-17

The RDSEIR continues inexplicitly to cite an infeasible relocation alternative which no one, but the consultants and the applicant, has suggested and is clearly “infeasible.” (CEQA, Guidelines, Sec. 15126.6) The RDSEIR continues to choose relocation as the environmentally superior alternative despite its infeasibility.

The applicant’s opposition to the so-called façade alternative is that it would lose 14 parking spaces by retention of the facades. (RDSEIR, p. 78.) As Figure 14 reveals, the applicant’s massive expansion of parking, to 67 trailer parking spaces, on the site and even with the demolition of the historic buildings, Producer’s still requires and has applied for a variance to utilize all the area in the normally required setback. The City of Fresno Development Code, section 15-313 provides in pertinent part:

“Front setbacks shall be measured from the back of the sidewalk (including instances where the back of the sidewalk lies within the project parcel) to the portion of the structure that is closest to the front of the lot.”

According to the Development Code Table 15-1303-2, the minimum setback in an Employment District (including light Industrial uses) is 15 feet. The existing historic façade of the building on Belmont is 9’9” from the property line (the back of the sidewalk), and 10’ from the back of the sidewalk on Roosevelt Avenue. Applicant is seeking a variance from standard and rational measures of setback, followed by projects every day in the city, to ignore set back requirements and locate its proposed fence at the property line.

RDSEIR  
1-18

Producer’s complains that the loss of 14 parking spaces (or 26%) in the façade alternative would “not meet the project proponent [sic] objectives...” In other words, Producer’s is not willing to compromise on any aspect of this project, no matter what it holds for this neighborhood and its people.

The RDSEIR continues earlier failures to analyze and consider adequately the façade alternative. For example, the RDSEIR, page 77, claims that the difference in cost between demolishing both historic buildings and preserving and retrofitting the facades is \$112,000. However, this cocktail napkin calculation, without any good faith analysis, fails to consider the savings achieved from eliminating the cost of any construction of any fence where the facades sit and the cost of the awful “monument.” The facades would provide a better visual barrier to the mass of truck trailers parked compared to the “steel tube fencing” proposed. (RDSEIR, p.

Mr. Mike Sanchez, Assistant Manager

August 30, 2017

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**RDSEIR  
1-18**

29, 30.) The preservation of the facades would also preserve an economic opportunity at a later date to build modern buildings behind the historic facades. Such façade projects are well-known and exist all over the world.

**RDSEIR  
1-19**

We reiterate: the project, as proposed, is really the continuation of a familiar and discriminatory development practice in Fresno that pre-dates the 1991 TDSP and has decimated west Fresno over the past decades. With the approval of government bodies, influential Industrial interests are allowed to expand their uses incrementally into residential areas at the expense of those residents. As a result, these residents are exposed to greater and greater pressures from heavy industrial traffic, congestion, noise and toxic pollution of all kinds. Would encroachment of an industrial use into a residential neighborhood such as proposed here be permitted in North Fresno?

Very truly yours,

[s/ Bruce A. Owdom]

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# **Responses to Comments on Producers Dairy Cheese Plant Revised Draft Supplement to an Environmental Impact Report (Revised Draft SEIR)**

The public comment period for the Producers Dairy Cheese Plant Revised Draft Supplement to the Tower District Specific Plan Final Impact Report (Revised Draft SEIR) was from August 1, 2017 to August 30, 2017. During that time, one comment letter was received. The responses to that letter are listed below.

## **Response RDSEIR 1-1**

The Initial Study for the Project was published on November 30, 2016 with a public comment period from December 1 to December 31, 2016. A single public comment letter on the Initial Study was received on December 31, 2016. The public letter and its responses were published on the City of Fresno website on March 10, 2017. In accordance with CEQA §15143, if the Lead Agency subsequently receives information inconsistent with the finding in the Initial Study, effects can be discussed further in the EIR. Information received from public comments on the Initial Study was incorporated into the Draft SEIR, which was published on March 10, 2017. The Draft SEIR was available to the public for comment for a forty-five (45) day period from March 10 to April 24, 2017. A single public comment letter on the Draft SEIR was received on April 24, 2017. The public letter and its responses were published on the City of Fresno website on August 1, 2017. Information received from public comments on the Draft SEIR was incorporated into the Revised Draft SEIR, which was published on August 1, 2017. The Revised Draft SEIR was available for public comment from August 1 to August 30, 2017, and received a single comment letter. Information received from public comments on the Revised Draft SEIR was incorporated into the Final SEIR.

As described in Sections 1.2 and 3.1 of the Revised Draft SEIR, the Project site is located at 450 E. Belmont Avenue in Fresno, California. The Project site at 450 E. Belmont Avenue consists of three parcels totaling 1.83 acres, currently being utilized for parking a maximum of 30 delivery trailers. After development, the Project will consist of the same three parcels; however, the site will accommodate parking for a maximum of 67 delivery trailers (Section 6.3.1 of the Revised Draft SEIR). The full Project Description can be found in Section 3.1 of the Revised Draft SEIR. Additionally, as mentioned in Section 3.1, and as described in greater detail in Section 4.3 of the Revised Draft SEIR, the Project will result in increased vehicle round-trips per day from the current 50 round-trips to a total of 70 round-trips per day, for a total increase of 20 vehicle round-trips per day. The Project site activities do not impact the Producers' production facility at 250 E. Belmont Avenue in Fresno, California.

## **Response RDSEIR 1-2**

A copy of the August 2016 contract between Soar Environmental Consulting and Producers Dairy (Producers) was provided to Patience Milrod, representing the Tower District Preservation Committee, by the City of Fresno via email on January 3, 2017. Additionally, CEQA Guidelines § 15084(d)(3) specifically allow for the Lead Agency (City of Fresno) to choose the following arrangement: "accepting a Draft [EIR] prepared by the applicant, **a consultant retained by the applicant**, or any other person." (Emphasis added). The City of Fresno received a Revised Draft SEIR prepared by Soar Environmental Consulting in July 2017, reviewed the Revised Draft, and exercised its discretion as the Lead Agency to approve and publish the Revised Draft SEIR. Please also see Initial Study Responses 1-1 and 1-2. Additionally, the November 30, 2016 Notice of Preparation, the March 10, 2017 Notice of Availability, and the August 1,

2017 Notice of Recirculation and Availability were all sent out by "Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll" in accordance with CEQA Section 21092 (b)(3)(C). A copy of the direct mailing list will be provided.

### **Response RDSEIR 1-3**

Site plans for the Project Site at 450 E. Belmont Avenue are located in Figure 4 of the Revised Draft SEIR. As stated in Draft SEIR Response 1-5, the City of Fresno was not made party to any site relocation discussions between the California High-Speed Rail and Producers Dairy. The site plans for 1752 G Street and 302 N. Thorne Avenue are private plans not submitted to the City and are not part of the proposed Project. The property at 302 N. Thorne Avenue was acquired by the California High-Speed Rail and is not presently being used for delivery trailer parking; therefore, site plans for the two sites do not fall under the scope of this Revised Draft SEIR. The Producers Dairy production facility at 250 E. Belmont Avenue is not part of the Project site. Please see Section 3.1 of the Revised Draft SEIR, and RDSEIR Response 1-3 above for more explanation as to why the Project site is only 450 E. Belmont Avenue.

### **Response RDSEIR 1-4**

The Project's consistency with the Goals and Objectives of the Tower District Specific Plan were analyzed in Section 6.10 (Land Use and Planning) of the Initial Study, and the Project was found to be consistent with the applicable Tower District Specific Plan goals and objectives, zoning, and land use. Please see Section 6.5 of the Initial Study and 4.1 of the Revised Draft SEIR for more details regarding the Project's impacts to cultural resources.

The 1991 Ice Cream plant project originally proposed for 450 E. Belmont Avenue was halted in 1991, apparently due to the discovery and subsequent removal of Underground Storage Tanks under the south building (See Initial Study Figure 18, Pages 45 and 66). The current proposed Project is still governed by the same rules and regulations as the originally proposed 1991 Ice Cream plant project. The current Revised Draft SEIR does not seek to "revoke" the Tower District Specific Plan, Tower District Specific Plan Final Environmental Impact Report (FEIR), or Project Site specific mitigation measures in the Tower District FEIR. Rather, the Revised Draft SEIR seeks to update and amend the Tower District FEIR to allow for changes to a *single* property (the Project site) within the entire programmatic level Tower District FEIR. No other changes are proposed for any other portion of the Tower District FEIR and no changes are being proposed to the Tower District Specific Plan.

The Tower District FEIR contains nine mitigation measures specific to 450 E. Belmont Avenue project site, and the factory expansion that was proposed in 1991. Three of the original mitigation measures (6, 8, and 9) have been retained as Mitigation Measures LUP 1, NOI 4, and TRA 4 respectively. The other six Site specific mitigation measures of the 1991 proposed factory expansion are not applicable to the proposed Project. For example, the original mitigation measure 8 regulates the height of a "future high density frozen storage building". This building is no longer proposed, and as such the mitigation measure is not applicable to the proposed Project.

### **Response RDSEIR 1-5**

The Project requires a variance to utilize the full 1.83 acres of the Project site in order to meet the parking goals for the Project. As noted in Section 3.1 of the Revised Draft SEIR, the Project applicant has filed Variance Application No V-17-001 with the City of Fresno. Approximately 1.37 acres of the 1.83-acre Project site is currently used for parking. The Project will expand the parking by approximately 0.46 acres through the removal of the two deteriorated, boarded-up buildings on the Project site. Please see Response RDSEIR 1-4 for more details.

### **Response RDSEIR 1-6**

Please see Response RDSEIR 1-4 for more details.

### **Response RDSEIR 1-7**

As previously stated in Response SEIR 1-19, "Per City traffic design, the closest crosswalk across E. Belmont Avenue is at the intersection of N. Palm Avenue and E. Belmont Avenue. Additionally, the Project site and the immediate surrounding residential neighborhood south of E. Belmont Avenue are not Priority Pedestrian Areas as shown in Figure 51, Inset 4 of the City of Fresno Active Transportation Plan."

The Initial Study and the Revised Draft SEIR analyzed all potential impacts of the Project, and found the only section to have a Significant Impact was Cultural Resources, as discussed in Sections 6.5 of the Initial Study and Section 4.1 of the Revised Draft SEIR. Neighborhood stability impacts were analyzed in Sections 6.10 (Land Use and Planning) and 6.13 (Population and Housing) of the Initial Study. The Project was found to have no significant impacts for either section. Pedestrian safety was analyzed in Section 6.16 of the Initial Study, and Section 4.3 of the Revised Draft SEIR (especially Page 70). Per City traffic design, the closest crosswalk across E. Belmont Avenue is at the intersection of N. Palm Avenue and E. Belmont Avenue. Additionally, the Project site and the immediate surrounding residential neighborhood south of E. Belmont Avenue are not Priority Pedestrian Areas as shown in Figure 51, Inset 4 of the City of Fresno Active Transportation Plan. Family health is not a separate section of analysis under CEQA. However, potential Project impacts to family health are analyzed under Sections 6.3 (Air Quality), 6.8 (Hazards and Hazardous Materials), 6.9 (Hydrology and Water Quality), and 6.12 (Noise) of the Initial Study. These sections were found to have a less than significant impact. The Project's impact to historic resources are analyzed in Section 6.5 of the Initial Study and 4.1 of the Revised Draft SEIR. The Project was found to have a Significant Impact in this section. Truck traffic is analyzed in Sections 6.16 of the Initial Study and 4.3 of the Revised Draft SEIR. The proposed Project would result in 20 additional truck round-trips per day (See Table 15 of the Revised Draft SEIR). Air Quality impacts are analyzed in Section 6.3 of the Initial Study and further clarification regarding Air Quality is included in Appendix I (Additional Air Quality Data) of the Revised Draft SEIR. It should be noted that Mitigation Measure NOI- 2 prohibits the operation of trailer refrigeration units on the Project Site. Additionally, property values are not currently a category of consideration under CEQA.

### **Response RDSEIR 1-8**

Noise and vibration impacts were re-analyzed in Section 4.2 of the Revised Draft SEIR and found that the noise and vibration impacts would be less than significant with Project mitigation. E. Belmont Avenue is a designated truck route per the September 25, 2005 Designated Truck Routes map. N. Roosevelt Avenue and N. Ferger Avenue are not designated truck routes per the same map. As shown in Figure 12 of the Revised Draft SEIR, delivery trailer traffic will be restricted on N. Roosevelt Avenue and N. Ferger Avenue to approximately 175 feet between Belmont Avenue and the proposed entrance/exit to the Project site. Therefore, the Project site's traffic will only travel in front of two residential buildings on N. Roosevelt Avenue, and one residential building on N. Ferger Avenue. Additionally, See Section 4.3 of the Revised Draft SEIR for Transportation and Traffic details. Finally, Producers does not perform trailer maintenance, tire changes, and operation of power maintenance equipment and tools on the Project site. These activities are normally performed at the garage on Producers' production facility at 250 E. Belmont Avenue. To be clear, trailer maintenance, tire changes, cleaning, and operation of power maintenance equipment/tools on 450 E. Belmont Avenue are **not** proposed Project activities. Cleaning of delivery trailers is currently performed on the Project site, and will continue to be performed on the Project site under the proposed Project. Runoff will be filtered before entering the storm drain.



### **Response RDSEIR 1-9**

Property values are not a category of consideration under CEQA. The public, including neighbors surrounding the Project site, were invited to the September 20, 2016 and December 19, 2016 meetings held near the Project site. Public comments were also gathered during three public comment periods totaling 105 days. All members of the public were invited to provide input and comment on the Project. All public comments received during the two public meetings and during the 105 days of public comment period were responded to individually, and can be found in the various appendices and documents related to this Revised Draft SEIR.

### **Response RDSEIR 1-10**

As mentioned in Section 3.0 of the Revised Draft SEIR, Project Description, the proposed Project "will result in an additional 20 vehicle round-trips per day (from 50 round-trips per day to 70 round-trips per day)". To clarify, this calculates to a 40% increase in vehicle round-trips per day. Please see Table 15 of the Revised Draft SEIR, and Section 4.3 (Transportation and Traffic) for more details. See Section 4.2 (Noise and Vibrations) of the Revised Draft SEIR for further details regarding noise impacts which show the Project will have a less than significant impact for noise and vibration impacts.

### **Response RDSEIR 1-11**

302 N. Thorne Avenue is not used for delivery trailer parking by Producers due to the 302 N. Thorne Avenue site being acquired by the California High-Speed Rail, and does not fall under the scope of this Project. Please see Responses RDSEIR 1-1 and 1-3 for more details regarding the size and scope of the Project, especially in relationship to 205 E. Belmont Avenue and 302 N. Thorne Avenue.

### **Response RDSEIR 1-12**

Noise and Vibrations results are discussed in Section 4.2 of the Revised SEIR. Specifically, an Acoustic Study was conducted for the Project and is included as Appendix G to the Revised Draft SEIR. By incorporating Mitigation Measures Nos. 1 through 4 of the Acoustic Study in Section 4.2 of the Revised Draft SEIR, the Project would result in a noise increase of less than 3 dB. In accordance with the City of Fresno General Plan Implementing Policy NS-1-j, the threshold for significant noise impacts is an increase of 3 dB or more above existing ambient noise levels. Therefore, the Project is below the Significant Impact Threshold set forth by the City of Fresno for Noise impacts. See the Revised Draft SEIR Section 4.2.4 and 4.2.5 for the Noise and Vibration Impact Discussion and Cumulative Impact analysis.

### **Response RDSEIR 1-13**

Transportation and Traffic Impacts were analyzed in Section 6.16 of the Initial Study and Section 4.3 of the Revised Draft SEIR. At the time of its preparation, the Initial Study found the proposed Project would result in an overall reduction of transportation and traffic impacts by reducing Vehicle Miles Traveled (VMT) by 2.8 miles for each individual round-trip. CEQA § 15125(a) requires an environmental analysis to be conducted on a Project's local environment as it exists at the time the environmental analysis is commenced. Specifically, the environmental conditions shall be "as they exist at the time the notice of preparation is published". The Notice of Preparation for the Producers Dairy SEIR was published on November 30, 2016; and therefore, the staging site at the time of the Notice of Preparation, located at 1752 G Street, was used for calculating traffic impacts instead of the former 302 N. Thorne Avenue site. During the preparation of the Draft SEIR, the delivery trailer parking was relocated from 1752 G Street to the parking lot at the southwest corner of H Street and Tuolumne Street in the City of Fresno (APN 466-230-33SU). The driving distance from the original staging/parking site at 302 N. Thorne Avenue to the

production site at 250 E. Belmont Avenue is 0.6 miles. The driving distance from the Project site at 450 E. Belmont Avenue to the production site at 250 E. Belmont Avenue is 0.2 miles. The Project site is 0.4 miles closer to the production site than the original parking location at 302 N. Thorne Avenue. The change in current delivery trailer parking represents a 33% overall reduction of VMT. The analysis of impacts to Transportation and Traffic is discussed in Section 4.3 of the Revised Draft SEIR.

As per Figures 9 through 12 in the Revised Draft SEIR, all proposed truck traffic immediately near the Project site will be confined to E. Belmont Avenue, and only the first approximately 175 feet of N. Roosevelt Avenue and N. Ferger Avenue as necessary to reach the proposed site entrance and exit. The only difference in local traffic immediately adjacent to the site is the new exit on N. Ferger Avenue. Again, the trucks on N. Ferger Avenue will only drive the first approximately 175 feet needed to reach E. Belmont Avenue from the proposed site exit. As shown in Revised Draft SEIR Figure 12, at no point will truck traffic be allowed on N. Roosevelt Avenue and N. Ferger Avenue south of the Project site entrance and exit.

Again, pedestrian safety was analyzed in Section 6.16 of the Initial Study, and Section 4.3 of the Revised Draft SEIR (especially Page 70). Per City traffic design, the closest crosswalk across E. Belmont Avenue is at the intersection of N. Palm Avenue and E. Belmont Avenue. Pedestrians wishing to cross E. Belmont Avenue to access John Muir Elementary School (0.27 miles north of the Project site) and Fresno High School (1 mile north of the Project site) are advised to use the pedestrian crosswalk at the intersection of N. Palm Avenue and E. Belmont Avenue. Additionally, the Project site and the immediate surrounding residential neighborhood south of E. Belmont Avenue are not Priority Pedestrian Areas as shown in Figure 51, Inset 4 of the City of Fresno Active Transportation Plan.

Please also see Response RDSEIR 1-7 for more details.

#### **Response RDSEIR 1-14**

Additional Air Quality Data is included in Appendix I of the Revised Draft SEIR. As stated in Section 1.6 of the Revised Draft SEIR, the proposed Project is 95.4% below the SPAL Vehicle Trips per Day threshold for Industrial Projects, and is 84.3% below the threshold for the SPAL Project Footprint threshold for Industrial Projects.

Section 1.6 of the Revised Draft SEIR incorrectly summarized the Project's Total Particular Matter (PM) emissions at 3.7 lbs. per year. This is incorrect, and was an administrative error. The correct numbers for PM10 and PM2.5 are calculated in Appendix I of the Revised Draft SEIR, and specifically located in Table 9 of Appendix I. The correct annual project emissions are 1.89 lbs. per year for PM10 and 1.81 lbs. per year for PM2.5. The Project Total PM emissions are 1.89 lbs. per year, and as such is 43% below the 4.3 lbs. per year threshold for a Health Risk Assessment.

Response SEIR 1-20 in Appendix J to the Revised Draft SEIR does *not* state the PM emissions are 3.68lbs per year. Instead, Response SEIR 1-20 correctly states "The PM10 annual project emissions for the proposed Project are calculated to be 1.89 lbs., and the PM2.5 annual project emissions are calculated to be 1.81 lbs. (Table 9 of Appendix I to the Revised Draft SEIR). The PM10 and PM2.5 annual emissions are therefore below the 4.3 lbs. threshold, and the proposed Project does not require a full Health Risk Assessment."

#### **Response RDSEIR 1-15**

See Response RDSEIR 1-14.

**Response RDSEIR 1-16**

The total acreage of the Project site is 1.83 acres, and only includes the three parcels at 450 E. Belmont Avenue. 250 E. Belmont Avenue and 302 N. Thorne Avenue are not part of the Project site. See Responses RDSEIR 1-1, 1-3, and 1-14 for more details.

**Response RDSEIR 1-17**

CEQA §15126.6(c) requires an examination of project alternatives with the fewest potential environmental impacts that meet the majority of the basic Project Objectives. The North Building Relocation Alternative is analyzed in the Revised Draft SEIR as a possible alternative which may preserve the potential culturally significant building, but may also allow for the full use of the Project site for delivery trailer parking. CEQA §15126.6 requires the identification of the environmentally superior alternative.

**Response RDSEIR 1-18**

The Project requires a variance to utilize the full 1.83 acres of the Project site to meet the parking goals for the Project. Approximately 1.37 acres of the 1.83-acre Project site is currently used for parking. The Project will expand the parking by approximately 0.46 acres through the removal of the two deteriorated, boarded-up buildings on the Project site. As noted in Section 3.1 of the Revised Draft SEIR, the Project applicant has filed Variance Application No V-17-001 with the City of Fresno.

The \$112,000 estimated cost difference between A) demolishing the historic buildings, and B) preserving and retrofitting the North Building façades is based upon conservative cost estimates derived from discussions with nine local architectural & engineering firms presented with the proposed work (Appendix C of the Draft SEIR). The \$112,000 estimated cost difference does not include an approximated \$45,000 initial fee to complete the structural engineering and testing required to evaluate the degradation of the structures and develop a final set of drawings for the buildings (Appendix A of the Initial Study). The bricks that comprise the building walls are over 88 years old, and as shown in the Schematic Condition Assessment (Appendix A of the Initial Study), the exact condition of the walls cannot be known until an engineering and testing is completed. The \$45,000 estimate for the engineering and testing is an unrecoverable cost that may be added to the \$112,000 estimated cost difference. Additionally, there is a probability that the report may demonstrate the need for further retrofitting, thus increasing the \$112,000 estimated difference further. Given the age of the buildings and lack of structural continuity between the three major phases of construction in the north building, the walls would likely require significant retrofitting and potential replacement of numerous bricks to properly ensure public safety, thereby reducing cultural significance and increasing costs.

**Response RDSEIR 1-19**

The Project site has been used for dairy manufacturing and transportation since the brick factory buildings were built in the late 1920's. As of 1991, the site has been zoned as Light Industrial; therefore, the proposed Project is not an encroachment of an industrial use into a residential neighborhood because the Site has been used for dairy manufacturing and transportation for the past 88 years. Please see Responses RDSEIR 1-1 through 1-18 for more details.

## Chapter 3 - Errata

The following are revisions to the Revised Draft SEIR for the Producers Dairy Cheese Plant Project. The revisions are minor modifications and clarifications to the document, and do not change the significance of the impact determinations made within the Revised Draft SEIR. The revisions are listed by page number as found in the Draft SEIR. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

### Section 1.6 – Areas of Controversy – Page 6

The Project Total Particulate Matter emissions are calculated at ~~3.7~~ 1.89 lbs. per year, which is ~~0.6~~ 2.41 lbs. per year (~~1456%~~) *below* the threshold (Appendix I). Finally, the Project is below the ambient air quality threshold of significance (Appendix I) and is not near a source of hazardous air pollutants or odors. Therefore, the Proposed Project would neither conflict with nor obstruct the implementation of any applicable air quality plan, and would result in a less than significant impact. Consequently, this issue is not further addressed in this SEIR.

### Table B – Mitigation Measures for 450 E. Belmont – Page 10

**MM CUL 3:** The Proposed Project will include an installation of a sound wall. The wall will be along the southwest, southern, and southeast border of the property. Brick from the existing buildings shall be incorporated into the wall if any reusable brick remains after construction of the ~~commutative~~ commemorative monument and the brick pilasters.

### Table 1 – Significant Impacts Matrix – Page 12

**MM CUL 3:** The Proposed Project will include an installation of a sound wall. The wall will be along the southwest, southern, and southeast border of the property. Brick from the existing buildings shall be incorporated into the wall if any reusable brick remains after construction of the ~~commutative~~ commemorative monument and the brick pilasters.

### Section 4.1.6 – Summary of Significant Impacts and Mitigation Measures – Page 43

**MM CUL 3:** The Proposed Project will include an installation of a sound wall. The wall will be along the southwest, southern, and southeast border of the property. Brick from the existing buildings shall be incorporated into the wall if any reusable brick remains after construction of the ~~commutative~~ commemorative monument and the brick pilasters.



**REVISED DRAFT**  
**Supplement to the Tower District Specific Plan**  
**Final Environmental Impact Report**



**Producers Dairy Cheese Plant Project**

State Clearinghouse No. 2017031030

**July 2017**

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*This statement is prepared in compliance with the California Environmental Quality Act*

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## **Appendices**

- Appendix A: Producers Dairy Cheese Plant Project Initial Study**
- Appendix B: September 20<sup>th</sup>, 2016 Community Outreach Minutes**
- Appendix C: Memorandum for Record – Engineering Contacts**
- Appendix D: Memorandum for Record – Building Relocation Estimate**
- Appendix E: December 19<sup>th</sup>, 2016 SEIR Scoping Meeting Minutes**
- Appendix F: 1991 Tower District FEIR Excerpt**
- Appendix G: Acoustic Study**
- Appendix H: AB 52 Consultation**
- Appendix I: Additional Air Quality Data**
- Appendix J: Response to Draft SEIR Comments**
- Appendix K: Revisions to Draft SEIR**

## **1.0 Executive Summary**

This summary presents an overview of the Producers Dairy Cheese Plant Project (Proposed Project), and conclusions of the analysis contained in Section 4, Environmental Analysis, of this Supplemental Environmental Impact Report (Supplemental EIR or SEIR). Additions to the text of the 1991 Tower District Specific Plan Final Environmental Impact Report (Tower District FEIR) are shown in double underline and omissions are shown in strikethrough in Section 1.7, Changes to the Tower District FEIR. This section also summarizes areas of controversy and alternatives to the project. For a complete description of the Proposed Project, please consult Section 3.0 - Project Description of this SEIR and Section 3.0, Project Description of the Initial Study.

### **1.1. Environmental Procedures**

This SEIR has been prepared pursuant to the California Environmental Quality Act (CEQA) to assess the environmental effects associated with the Proposed Project. The six main objectives of an Environmental Impact Report (EIR) as established by CEQA are:

- To disclose to decision-makers and the public the significant environmental effects of proposed activities.
- To identify ways to avoid or reduce environmental damage.
- To prevent environmental damage by requiring implementation of feasible alternatives or mitigation measures.
- To disclose to the public reasons for agency approval of projects with significant environmental effects.
- To foster interagency coordination in the review of projects.
- To enhance public participation in the planning process.

An EIR is the most comprehensive form of environmental documentation identified in the California Code of Regulations (CCR) and in the CEQA Guidelines. It provides the information needed to assess the environmental consequences of a Proposed Project, to the extent feasible. EIRs are intended to provide an objective, factually supported, full-disclosure analysis of the environmental consequences associated with a Proposed Project that has the potential to result in significant, adverse environmental impacts. An EIR is also one of various decision-making tools used by a lead agency to consider the merits and disadvantages of a project that is subject to its discretionary authority. Prior to approving a project, the lead agency must consider the information contained in the EIR, determine whether the EIR was properly prepared in accordance with CEQA and the CEQA Guidelines, determine that it reflects the independent judgment of the lead agency, adopt findings concerning the project's significant environmental impacts and alternatives, and must adopt a Statement of Overriding Considerations if the Proposed Project would result in significant impacts that cannot be avoided.

Under Sections 15162 and 15163 of the CEQA Guidelines, a supplemental or subsequent EIR can be required in the event that substantial changes are proposed in a project which would require major revisions of the EIR, substantial changes have occurred with respect to the circumstances under which the project is being undertaken which would require major revisions in the EIR, or new information that was

not known and could not have been known at the time the EIR was certified, becomes available. A Supplemental EIR may be prepared in lieu of a Subsequent EIR if only minor changes would be needed to make the previous EIR adequately apply to the revised project. The public noticing and review requirements for a Supplemental EIR are the same as for a Draft EIR. When an agency decides whether or not to approve the project, the decision-making body would consider the previous EIR as revised by the Supplemental EIR.

### 1.1.1. SEIR Format

This SEIR is organized into the following sections:

- **Section 1: Executive Summary.** Summarizes the background and description of the Proposed Project, the format of this SEIR, alternatives, any critical issues remaining to be resolved, and the potential environmental impacts and mitigation measures identified for the Proposed Project.
- **Section 2: Introduction.** Provides a preface and overview describing both the intended use of the document and the review and certification process of both the Proposed Project and the SEIR.
- **Section 3: Project Description.** Describes the Proposed Project in detail, including a statement of Proposed Project objectives and approvals required.
- **Section 4: Environmental Analysis.** Organized into three subsections corresponding to environmental resource categories identified in Appendix G of the CEQA Guidelines. Each subsection(s) includes a description of the thresholds used to determine if a significant impact would occur; the methodology to identify and evaluate the potential impacts of the Proposed Project; and the potential cumulative impacts associated with the Proposed Project. The following subsections are included in the Environmental Analysis Section:
  - Cultural Resources
  - Noise and Vibrations
  - Transportation and Traffic
- **Section 5: Alternatives to the Proposed Project.** Considers five Project Alternatives.
- **Section 6: CEQA-Mandated Sections.** Discusses growth inducement, cumulative impacts, unavoidable significant effects and significant irreversible changes as a result of the Proposed Project. Additionally, this section identifies environmental issues scoped out pursuant to CEQA Guidelines Section 15128.
- **Section 7: Organizations and Persons Consulted.** Lists the people and organizations that were contacted during the preparation of this SEIR for the Proposed Project.
- **Appendices:** The appendices for this document contain the following supporting documents:
  - Appendix A:** Producers Dairy Cheese Plant Project Initial Study
  - Appendix B:** Community Outreach/Scoping Meeting Minutes
  - Appendix C:** Memorandum for Record – Engineering Contacts
  - Appendix D:** Memorandum for Record – Building Relocation Estimate

**Appendix E:** December 19<sup>th</sup>, 2016 SEIR Scoping Meeting Minutes  
**Appendix F:** 1991 Tower District FEIR Excerpt  
**Appendix G:** Acoustic Study  
**Appendix H:** AB 52 Consultation  
**Appendix I:** Additional Air Quality Data  
**Appendix J:** Response to Draft SEIR Comments  
**Appendix K:** Revisions to Draft SEIR

### **1.1.2. Type and Purpose of this SEIR**

In accordance with Section 15121(a) of the CEQA Guidelines, the purpose of an EIR is to:

*Inform public agency decision makers and the public generally of the significant environmental effects of a project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the project.*

EIRs can be broadly categorized into programmatic EIRs and project-level EIRs. Programmatic EIRs are used to assess the potential impacts of plans for growth including General Plans of cities and counties as well as specific plans, master plans, and a variety of other long-range planning documents under which subsequent development proposals would be permitted. These types of documents plan for the general development and growth of an area but do not usually contain specific development proposals. In contrast, project-level EIRs analyze the environmental impacts of individual development projects at a more detailed level, including an evaluation of the impacts of construction activities. The 1991 Tower District FEIR is a programmatic EIR that uncharacteristically had project-specific mitigation measures for several projects, including the Proposed Project site at 450 E. Belmont Avenue. Ideally these project-specific mitigation measures would have been better placed in separate project-level EIR rather than including them in the programmatic level Tower District FEIR. This SEIR is a project-level EIR that evaluates all phases of the Proposed Project in light of the Proposed Project and reevaluates the feasibility of the mitigation measures set forth in the Tower District FEIR. No other changes to the Tower District FEIR are being proposed outside of those noted in Section 1.7, which are only specific to the project site.

As described above, a SEIR may be prepared in the event that substantial changes are proposed to a project that would require minor revisions to an EIR.<sup>1</sup> In the case of the Proposed Project, the changes contained in the Proposed Project do not significantly change the analysis of the Tower District FEIR. An Initial Study was prepared for the Proposed Project and circulation with this SEIR (see Appendix A) that finds that the Proposed Project would result in similar or less intensive impacts for all but one resource category (Cultural Resources). The Proposed Project modifies only a few mitigation measures specific only to the Proposed Project site and does not change any other aspect of the entire Tower District FEIR. Therefore, a SEIR is the appropriate type of document for this analysis.

### **1.1.3. Summary of Revisions to the Draft SEIR**

The City of Fresno, as Lead Agency under CEQA, has prepared revisions to the Draft SEIR. Revisions are based upon the Project proponent proposing new operational hours, and additional information added

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<sup>1</sup> California Environmental Quality Act Statute and Guidelines, Section 15163.

to the Revised Draft SEIR in the interest of clarification. New edits include updates to the Project operational hours, a new appendix with additional air quality data (Appendix I), a new mitigation measure (NOI 2) prohibiting the operation of trailer refrigeration units on the Project Site, and a new appendix with comments and responses to comments on the Draft SEIR (Appendix J). The full revisions to this Revised Draft SEIR are listed in Appendix K.

## **1.2. Project Location**

The Producers Dairy Foods Corporation (Producers), which was first incorporated in Fresno on December 22, 1932, owns three parcels totaling 1.83-acres. The parcels are located at 450 East Belmont Avenue, Fresno, California, 93701 (Accessor Parcel Numbers 459-032-23, 459-032-15, and 459-032-05). The property is situated on the south side of East Belmont Avenue, East of Ferger Avenue and West of Roosevelt Avenue within the city limits of Fresno, CA. This property is located within the Tower District immediately north of downtown Fresno. The property falls within the City of Fresno and as such is under the regulatory jurisdiction of the Fresno General Plan and specifically within the boundaries of the Tower District Specific Plan.

## **1.3. Project Summary**

Producers proposes to remove two boarded-up buildings at 450 E. Belmont Avenue totaling approximately 12,500 square feet. The purpose of this Proposed Project is to secure additional parking for Producers Dairy delivery trailers due to the loss of delivery trailer parking at the southwest corner of Tuolumne Street and H Street to the High-Speed Rail project. Producers proposes to replace the existing wall and chain link fence situated on the north half of the parcel with a decorative iron and brick pilaster security fence. Additionally, Producers proposes to construct a 12-foot-high cinderblock sound wall situated on the south half of the parcel. The project will result in an additional 20 vehicle round-trips per day (from 50 round-trips per day to 70 round-trips per day). The proposed hours of operations will be 24 hours a day, though a majority of vehicle trips will occur between 7am to 10pm. There will be no trailer refrigeration units operating on the Project site.

A full Project Description can be found in Section 3.1.

## **1.4. Evaluation of Alternatives to the Proposed Project**

Section 5 of this SEIR evaluates five Project Alternatives. This SEIR only considers alternatives to the components of the Proposed Project that have the potential to generate impacts that were evaluated and considered potentially significant in the Initial Study. These components include:

- Cultural Resource impacts to historic resources due to the proposed demolition of the two buildings on the Proposed Project site.

Section 5 evaluates alternatives to these components.

## 1.5. Issues to be Resolved

Section 15123(b)(3) of the CEQA Guidelines requires that an EIR identify issues to be resolved, including the choice among alternatives and whether or how to mitigate significant impacts. With regard to the Proposed Project, the major issues to be resolved include decisions by the City of Fresno, as lead agency, related to:

- Whether this SEIR adequately describes the environmental impacts of the Proposed Project.
- Whether the benefits of the Proposed Project override those environmental impacts that cannot be feasibly avoided or mitigated to a level of insignificance.
- Whether the Proposed Project is compatible with the character of the existing area.
- Whether the identified mitigation measures should be adopted or modified.
- Whether there are other mitigation measures that should be applied to the Proposed Project besides those identified in this SEIR.
- Whether there are any alternatives to the Proposed Project that would substantially lessen any of the significant impacts of the Revised Project and achieve most of the basic objectives.

## 1.6. Areas of Controversy

A community outreach meeting and a scoping meeting were held by the City on September 20<sup>th</sup>, 2016 and December 19<sup>th</sup>, 2016 as part of the Initial Study and the SEIR. Comments received during these two meetings are contained in Appendix B and Appendix E of this SEIR. The comments received focused primarily on the following issues:

- **Cultural Resources.** A majority of public comments during the community outreach and scoping meetings expressed concern over the potential cultural resource impact of the proposed demolition of the two buildings on the Proposed Project site, both of which are over 70 years old. These issues are addressed in Section 4.1, Cultural Resources, of this SEIR and Section 6.5, Cultural Resources, of the Initial Study.
- **Noise and Vibration Impacts.** Several public comments during the community outreach and scoping meetings expressed concern over potential noise impacts from expanded delivery trailer parking on the Proposed Project site. These potential impacts were analyzed in Section 6.12, Noise, of the Initial Study and found that Mitigation Measure NOI 1 from the Initial Study would be adequate to reduce this impact to a less-than-significant level. The City exercised its authority as the Lead Agency to reexamine noise and vibration impacts. This issue is addressed in Section 4.2, Noise and Vibrations, of this SEIR.
- **Transportation and Traffic Impacts.** Several public comments during the community outreach and scoping meeting expressed concern over potential traffic impacts from additional delivery trailer/truck trips to and from the Proposed Project site. These potential impacts were analyzed in Section 6.16, Transportation and Traffic, of the Initial Study and found that Mitigation Measures TRA 1 - 3 from the Initial Study would be adequate to reduce this impact to a less-than-significant level. During the preparation of this SEIR the current delivery trailer parking site was relocated from 1752 G Street to the parking lot at the southwest corner of H Street and Tuolumne Street in the City of Fresno. This change in current delivery trailer parking requires a revised analysis of

impacts to Transportation and Traffic. This issue is addressed in Section 4.3, Transportation and Traffic, of this SEIR.

- **Visual (Aesthetic) Impacts.** Several public comments during the community outreach and scoping meetings expressed concern over potential visual impacts from removal of the two buildings on the property and expansion of delivery trailer parking. These potential impacts were analyzed in Section 6.1, Aesthetics, of the Initial Study and found that the Proposed Project would have a less than Significant Impact. Therefore, this issue is not further addressed in this SEIR.
- **Air Quality Impacts.** Several public comments during the community outreach and scoping meeting expressed concern over potential air quality impacts from increased delivery trailer traffic and expansion of delivery trailer parking. These potential impacts were analyzed in Section 6.3, Air Quality, of the Initial Study and found that the Proposed Project would have a less than Significant Impact. Additional air quality data can be found in Appendix I to this SEIR. The San Joaquin Valley Air Pollution Control District (SJVAPCD) has established in the Small Project Analysis Level (SPAL) a threshold of CEQA significance for criteria pollutant emissions. As stated in the SJVAPCD SPAL, "In the interest of streamlining CEQA requirements, projects that fit the descriptions and project sizes provided... are deemed to have a less than significant impact on air quality and as such are excluded from quantifying criteria pollutant emissions for CEQA purposes." Calculations are provided to ensure a less than significant impact on air quality. The SPAL threshold has two categories: 1) Vehicle Trips per Day and 2) Project Type. The SPAL Vehicle Trips per Day threshold for Industrial Projects is 1,506 trips/day (SJVAPCD SPAL 2016). The proposed Project will produce a total of 70 vehicle round-trips per day, and is therefore 1,436 trips per day (95.4%) *below* this threshold. The SPAL Project Type threshold for General Light Industry is 510,000 square feet, or 11.71 acres (SJVAPCD SPAL 2016). The proposed Project footprint is 80,000 square feet or 1.84 acres, which is 9.88 (84.3%) *below* the threshold. The SJVAPCD current threshold of significance for Toxic Air Contaminant emissions for carcinogens allows for a maximally exposed individual risk of 10 in one million, which using the SJVAPCD Prioritization Calculator equates to a Total Particulate Matter annual emissions threshold of 4.3 lbs. per year. The Project Total Particulate Matter emissions are calculated at 3.7 lbs. per year, which is 0.6 lbs. per year (14%) *below* the threshold (Appendix I). Finally, the Project is below the ambient air quality threshold of significance (Appendix I) and is not near a source of hazardous air pollutants or odors. Therefore, the Proposed Project would neither conflict with nor obstruct the implementation of any applicable air quality plan, and would result in a less than significant impact. Consequently, this issue is not further addressed in this SEIR.

### 1.7. Changes to the Tower District FEIR

Section 1.7 is formatted with ~~strikethrough~~ (for deletion) and double-underline (for addition) text to indicate impacts and mitigation measures that have been revised, removed from, or added to the Tower District FEIR.

Page 11-2 of the Tower District FEIR contains Table A; Summary of Modifications/Mitigation Requirements in the Tower District FEIR. Table A and the rest of the Tower District FEIR wrongly labeled the Proposed Project site as 144 E. Belmont Ave, when the correct address is 450 E. Belmont Avenue.





**Table A: Summary of Modifications/Mitigation Requirements**

LOCATION	ACREAGE	SPECIFIC PLAN LAND USE DESIGNATION AS MODIFIED
<del>1. 144 E. Belmont</del> 1. 450 E. Belmont	1.83	Conditioned Light Industrial
2. Northwest Corner of Belmont and Palm	4.39	Conditioned General Commercial
3. Alhambra	0.74	Conditioned Residential High Density (Maximum 29 units per acre)
4. Southwest Corner of Belmont and Palm	1.03	Conditioned Light Industrial
5. 330 N. Broadway	1.60	Conditioned Light Industrial
6. Van Ness between Olive and Floradora	5.68	Conditioned Resident-Mixed Use
7. Van Ness/Fulton Couplet	18.44	Conditioned Residential-Mixed Use

Page 11-5 of the Tower District FEIR contains a summary of Land Use Modifications/Conditions for the Proposed Project site. This language has now been updated to fit the Proposed Project.

**LAND USE MODIFICATIONS/CONDITIONS**

144 East Belmont

450 E. Belmont

The first modification consists of 1.83 acres located at the south side of E. Belmont Avenue between N. Ferger and N. Roosevelt Avenues. The Specific Plan designation has been amended from General Commercial to Light Industrial.

~~Height and setback requirements are imposed as conditions of rezoning, which are also mitigation measures required by this EIR. (Refer to Plan Amendment 90-24 and Rezoning Application 90-49.) Mitigation measures shall preserve the unique appearance and masonry craftsmanship of the building and insure the greatest degree of architectural compatibility of new construction with the existing structure and with surrounding properties. Further, noise control measures Mitigation measures shall be placed on the construction of the proposed development and the operation of truck activities. These measures are set forth on Table B.~~

Page 11-6 of the Tower District FEIR contains Table B which consists of Mitigation Measures specific to the Proposed Project site. This language has now been updated to fit the Proposed Project. It should be noted that the old mitigation measures 6, 8, and 9 have been retained as new Mitigation Measures LUP 1, NOI 4, and TRA 4, respectively.

**Table B: Mitigation Measures for ~~144 E. Belmont~~ 450 E. Belmont**

- ~~1. The project shall retain the existing building at the southwest corner of East Belmont and North Roosevelt Avenues as depicted on attached Exhibit "L-1".~~

- ~~2. Retention and renovation of the facade of the existing building immediately south of the building at the southwest corner, as shown on Exhibit "L 1", as is physically possible and economically practical. If the facade fails due to structural distress it should be rebuilt to resemble the existing historical structure as closely as possible, using the remnant bricks from the fallen facade. All precautions in concert with common practices standard to the industry shall be taken to save the facade intact. However, no implicit guarantee can be given that the facade will not fail during the demolition and renovation process.~~
- ~~3. The new construction in the infill areas on the east side of the property shall be compatible with the existing structure as shown on Exhibit "L 2".~~
- ~~4. The new construction contemplated immediately west of the facade described above shall be no higher than the height of the facade for a minimum of twenty feet west of the facade.~~
- ~~5. The new building to be constructed immediately west of the 30-foot existing building at the northwest corner of the site as shown on Exhibit "L 1" shall be of a height equal to or slightly greater than the westerly portion of said building, but in no case higher than forty feet and shall be compatible with the existing structure to the east as shown on Exhibit "L 2".~~
- ~~6. The owner shall provide and maintain street trees in tree wells in the sidewalk on the west side of the property south to the entry driveway. These trees and major trees planted along the remainder of the west and south sides of the property shall be a species that attain a minimum height of thirty feet (30'-0") at maturity.~~
- ~~7. The future high density frozen storage building proposed for phase three shall be set back a minimum of fifty feet (50'-0") east of Ferger Avenue to the height of sixty feet (60'-0"), or sixty-six feet with a minor deviation as provided by the Fresno Municipal Code.~~
- ~~8. All noise producing equipment on the building shall meet the standards of the City of Fresno. Truck noise shall not exceed the level of forty five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria, mediation measures shall be imposed by the City of Fresno which could include restrictions on hours of operation.~~
- ~~9. All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.~~

<u>Cultural Resources</u>	CUL 1	<u>The Proposed Project will include an installation of a commemorative monument with a plaque explaining the history of the buildings on the property, with the character-defining features of Mission Revival style and the importance of the style within the City of Fresno. The monument will be located on the east side of the site on N. Roosevelt Avenue. In addition to this, the measurements are a 2'-6" base foundation with an 8'-0" long x 5'-0" high x 6" thick wall. This work will require some demolition of existing buildings at strategic locations to allow for the construction of the commemorative monument. Brick from the existing buildings shall be incorporated into the construction of the commemorative monument. Efforts should be taken in designing the commemorative monument to incorporate the curved parapet and Spanish tile overhang of the Mission Revival style currently present in the North building.</u>
	CUL 2	<u>The Proposed Project will include an installation of a decorative iron fence with brick pilasters of appropriate spacing along the northwest, north, and northeast boundaries of the project site. Brick from the existing buildings will be incorporated into the pilasters if any reusable brick remains after construction of the commemorative monument.</u>
	CUL 3	<u>The Proposed Project will include an installation of a sound wall. The wall will be along the southwest southern and southeast border of the property. Brick from the existing buildings shall be incorporated into the wall if any reusable brick remains after construction of the commemorative monument and the brick pilasters.</u>
	CUL 4	<u>Retain a photographer qualified in large format architectural photography to perform a photo documentation of the north building in order to provide a proper public record of the site's architectural significance. Any photo documentation would then be provided to a local library.</u>
	CUL 5	<u>Salvage building materials to be reused for educational purposes or to be incorporated into other buildings through donation of materials to interested local government entities.</u>
<u>Land Use and Planning</u>	LUP 1	<u>The project proponent shall provide and maintain street trees in tree wells in the sidewalk on the west side of the property south to the entry driveway. These trees and major trees planted along the remainder of the west and south sides of the property shall be a species that attain a minimum height of thirty feet (30'0") at maturity.</u>
<u>Noise</u>	NOI 1	<u>The Proposed Project will include an installation of a 12-foot-high Concrete Masonry Unit (CMU) sound wall. The wall will be along the southwest, southern, and southeast border of the property.</u>

	<u>NOI 2</u>	<u>The Proposed Project will not operate Refrigeration Trailer Units on the Project Site at any time.</u>
	<u>NOI 3</u>	<u>The Proposed Project will not utilize the project site area south of the project access locations for vehicle movements or operations between the hours of 10:00 p.m. and 7:00 a.m.</u>
	<u>NOI 4</u>	<u>Truck noise shall not exceed the level of forty-five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria, additional mitigation measures shall be imposed by the City of Fresno which could include further restrictions on hours of operation.</u>
<u>Transportation and Traffic</u>	<u>TRA 1</u>	<u>The frequency of truck trips (loaded or empty) shall be no greater than (a) one every 10 minutes (six truck trips per hour) during the a.m. and p.m. peak commute hours, and (b) one every five minutes (12 truck trips per hour) during periods other than the a.m. and p.m. peak commute hours.</u>
	<u>TRA 2</u>	<u>The Contractor will restrict project-related vehicle traffic, within the construction area, to established roads, construction areas, and other designated areas.</u>
	<u>TRA 3</u>	<u>Observe a 5-mph speed limit for construction areas.</u>
	<u>TRA 4</u>	<u>All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.</u>

### 1.8. Mitigation Measure & Significant Impact Summary

All mitigation measures are summarized in Table B above in Section 1.7.

An environmental analysis in Chapter 4 found the Proposed Project would result in Less than Significant Impacts with Project Mitigation for the following sections:

- **Noise and Vibration**
- **Transportation and Traffic**

An environmental analysis in Chapter 4 found the Proposed Project would result in Significant Impacts for the following sections:

- **Cultural Resources**

Per CEQA Section 15123(b)(1), **Table 1** below summarizes the significant impacts, mitigation measures, resulting level of significance after mitigation, and alternatives which would reduce or avoid significant impacts for the relevant environmental issue areas evaluated for the Proposed Project. The table is intended to provide an overview. Narrative discussions for each issue areas are included in the corresponding section of this EIR.

**Table 1 – Significant Impacts Matrix**

Impacts	Mitigation Measures	Level of Significance After Mitigation	Alternatives Which Would Reduce or Avoid Significant Impact
<p><b>Section 4.1 - Cultural Resources</b></p> <p><b>Impact CUL 1:</b> The Proposed Project would case a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5.</p>	<p><b>MM CUL 1:</b> The Proposed Project will include an installation of a commemorative monument with a plaque explaining the history of the buildings on the property, with the character-defining features of Mission Revival style and the importance of the style within the City of Fresno. The monument will be located on the east side of the site on N. Roosevelt Avenue. In addition to this, the measurements are a 2'-6" base foundation with an 8'-0" long x 5'-0" high x 6" thick wall. This work will require some demolition of existing buildings at strategic locations to allow for the construction of the commemorative monument. Brick from the existing buildings shall be incorporated into the construction of the commemorative monument. Efforts should be taken in designing the commemorative monument to incorporate the curved parapet and Spanish tile overhang of the Mission Revival style currently present in the North building.</p> <p><b>MM CUL 2:</b> The Proposed Project will include an installation of a decorative iron fence with brick pilasters of appropriate spacing along the northwest, north, and northeast boundaries of the project site. Brick from the existing buildings will be incorporated into the pilasters if any reusable brick remains after construction of the commemorative monument.</p> <p><b>MM CUL 3:</b> The Proposed Project will include an installation of a sound wall. The wall will be along the southwest southern and southeast border of the property. Brick from the existing buildings shall be incorporated into the wall if any reusable brick remains after construction of the commemorative monument and the brick pilasters.</p>	<p>Still Significant Impact</p>	<p>No Project Alternative, Preservation of North Building Alternative, On-Site Re-Use (Façade) Alternative, North Building Relocation Alternative, and the North and South Building Preservation/ Rehabilitation Alternative</p>

Impacts	Mitigation Measures	Level of Significance After Mitigation	Alternatives Which Would Reduce or Avoid Significant Impact
	<p><b>MM CUL 4:</b> Retain a photographer qualified in large format architectural photography to perform a photo documentation of the north building in order to provide a proper public record of the site's architectural significance. Any photo documentation would then be provided to a local library.</p> <p><b>MM CUL 5:</b> Salvage building materials to be reused for educational purposes or to be incorporated into other buildings through donation of materials to interested local government entities.</p>		
<p><b>Impact CUL 2:</b> The Proposed Project would <b>not</b> cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Section 15064.5.</p>	<p>No mitigation measure needed.</p>	<p>No Impact</p>	<p>N/A</p>
<p><b>Impact CUL 3:</b> The Proposed Project would <b>not</b> directly or indirectly destroy a unique paleontological resource or unique geologic feature.</p>	<p>No mitigation measure needed.</p>	<p>No Impact</p>	<p>N/A</p>
<p><b>Impact CUL 4:</b> The Proposed Project would <b>not</b> disturb any human remains, including those interred outside of formal cemeteries.</p>	<p>No mitigation measure needed.</p>	<p>No Impact</p>	<p>N/A</p>

Impacts	Mitigation Measures	Level of Significance After Mitigation	Alternatives Which Would Reduce or Avoid Significant Impact
<p><b>Impact Tribe CUL A:</b> The Proposed Project would <b>not</b> cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).</p>	<p>No mitigation measure needed.</p>	<p>Less than Significant Impact</p>	<p>N/A</p>



Impacts	Mitigation Measures	Level of Significance After Mitigation	Alternatives Which Would Reduce or Avoid Significant Impact
<p><b>Impact Tribe CUL B:</b> The Proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.</p>	<p>No mitigation measure needed.</p>	<p>Less than Significant Impact</p>	<p>N/A</p>



Impacts	Mitigation Measures		Level of Significance After Mitigation	Alternatives Which Would Reduce or Avoid Significant Impact
<b>Section 4.2 - Noise and Vibrations</b>				
<p><b>Impact NOI 1:</b> The Proposed Project may cause exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</p>	<p><b>MM NOI 1:</b> The Proposed Project will include an installation of a 12-foot-high Concrete Masonry Unit (CMU) sound wall. The wall will be along the southwest, southern, and southeast border of the property.</p>	<p><b>MM NOI 2:</b> The Proposed Project will not operate Refrigeration Trailer Units on the Project Site at any time.</p>	Less than Significant Impact with Project Mitigation	No Project Alternative
	<p><b>MM NOI 3:</b> The applicant Proposed Project will not utilize the project site area south of the project access locations for vehicle movements or operations between the hours of 10:00 p.m. and 7:00 a.m.</p>	<p><b>MM NOI 4:</b> Truck noise shall not exceed the level of forty-five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria, additional mitigation measures shall be imposed by the City of Fresno which could include further restrictions on hours of operation.</p>		
<p><b>Impact NOI 2:</b> The Proposed Project would not cause exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels.</p>	No mitigation measure needed.		Less than Significant Impact	N/A
<p><b>Impact NOI 3:</b> The Proposed Project may cause a substantial permanent increase in ambient noise levels in the project vicinity above</p>	See MM NOI 1 - 4 above.		Less than Significant Impact with Project Mitigation	No Project Alternative

Impacts	Mitigation Measures	Level of Significance After Mitigation	Alternatives Which Would Reduce or Avoid Significant Impact
levels existing without the project.			
<b>Impact NOI 4:</b> The Proposed Project may cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.	See MIM NOI 1 - 4 above.	Less than Significant Impact with Project Mitigation	No Project Alternative
<b>Impact NOI 5:</b> The Proposed Project is located within two miles of a public use airport and may expose people residing or working in the project area to excessive noise levels.	See MIM NOI 1 - 4 above.	Less than Significant Impact with Project Mitigation	No Project Alternative
<b>Impact NOI 6:</b> The Proposed Project is not located within the vicinity of a private airstrip.	No mitigation measure needed.	No Impact	N/A

Impacts	Mitigation Measures	Level of Significance After Mitigation	Alternatives Which Would Reduce or Avoid Significant Impact
<p><b>Section 4.3 - Transportation and Traffic</b></p> <p><b>Impact TRA 1:</b> The Proposed Project may conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.</p>	<p><b>MM TRA 1:</b> The frequency of truck trips (loaded or empty) shall be no greater than (a) one every 10 minutes (six truck trips per hour) during the a.m. and p.m. peak commute hours, and (b) one every five minutes (12 truck trips per hour) during periods other than the a.m. and p.m. peak commute hours.</p> <p><b>MM TRA 2:</b> The Contractor will restrict project-related vehicle traffic, within the construction area, to established roads, construction areas, and other designated areas.</p> <p><b>MM TRA 3:</b> Observe a 5-mph speed limit for construction areas.</p> <p><b>MM TRA 4:</b> All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.</p>	<p>Less than Significant Impact with Project Mitigation</p>	<p>No Project Alternative</p>

Impacts	Mitigation Measures	Level of Significance After Mitigation	Alternatives Which Would Reduce or Avoid Significant Impact
<p><b>Impact TRA 2:</b> The Proposed Project may conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.</p>	<p>See MIM TRA 1 - 4 above.</p>	<p>Less than Significant Impact with Project Mitigation</p>	<p>No Project Alternative</p>
<p><b>Impact TRA 3:</b> The Proposed Project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.</p>	<p>No mitigation measure needed.</p>	<p>No Impact</p>	<p>N/A</p>

Impacts	Mitigation Measures	Level of Significance After Mitigation	Alternatives Which Would Reduce or Avoid Significant Impact
<p><b>Impact TRA 4:</b> The Proposed Project would <b>not</b> substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</p>	<p>No mitigation measure needed.</p>	<p>Less than Significant Impact</p>	<p>N/A</p>
<p><b>Impact TRA 5:</b> The Proposed Project would <b>not</b> substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</p>	<p>No mitigation measure needed.</p>	<p>Less than Significant Impact</p>	<p>N/A</p>
<p><b>Impact TRA 6:</b> The Proposed Project would <b>not</b> conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks).</p>	<p>No mitigation measure needed.</p>	<p>Less than Significant Impact</p>	<p>N/A</p>

## **2.0 Introduction**

### **2.1 Initial Study**

An Initial Study was prepared for the Proposed Project and was circulated with this SEIR. The Initial Study evaluated the Proposed Project against all CEQA thresholds of significance and determined that no new analysis is required in this SEIR for the following resource categories:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Greenhouse Gases
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Populations and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Services Systems

The City exercised its authority as the Lead Agency to reexamine noise and vibration impacts. As such, potential Noise and Vibration impacts are further analyzed in Section 4.2, Noise, of this SEIR. During the preparation of this SEIR the current delivery trailer parking site was relocated from 1752 G Street to the parking lot at the southwest corner of H Street and Tuolumne St in the City of Fresno. The new delivery trailer/truck routes therefore require further analysis, and are further analyzed in Section 4.3, Transportation and Traffic, of this SEIR. Further information on air quality and emissions from the Project is supplied in Appendix I to this SEIR in the interest of additional disclosure. It should also be noted that the Project is additionally consistent with City General Plan Policy RC-5-b (Greenhouse Gas Reduction Plan) through the reduction of Vehicle Miles Traveled (VMT). See Section 4.3 of this Revised Draft SEIR for more details regarding reduction of VMT. The only resource category that was determined in the Initial Study to require further analysis due to having a potentially significant impact was Cultural Resources, which is further analyzed in Section 4.1, Cultural Resources, of this SEIR.

The resource categories further analyzed in this SEIR are listed below:

- Noise and Vibrations
- Transportation and Traffic
- Cultural Resources

## **2.2 Community Outreach/Scoping Meetings**

A community outreach/scoping meeting was held as part of the Initial Study process on September 20, 2016. A secondary scoping meeting was held as part of the SEIR process on December 19, 2016. Key issues raised in the two meetings are summarized in Section 1.6 of this SEIR. Response to comments received during the meetings can be found in Appendices B and E.

## **3.0 Project Description**

### **3.1 Project Summary**

#### **Project Location**

The Producers Dairy Foods Corporation (Producers), which was first incorporated in Fresno on December 22, 1932, owns three parcels totaling 1.83-acres. The parcels are located at 450 East Belmont Avenue, Fresno, California, 93701 (Accessor Parcel Numbers 459-032-23, 459-032-15, and 459-032-05). The property is situated on the south side of East Belmont Avenue, East of Ferger Avenue and West of Roosevelt Avenue within the city limits of Fresno, CA. This property is located within the Tower District immediately north of downtown Fresno. The property falls within the City of Fresno and as such is under the regulatory jurisdiction of the Fresno General Plan and specifically within the boundaries of the Tower District Specific Plan.

#### **Project Description**

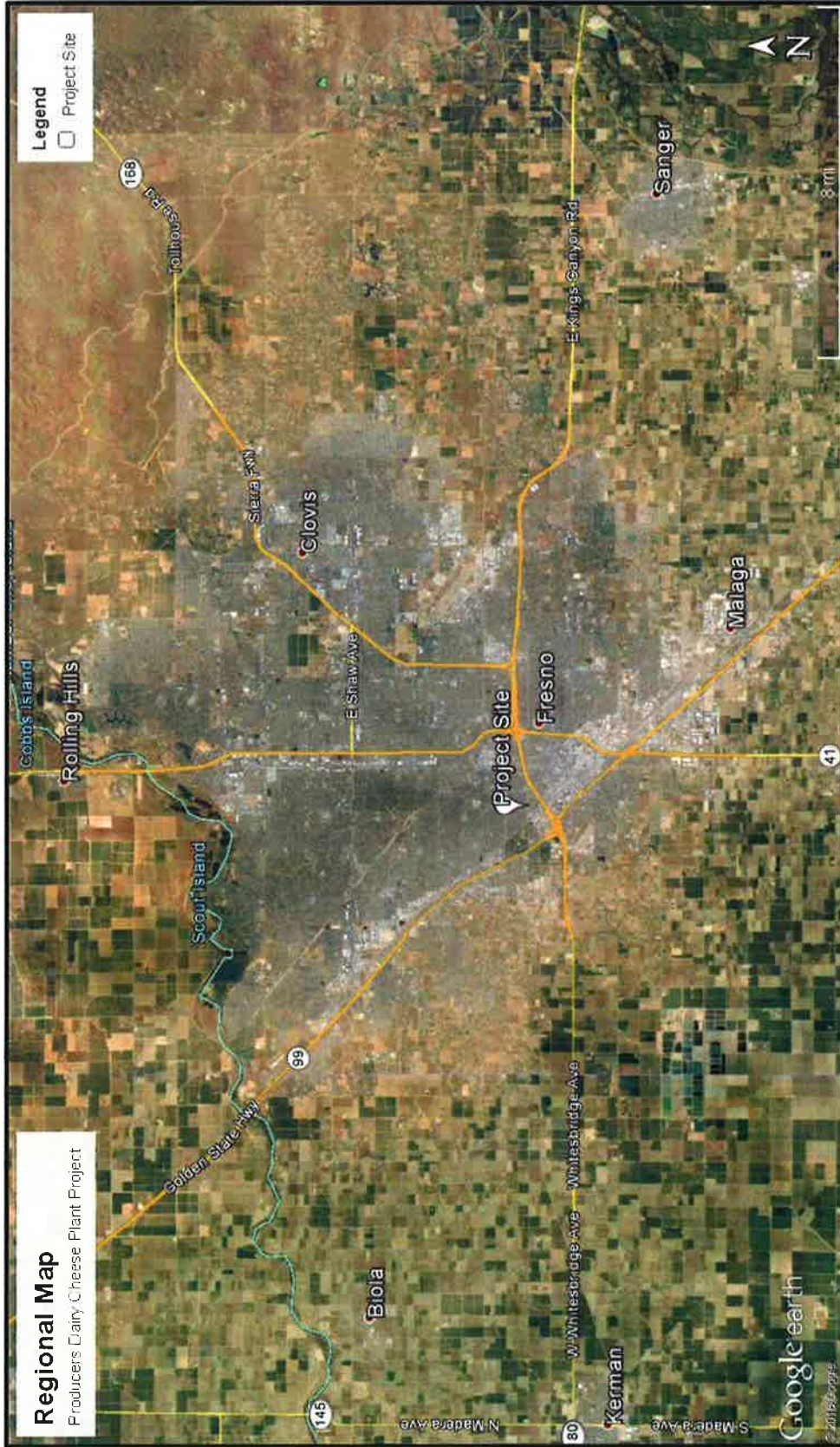
The purpose of the Project is to expand delivery trailer parking on the project site. As outlined in Development Permit No. D-16-088, Producers proposes to remove two boarded-up buildings at 450 E. Belmont Avenue site. Producers proposes to build a commemorative monument onsite reusing brick from the existing buildings. Producers also proposes to replace the existing Concrete Masonry Unit (CMU) wall and chain link fence situated on the north half of the parcel facing E. Belmont Avenue business on the North, Northeast, and Northwest portion of the parcel with a decorative iron security fence supported by brick pilasters of appropriate spacing. Producers will incorporate bricks from the existing buildings into the pilasters if reusable brick is still available after construction of the commemorative monument. Additionally, Producers proposes to construct a 12-foot-high Concrete Masonry Unit sound wall situated on the south side of the parcel facing residential properties on the South, Southeast, and Southwest portion of the parcel. The sound wall assists in mitigating noise to the surrounding area. Variance Application No V-17-001 has been filed with the City of Fresno. Accommodating these delivery trailers at 450 E. Belmont Avenue is consistent with the property's existing use. The project will result in an additional 20 vehicle round-trips per day (from 50 round-trips per day to 70 round-trips per day). The proposed hours of operations will be 24 hours a day, though a majority of vehicle trips will occur between 7:00 am to 10:00 pm.

The current Producers delivery trailers located at the southwest corner of Tuolumne Street and H Street in Fresno need to be moved to the new location at 450 E. Belmont Ave. The new location is more economically viable, will allow for a shorter driving distance, and coincides with Producers' long-range development plan. Additionally, the two boarded-up buildings are currently a nuisance and continue to be a potential safety hazard.

Project construction will commence with the controlled demolition of the existing buildings, removal of their foundations, and removal of the existing perimeter fence and wall. The second stage will be construction a 12-foot-high sound wall and security fence surrounding the parcel as well as paving the property, installing new utility poles, paving new sidewalks, and new gates.



Figure 1 – Regional Map





**Figure 2 – Site Map**



**Figure 3 – Site Zoning Map**

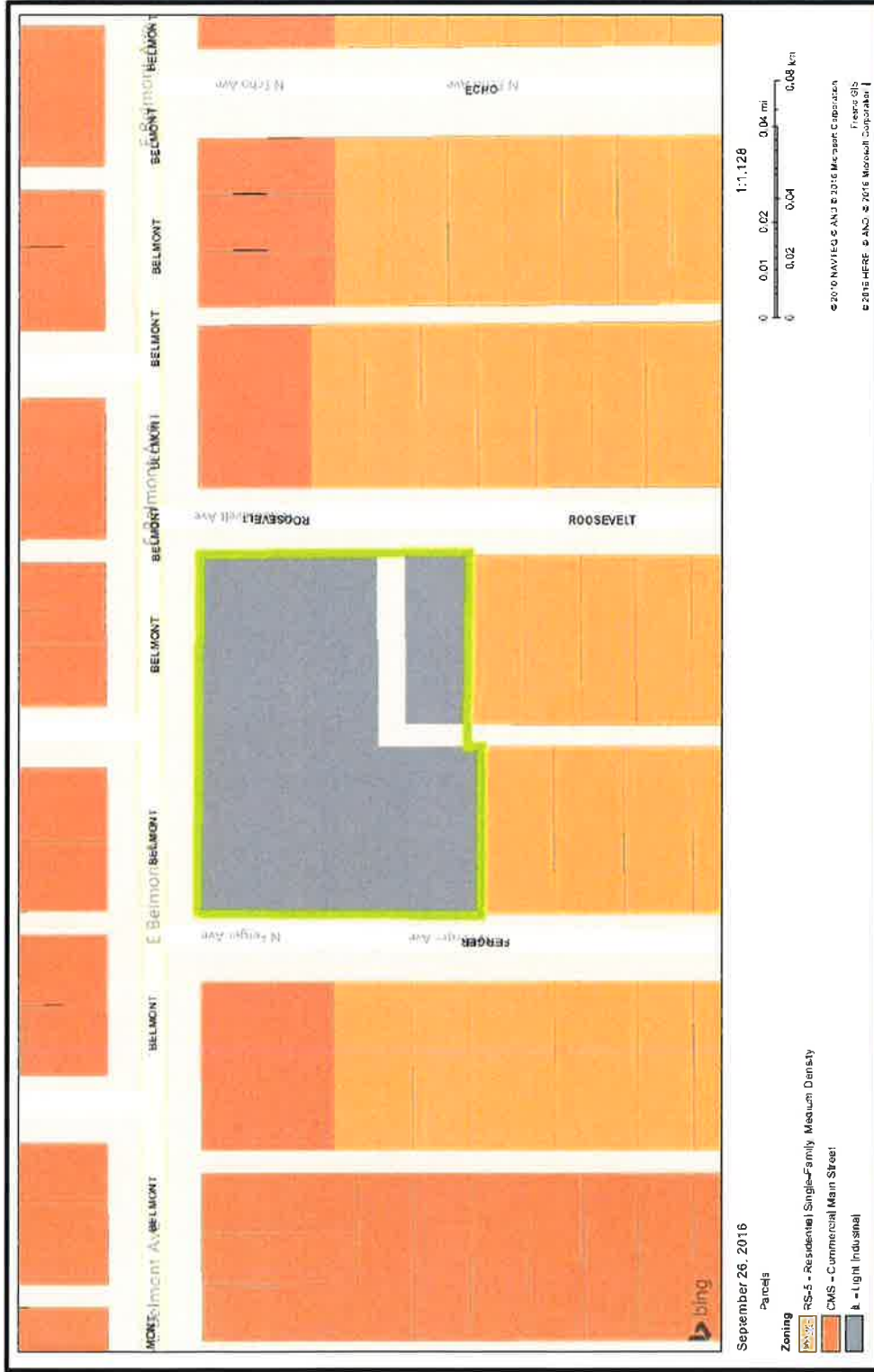


Figure 4 – Site Plan

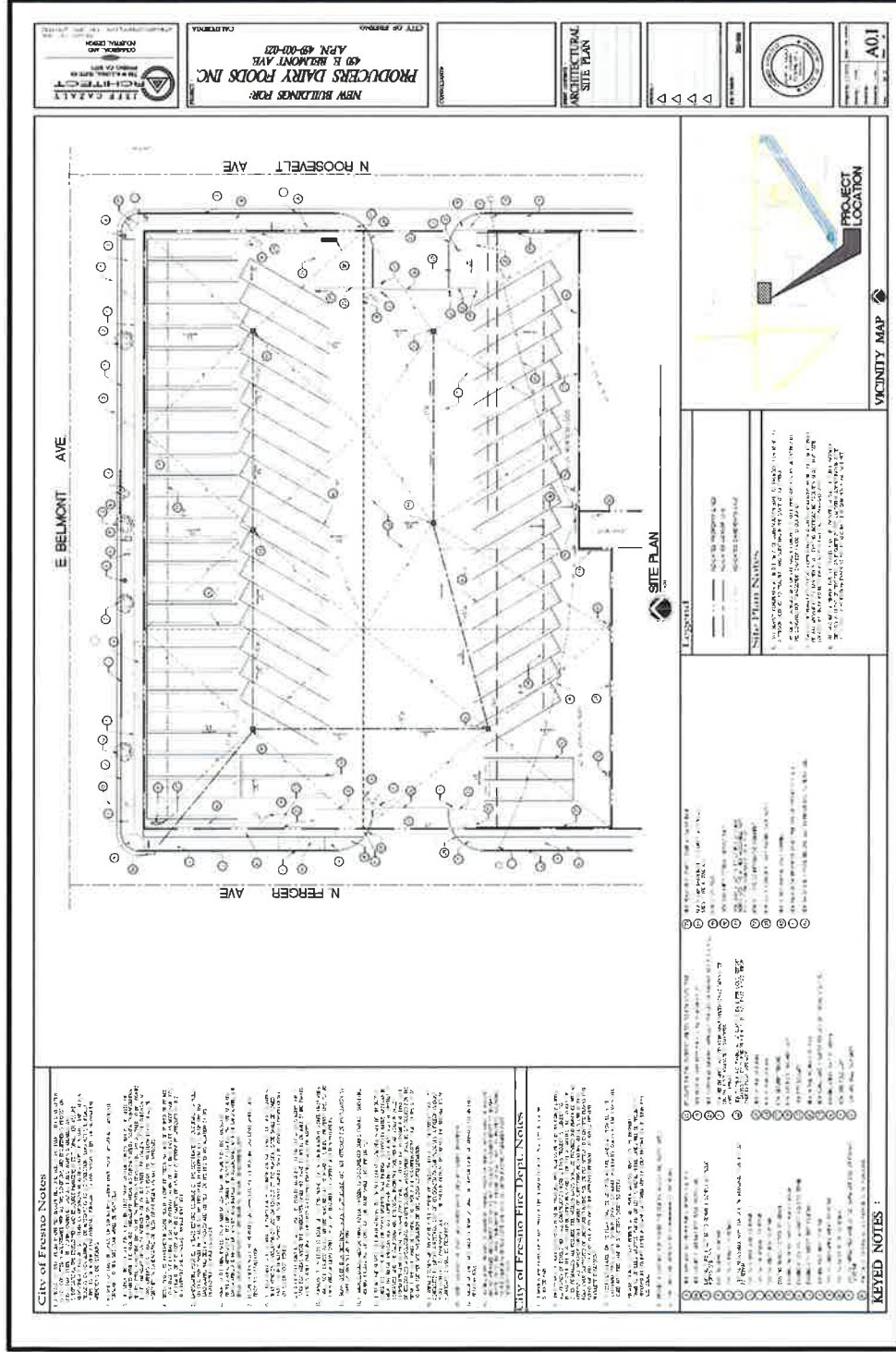




Figure 5 – Sound Wall & Fencing

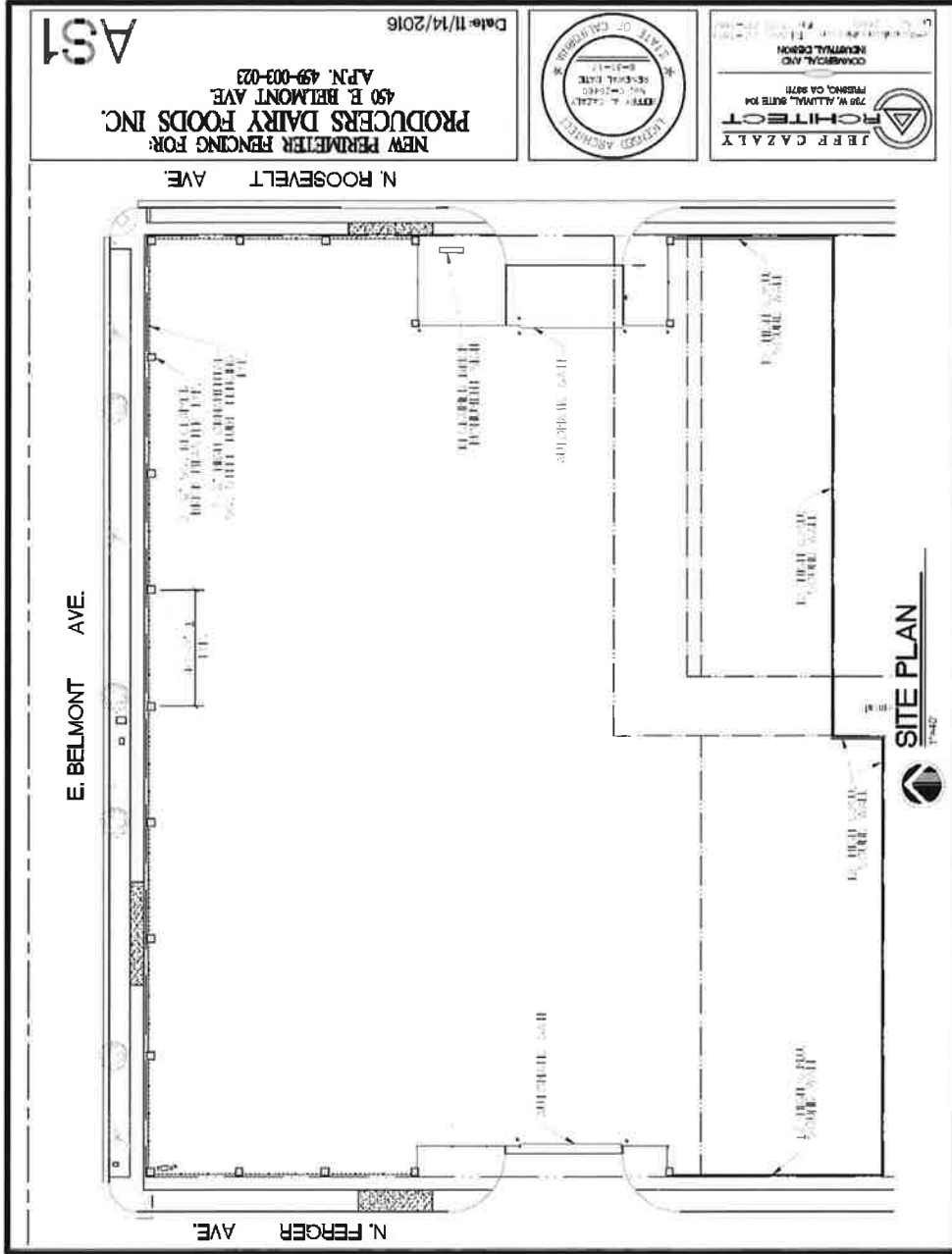


Figure 6 – Fencing

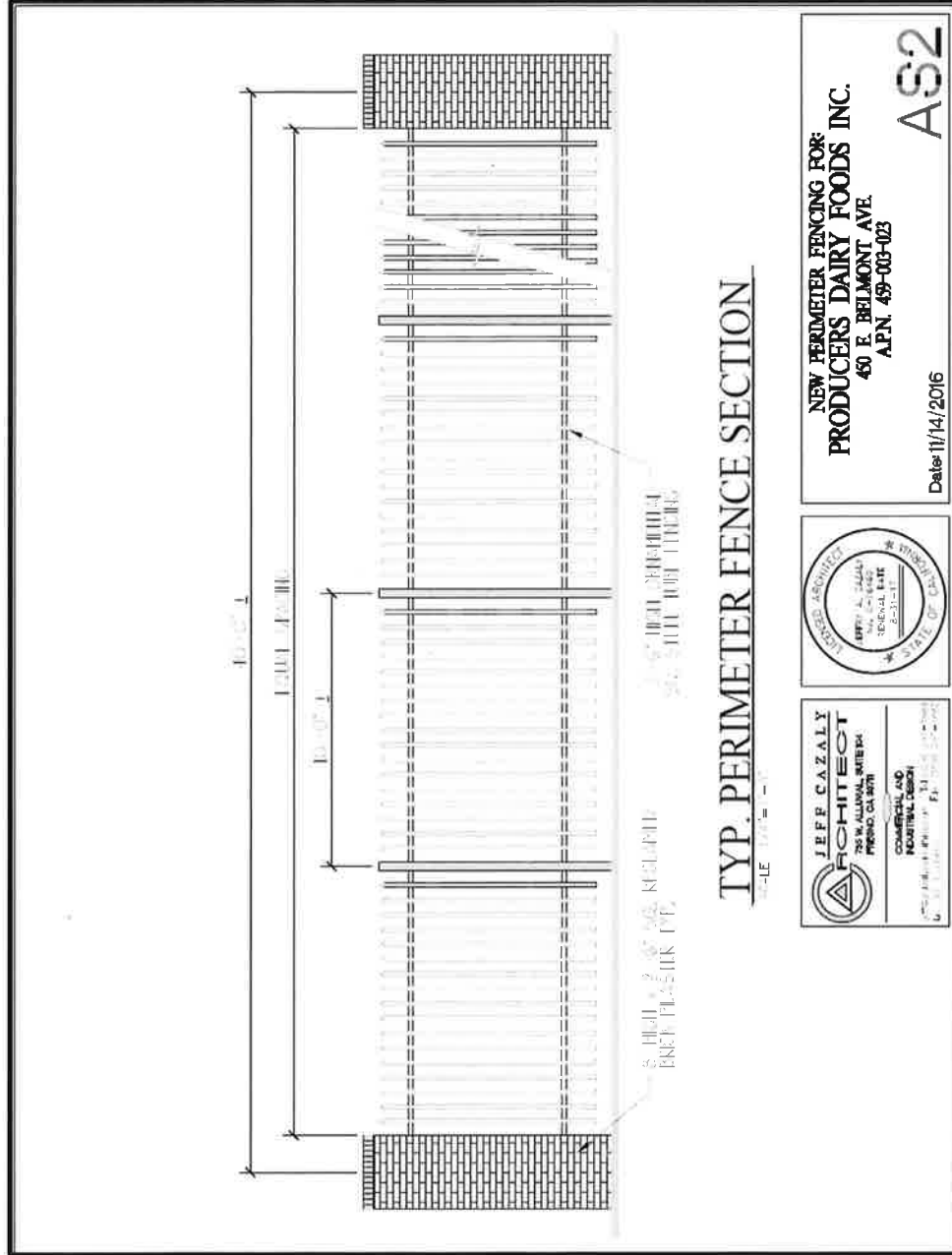


Figure 7 – Commemorative Monument

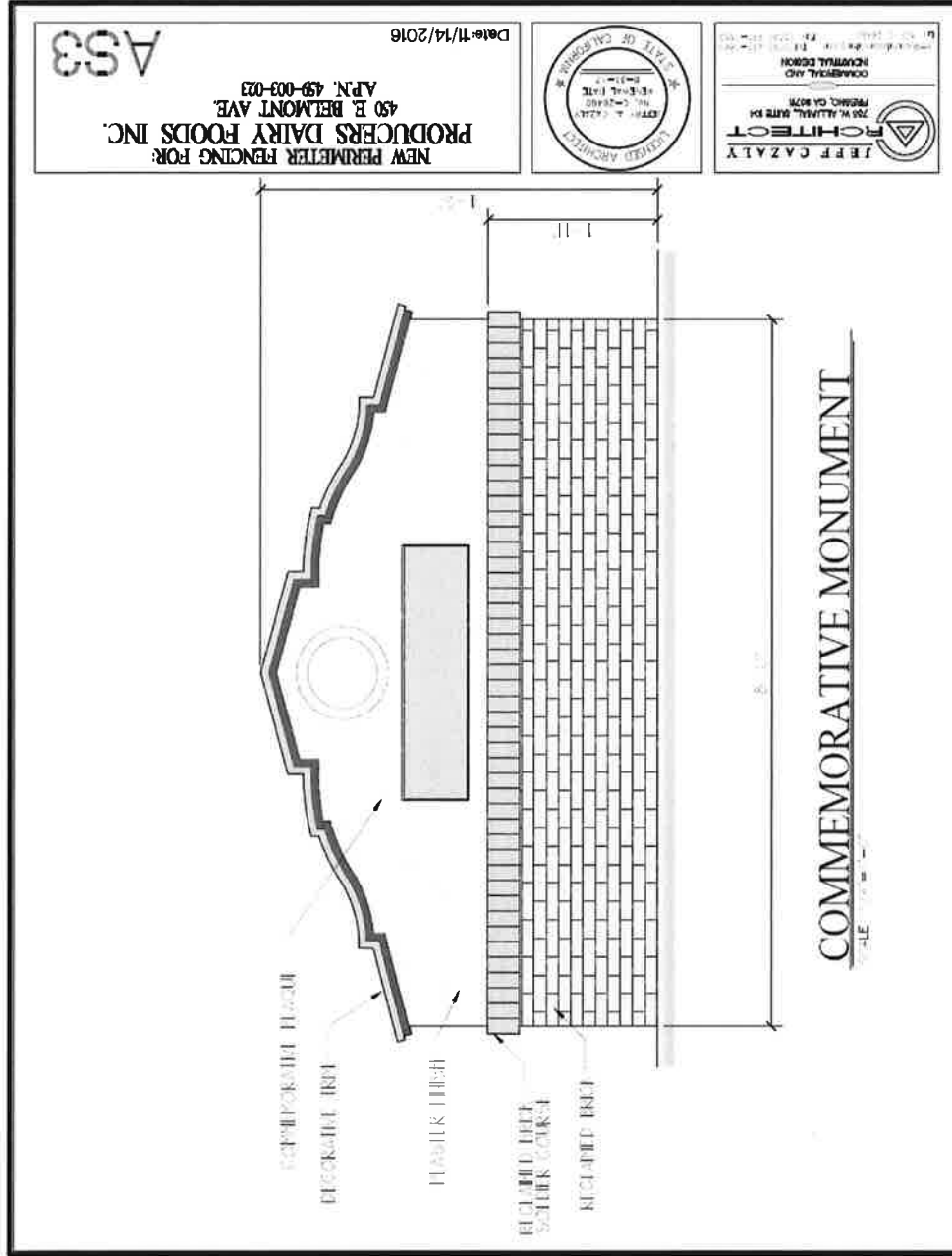
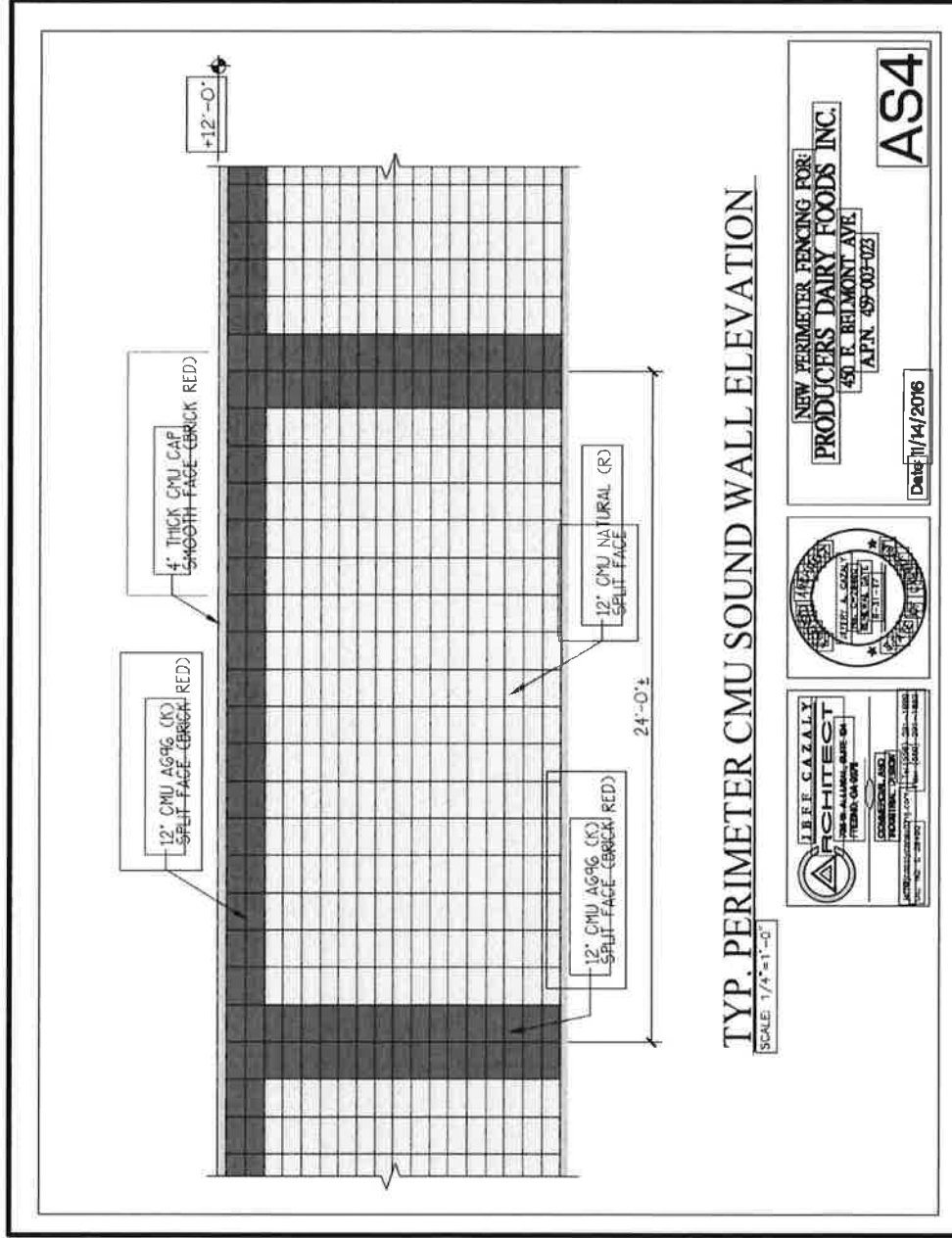


Figure 8 – Sound Wall





### **3.2 Project Objectives**

The primary objectives of the Proposed Project are as follows:

1. Secure additional parking for Producers Dairy delivery trailers, which will necessitate demolition of the two existing buildings on the site.
2. Systematically remove the two existing buildings on site to expand delivery trailer parking on the Proposed Project site.
3. Reuse, to extent feasible, the remaining portions of the buildings and architecturally incorporate the material into an aesthetically appealing wall along the subject property.
4. Reduce public safety hazards by eliminating the risk of fire, structural collapse, personal injury to trespassers, vandalism and crime, and by demolishing structurally unsound buildings that have been abandoned, deteriorated and damaged.
5. Foster economic development in the local area.

### **3.3 Project Site and Surrounding Uses**

The project site is currently designated by the Fresno General Plan for light industrial planned uses and is zoned industrial light. The project site is currently used for delivery trailer parking. Land uses along the northern portion of the property consist of several auto/mechanic businesses across E. Belmont Avenue. Uses along the southern portion of the property consist of an alley in the center, and several residential lots. The western portion of the property includes a parking lot and several residential lots across N. Ferger Avenue, while the eastern portion of the property includes several residential lots across N. Roosevelt Avenue.

The front (North) of the property is located on Belmont Ave which contains largely main street commercial businesses. These buildings consist of low one-story painted brick or stucco buildings. Most businesses are either automotive related (car repair, hubcaps, etc.) or convenience stores. Many buildings along Belmont Avenue, including 471, 479, 504, and 517 E. Belmont Avenue, are currently boarded up and in a state of disrepair. Buildings along N. Ferger Avenue and N. Roosevelt Avenue consist of 1-1.5 story single family residences with the exception of one 2 story multi-family residence on N. Roosevelt Avenue. The boarded up entry to the two brick buildings on the project site face onto N. Roosevelt Avenue. Two single family residences currently border the southern boundary of the Proposed Project.

### **3.4 Intended Uses of this SEIR**

This Revised Draft SEIR is being prepared by the City of Fresno to assess the potential environmental impacts that may arise in connection with actions related to implementation of the Proposed Project. Pursuant to CEQA Guidelines Section 15367, the City of Fresno is the Lead Agency for the Proposed Project and has discretionary authority over the Proposed Project and project approvals. The Revised Draft SEIR is intended to address all potential environmental impacts under CEQA that are within the parameters of the Proposed Project.

### **3.4.1 Discretionary and Ministerial Actions**

Discretionary approvals and permits are required by the City of Fresno for implementation of the Proposed Project. The project application would require the following discretionary approvals and actions, including:

- **Development Permit Review (formerly Site Plan Review):** Applicant is now seeking a new or amended development permit review to evaluate the project site and overall building modifications. The Development Permit number is D-16-088.
- **Variance Application:** Applicant has filed a variance application with the City of Fresno to permit placement of a perimeter fence on the property line. The Variance Application number is V-17-001.

Subsequent ministerial actions would be required for the implementation of the Proposed Project.

### **3.4.2 Responsible and Trustee Agencies**

No other agencies in addition to the City of Fresno were identified as Responsible or Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively.

## **4.0 Environmental Analysis**

### **4.1 Cultural Resources**

An Initial Study was prepared for the Proposed Project (see Appendix A of this Revised Draft SEIR). This study evaluates potential impacts to cultural resources within the project area. Based on the analysis contained in the Initial Study, it was determined the Proposed Project would result in significant impacts to potential historical resources. This section describes the regulatory framework and existing conditions in the Project area related to historical resources, and potential impacts of the Proposed Project on historical resources.

The section was developed through site visits, background searches, and the historical building evaluations conducted by the City of Fresno Historic Preservation Commission, on December 14, included as Appendix F of Initial Study.

#### **4.1.1 Environmental Setting**

The City of Fresno Historic Preservation Commission prepared a report on December 14, 2015 in order to determine if the buildings on the project site were eligible for listing in the Local Register of Historic Resources (Appendix F of the Initial Study). The report determined that “the original buildings meet the eligibility for the Local Register of Historic Resources under [City of Fresno Municipal Code Section 12-1607] Criteria iii as a rare expression in masonry brick of the Mission Revival style in Fresno” (Hattersley-Drayton 2015; Report to the Historic Preservation Commission). The report was presented to the Fresno City Council on February 25, 2016 and the City Council voted to deny the listing on the Local Register of Historic Resources.

The purpose of the Cultural Resources section of the Initial Study is to conduct a preliminary review under CEQA that considers the application of the discretionary historical resources category and to determine the scope of the impact of the project upon the site buildings.

#### **Regulatory Framework**

There are several State and local laws and regulations applicable to historically significant resources on the Proposed Project site.

#### **Federal Laws and Regulations**

As the Proposed Project has no federal nexus, there are no federal laws or regulations related to cultural resources that are relevant to the Proposed Project site.

#### **State Regulations**

##### *Assembly Bill (AB) 52*

The goal of AB 52 is to promote the involvement of California Native American Tribes in the decision-making process when it comes to identifying and developing mitigation for impacts to resources of importance to their culture. To reach this goal, the bill establishes a formal role for tribes in the California Environmental Quality Act (CEQA) process. CEQA lead agencies are required to consult with tribes about potential tribal cultural resources in the project area, the potential significance of project impacts, the development of project alternatives, and the type of environmental document that should be prepared. AB 52 specifically states that a project that may cause a substantial adverse change in the significance of

a tribal cultural resource is a project that may have a significant effect on the environment (PRC § 21084.2). AB 52 took effect July 1, 2015, and the following California Code of Regulations Sections were updated to address tribal cultural resources and Native American consultation: PRC §§ 5097.94, 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3.

#### California Register of Historic Resources (California Register)

California Code of Regulations Title 14, Chapter 11.5, Section 4850 creates the California Register of Historic Resources (California Register). The California Register establishes a list of properties to be protected from substantial adverse change (Public Resources Code Section 5024.1). The State Office of Historic Preservation (OHP) has determined that buildings, structures and objects 45 years or older may be of historical value. A historical resource may be listed in the California Register if it meets any of the following criteria.

- It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- It is associated with the lives of persons important in California's past.
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value.
- It has yielded or is likely to yield information important in prehistory or history.

The California Register includes properties that are listed or have been formally determined eligible for listing in the National Register, State Historical Landmarks, and eligible Points of Historical Interest. Other resources that may be eligible for the California Register, and which require nomination and approval for listing by the State Historic Resources Commission, include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic surveys conducted in accordance with OHP procedures, historic resources or districts designated under a local ordinance consistent with the procedures of the State Historic Resources Commission, and local landmarks or historic properties designated under local ordinance.

#### California Historical Building Code, California Code of Regulations, Title 24, Part 8

The California Historical Building Code, defined in Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code, provides regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of historical buildings, structures, and properties deemed by any level of government as having importance to the history, architecture, or culture of an area.

#### California Environmental Quality Act (CEQA)

Section 15064.5 of the State CEQA Guidelines states that a project may have a significant impact on the environment if it causes a substantial adverse change in the significance of a historical resource. The State CEQA Guidelines define four ways that a property can qualify as a significant historical resource for purposes of CEQA compliance:

- The resource is listed in or determined eligible for listing in the California Register of Historical Resources, as determined by the State Historical Resources Commission.
- The resource is included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code, or identified as significant in a historical resource survey meeting

the requirements of Section 5024.1(g) of the Public Resources Code, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

- The lead agency determines the resource to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, as supported by substantial evidence in light of the whole record.
- The lead agency determines that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1 (CEQA Guidelines Section 15064.5) which means, in part, that it may be eligible for the California Register.

Additionally, Section 15064.5 (b) of the State CEQA Guidelines states that a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. Section 15064.5(b), subsections (1) and (2) are quoted entirety below:

- (1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.*
- (2) The significance of an historical resource is materially impaired when a project:*
  - (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources;*  
*or*
  - (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1 (k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resources is not historically or culturally significant; or*
  - (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resources that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purpose of CEQA.*

In addition, Public Resources Code CEQA Statute Section 21083.2 and State CEQA Guidelines Section 15126.4 specify lead agency responsibilities to determine whether a project may have a significant effect on archaeological resources. If it can be demonstrated that a project will damage a unique archaeological resource, the lead agency may require reasonable efforts for the resources to be preserved in place or left in an undisturbed state. Preservation in place is the preferred approach to mitigation. The Public Resources Code also details required mitigation if unique archaeological resources are not preserved in place.

Section 15064.5 of the State CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These codes protect such remains from disturbance, vandalism, and inadvertent destruction; establish procedures to be

implemented if Native American skeletal remains are discovered during construction of a project; and establish the Native American Heritage Commission (NAHC) as the authority to identify the most likely descendant and mediate any disputes regarding disposition of such remains.

## **Local Regulations**

### City of Fresno General Plan

City of Fresno General Plan goals and policies relevant to cultural resources are contained in Section 8.2 (Historic Resources) of the General Plan.

The City of Fresno General Plan establishes the following objectives and policies that are applicable to the Project's cultural resources:

- **Objective HCR-2:** Identify and preserve Fresno's historic and cultural resources that reflect important cultural, social, economic, and architectural features so that residents will have a foundation upon which to measure and direct physical change.
- **Implementing Policy HCR-2-a:** Identification and Designation of Historic Properties. Work to identify and evaluate potential historic resources and districts and prepare nomination forms for Fresno's Local Register of Historic Resources and California and National registries, as appropriate. *Commentary: Historic resources include buildings, structures, objects, and sites, as well as cultural and historic landscapes and traditional cultural properties (as defined by State and federal law). Examples of the latter categories include farm complexes, canal systems, signage, gardens, landscaped boulevards, and infrastructure, such as lighting and street furniture. As appropriate, nominations may be forwarded to the State Historic Resources Commission for consideration for the California Register of Historical Resources and/or the National Register of Historic Places. The Historic Preservation Commission is anticipated to play a key role in this process, including the evaluation of historic resources and districts.*
- **Implementing Policy HCR-2-g:** Demolition Review. Review all demolition permits to determine if the resources scheduled for demolition is potentially eligible for listing on the Local Register of Historic Resources. Consistent with the Historic Preservation Ordinance, refer potentially eligible resources to the Historic Preservation Commission and as appropriate to the City Council.

### Tower District Specific Plan

The following Tower District Specific Plan implementation policies are applicable to the Proposed Project:

- **Implementing Policy 8.2.4:** Plan Conformance, Rezoning Program, and Conservation Implementation Measures. The Guidelines Recommendations contained in the Tower District Specific Plan shall be used to evaluate applications for building, sign, relocation, and demolition permits, site plan review, and development entitlements. The design review process specified later in this section shall determine whether or not individual applications must conform to any of the Guideline Recommendations.

### City of Fresno Municipal Code

The City of Fresno has a Historic Preservation Ordinance that was approved by the City Council in 1979 and revised in 1999. The goal of the Ordinance is to "preserve, promote and improve the historic resources and districts of the City of Fresno for educational, cultural, economic and general welfare of the public" (Section 12-1600, Historic Preservation Ordinance). The City's Historic Preservation Ordinance

requires the “regulation of exterior alterations visible from a public right-of-way including demolition, relocation and new construction, and interior alterations which would affect the significance of Historic Resources or Historic Districts” (Section 12-1606 (a)(2)).

The City of Fresno Historic Preservation Commission prepared a report on December 14, 2015 that determined the buildings on the Proposed Project site were eligible for listing on the Local Register of Historic Resources (Appendix F of the Initial Study).

#### **4.1.2 Existing Conditions**

The existing conditions were identified from a records search of aerial maps, historical site plans, site photos and a site visit. Further details of the existing conditions can be found in Section 6.5, Cultural Resources, of the Initial Study, which fully describes the two buildings’ history, descriptions and alterations.

The Proposed Project site consists of two brick buildings in the northwest corner of the approximately 1.83-acre property. Built between 1929 and 1932, the two brick buildings were used as dairy and ice cream factories until their disuse in 1986. The subject buildings are boarded up and have fallen into a state of disrepair. Partial demolition of the buildings occurred between 1990 and 1992 as part of a plan to renovate and expand on-site dairy factories. By the mid-1990s, construction plans were halted and the project was never completed. These plans are reflected in the 1991 Tower District EIR to the Tower District Specific Plan. The current Proposed Project will demolish the remainder of these two buildings in order to expand delivery trailer parking.

#### **4.1.3 Standards of Significance**

##### ***Cultural Resources***

As discussed in the Initial Study, the Proposed Project will result in a significant impact in cultural resources. Significance standards for cultural resource impacts are based upon Appendix G of the CEQA Guidelines and professional judgment. A potentially significant impact could occur if the Proposed Project results in one or more of the following:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

Based on the analysis contained in the Initial Study, it was determined that the Proposed Project had undergone previous alterations (see Section 6.5 of the Initial Study). In this case, the significance standards for historical resources are based upon the CEQA guidelines in Section 15064.5(b)(1) and (2) as follows:

*(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.*

*(1) Substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resources would be materially impaired.*

*(2) The significance of an historical resource is materially impaired when a project:*

*(B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1 (g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant.*

### **Tribal Cultural Resources**

On September 27, 2016, changes to the CEQA Guidelines were adopted by the Secretary for the California Natural Resources Agency to implement AB 52. These changes consisted of modification to CEQA Appendix G (CEQA Checklist) to address Tribal Cultural Resources. As of January 1, 2017, no additional changes to the CEQA Guidelines were made, but amendments are in process to update the Guidelines, including guidelines addressing Tribal Cultural Resources and AB 52 Native American consultation. A potentially significant impact could occur if the Proposed Project results in a potentially significant impact to one or more of the following:

- Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
  - a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
  - b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

#### **4.1.4 Impact Discussion**

This section analyzes potential impacts to cultural resources.

**Historical Resources:** *(Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?)*

The Proposed Project would cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

The Proposed Project would lead to the demolition of on-site building structures that are not currently in use. These structures are more than 50 years old and are considered historical resources as previously



discussed in Section 6.5 of the Initial Study. The two buildings on the site were built between 1929 and 1932 and will be demolished in accordance with the Project Objectives. As a result, the project is expected to cause an adverse change in significance of the historical resources. Because the two buildings on the Proposed Project site are considered to be historical resources, the impact associated with the demolition of the existing buildings on the Proposed Project site would be significant. **Significant impact on historical resources.**

**Archaeological Resources:** *(Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5?)*

As discussed in greater detail in Section 6.5 of the Initial Study, there will be some earth-moving activity as part of the project. The only earth-moving activity to be conducted on the project will be removing existing structures and buildings to place new structures. However, there are no archaeological resources on or near the site that have been identified by the record searches, Native American tribes, or site survey that would be disturbed or destroyed by the Proposed Project. In addition, it is unlikely to find in-situ archaeological resources on the site because the ground was already disturbed by previous grading and excavation activities for the existing two buildings and the parking lot. **No impact on archaeological resources.**

**Paleontological Resources:** *(Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?)*

The potential of finding paleontological resources is also considered low due to previous ground disturbance. The site is completely flat and there are no unique geologic features on or near the site. Thus, no impact to unique paleontological resources or unique geologic features are expected to occur due to the Proposed Project. **No impact on paleontological resources or geological features.**

**Human Remains:** *(Would the project disturb any human remains, including those interred outside of formal cemeteries?)*

No human remains have been located on the site during previous ground disturbing activities. It is highly unlikely the Proposed Project will impact any human remains because the ground was already disturbed by previous grading and excavation activities for the existing two buildings and the parking lot. **No impact on human remains.**

**Tribal Cultural Resources, Part A:** *(Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, **and that is a)** Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)? )*

California Public Resource Code 21074 defines Tribal Cultural Resources as either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - (a) Included or determined to be eligible for inclusion in the California Register of Historical Resources.**

*(b) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.*

*(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.*

*(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.*

*(c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).*

Per AB 52 requirements, a request was sent to the Native American Heritage Commission (NAHC) on January 13, 2017 to provide a list of interested Native American tribes to contact regarding the Proposed Project (Appendix H). On January 19, 2017, the NAHC responded and provided the list of the tribes. These Native American tribes were sent a letter notifying them of the Proposed Project and soliciting any requests for consultation with the City of Fresno under AB 52. No responses have been received to date.

A Sacred Lands File check (Appendix G) was conducted by the Native American Heritage Commission on January 19, 2017. A search of the Sacred Land File was completed for the Proposed Project with negative results.

The Proposed Project has been developed since 1930, and the entirety of the site has been developed at one point or another. The only resources on the Project site which were determined to be a historical resource were the two buildings on the Project site. Any potential Tribal Cultural Resources which may have existed on the site pre-development have already been impacted by previous development. Because the Proposed Project will not feature excessive digging, or develop any areas which have not been developed in the past, the Proposed Project will not cause a substantial adverse change to a Tribal Cultural Resource as defined in PRC Section 21074. Therefore, the Proposed Project will have a **Less than Significant Impact on Tribal Cultural Resources, Part A.**

**Tribal Cultural Resources, Part B:** *(Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, **and that is b)** A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.*

California Public Resources Code Section 5024.1(c) states the following:

(c) *A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:*

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.*
- (2) Is associated with the lives of persons important in our past.*
- (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.*
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.*

As stated in Tribal Cultural Resources, Part A, the Proposed Project is currently fully developed and no undeveloped portion of the Project site exists. The Proposed Project will not cause a substantial adverse change to a Tribal Cultural Resource as defined in PRC Section 21074. Therefore, the Proposed Project will have a **Less than Significant Impact on Tribal Cultural Resources, Part B.**

#### **4.1.5 Cumulative Cultural Resources Impacts**

##### Historic Buildings

The Initial Study found that the Proposed Project could have cumulative cultural impacts that would be potentially significant. Because the demolition of the two buildings on the Proposed Project site would be considered a significant cultural impact, the Proposed Project would therefore have a **significant cumulative impact.**

#### **4.1.6 Summary of Significant Impacts and Mitigation Measures**

The mitigation measures 1 and 2 for Cultural Resources from Table B of the Tower District Specific Plan FEIR, entitled "Mitigation Measures for 144 E. Belmont" are not consistent with the Proposed Project objectives. Thus, the mitigation measures 1 and 2 will be deleted and replaced.

- ~~1. The project shall retain the existing building at the southwest corner of East Belmont and North Roosevelt Avenues as depicted on attached Exhibit "L-1".~~
- ~~2. Retention and renovation of the facade of the existing building immediately south of the. Building at the southwest corner, as shown on Exhibit "L-1", as is physically possible and economically practical. If the facade fails due to structural distress it should be rebuilt to resemble the existing historical structure as closely as possible, using the remnant bricks from the fallen facade. All precautions in concert with common practices standard to the industry shall be taken to save the facade intact. However, no implicit guarantee can be given that the facade will not fail during the demolition and renovation process.~~

The revised mitigation measures below are identified as mitigation measures for the Proposed Project and will help minimize the significant effects by commemorating the history of the buildings, reusing the bricks from the existing buildings, photo documenting the architectural significance of the buildings, requiring any potential future buildings to maintain the same architectural style and to retain the historic materials from the buildings for reuse.

The demolition of the two historic buildings would still be a significant impact to historical resources. While mitigation measures are required to reduce this impact, the measures cannot reduce this impact to a less-than-significant level. Therefore, the impact will still be significant and unavoidable regarding historic preservation.

**Mitigation Measures CUL 1:**

The Proposed Project will include an installation of a commemorative monument with a plaque explaining the history of the buildings on the property, the character-defining features of the Mission Revival style and the importance of the style within the City of Fresno. The monument will be located on the east side of the site on N. Roosevelt Avenue. In addition to this, the measurements are a 2'-6" base foundation with an 8'-0" long x 5'-0" high x 6" thick wall. This work will require some demolition of existing buildings at strategic locations to allow for the construction of the commemorative monument. Brick from the existing buildings shall be incorporated into the construction of the commemorative monument. Efforts will be taken in designing the commemorative monument to incorporate the curved parapet and Spanish tile overhang of the Mission Revival style currently present in the North building.

**Mitigation Measure CUL 2:**

The Proposed Project will include an installation of a decorative iron fence with brick pilasters of appropriate spacing along the northwest, north, and northeast boundaries of the project site. Brick from the existing buildings will be incorporated into the pilasters if any reusable brick remains after construction of the commemorative monument.

**Mitigation Measure CUL 3:**

The Proposed Project will include an installation of a sound wall. The wall will be along the southwest southern and southeast border of the property. Brick from the existing buildings shall be incorporated into the wall if any reusable brick remains after construction of the commemorative monument and the brick pilasters.

**Mitigation Measure CUL 4:**

Retain a photographer qualified in large format architectural photography to perform a photo documentation of the north building in order to provide a proper public record of the site's architectural significance. Any photo documentation would then be provided to a local library.

**Mitigation Measure CUL 5:**

Salvage building materials to be reused for educational purposes or to be incorporated into other buildings through donation of materials to interested local government entities.

All the mitigation measures stated above are in compliance with the City of Fresno General Plan, Tower District Specific Plan and Historic Preservation Ordinance of Fresno.

## 4.2 Noise and Vibrations

### 4.2.1 Environmental Setting

#### Regulatory Framework

##### State Regulations

###### Office of Noise Control Standards

The California Office of Noise Control has set the land use compatibility noise standards and has encouraged local jurisdictions to adopt them. Pursuant to the land use compatibility noise standards, for commercial and industrial uses, noise levels up to 65 dBa CNEL are “normally acceptable”; noise levels between 65 and 75 dBa CNEL are “conditionally acceptable”, which means that noise levels are acceptable only when a detailed noise analysis is conducted, and needed noise-insulation features are included in the design. Conventional construction with closed windows and a fresh-air supply system or air conditioning will normally suffice as “acceptable noise insulation” features. Noise levels between 70 and 80 dBa CNEL are generally unacceptable, and development of land uses in noise environments that exceed 75 dBa CNEL are discouraged. For residential development and schools, exterior noise levels ranging up to 60 dBa CNEL are classified as “normally acceptable”, based upon the assumption that the homes are built with normal, conventional construction. Noise levels ranging from 55 to 70 dBa CNEL are conditionally acceptable. Noise levels in the 70 to 75-dBa CNEL range are classified as “generally unacceptable”, and new construction or development is discouraged but may proceed if a detailed noise analysis is conducted, and needed noise-insulation features are included in the design.

###### Caltrans Vibrations Guidance

Construction vibration is regulated in accordance with standards established by the Transportation and Construction-Induced Vibration Guidance Manual, issued by the California Department of Transportation (Caltrans). Table 3.7 - 10 presents these standards. Transient sources create a single, isolated vibration event, such as blasting or drop - ball impacts. Continuous/frequent intermittent sources include multiple impacts from pile drivers, the use of vibratory compaction equipment, and other construction equipment that creates vibration other than in single events.

**Table 2 – Groundborne Vibration Exposure Standards**

Structure and Condition	Maximum Peak Particle Velocity (inches/second)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile historic building, ruins, ancient monuments	0.12	0.08
Fragile buildings	0.20	0.10
Historic and older residential structures with plaster walls and ceilings	0.50	0.25
New residential structures with gypsum board walls and ceilings	1.00	0.50
Modern commercial and industrial buildings	2.00	0.50

Source: California Department of Transportation, 2004.

## Local Regulations

### City of Fresno General Plan

The City of Fresno General Plan establishes the following objectives and policies that are associated with noise that are applicable to the Proposed Project:

- **Objective NS-1:** Protect the citizens of the city from the harmful and annoying effects of exposure to excessive noise.
- **Implementing Policy NS-1-a: Desirable and Generally Acceptable Exterior Noise Environment:** Establish 65 dBA L<sub>dn</sub> or CNEL as the standard for the desirable maximum average exterior noise levels for defined usable exterior areas of residential and noise-sensitive uses for noise, but designate 60 dBA L<sub>dn</sub> or CNEL (measured at the property line) for noise generated by stationary sources impinging upon residential and noise-sensitive uses. Maintain 65 dBA L<sub>dn</sub> or CNEL as the maximum average exterior noise levels for non-sensitive commercial land uses, and maintain 70 dBA L<sub>dn</sub> or CNEL as maximum average exterior noise level for industrial land uses, both to be measured at the property line of parcels where noise is generated which may impinge on neighboring properties.

*Commentary: The Noise Ordinance will define usable exterior areas for single family and multiple family residential and noise sensitive uses to include rear yards and other outdoor areas intended to accommodate leisure or active use, excluding front or side yard areas, and front or side porches. Balconies or roof decks facing front and side yards shall be included in designated areas to be protected from noise where these spaces are used to calculate compliance with required outdoor living area as required by adopted development standards.*

- **Implementing Policy NS-1-b: Conditionally Acceptable Exterior Noise Exposure Range:** establish the conditionally acceptable noise exposure level range for residential and other noise sensitive uses to be 65 dB L<sub>dn</sub> or require appropriate noise reducing mitigation measures as determined by a site specific acoustical analysis to comply with the desirable and conditionally acceptable exterior noise level and the required interior noise level standards set in **Table 3**.

**Table 3 – Fresno General Plan Maximum Allowable Noise Exposure-  
Transportation Noise Sources**

Land Use	Outdoor Activity Areas <sup>1</sup> L <sub>dn</sub> /CNEL dB	Interior Spaces	
		L <sub>dn</sub> /CNEL dB	Leq dB <sup>2</sup>
Residential	65	45	-
Transient Lodging	65	45	-
Hospitals, Nursing Homes	65	45	-
Theaters, Auditoriums, Music Halls	-	-	35
Churches, Meeting Halls	65	-	45
Office Buildings	-	-	45
Schools, Libraries, Museums	-	-	45

Notes:

1 Where the location of outdoor activity areas is unknown or is not applicable, the exterior noise level standard shall be applied to the property line of the receiving land use.

2 As determined for a typical worst-case hour during periods of use.

Source: City of Fresno General Plan.

**Table 4 – Fresno General Plan Maximum Allowable Noise Exposure-  
Transportation Noise Sources**

Daytime (7am - 10pm) (dBA)		Nighttime (10pm - 7am) (dBA)	
L <sub>eq</sub>	L <sub>max</sub>	L <sub>eq</sub>	L <sub>max</sub>
50	70	45	60

Source: City of Fresno Noise Element of General Plan (adopted 12/18/14)

- **Implementing Policy NS-1-c: Generally Unacceptable Exterior Noise Range:** Establish the exterior noise exposure of greater than 65 dB L<sub>dn</sub> or CNEL to be generally unacceptable for residential and other noise sensitive uses for noise generated by sources in Policy NS-1-a, and study alternative less noise-sensitive uses for these areas if otherwise appropriate. Require appropriate noise reducing mitigation measures as determined by a site-specific acoustical analysis to comply with the generally desirable or generally acceptable exterior noise level and the required 45 dB interior noise level standards set in **Table 3** as conditions of permit approval.
- **Implementing Policy NS-1-g:** Noise mitigation measures which help achieve the level of targets of this plan include, but are not limited to, the following:
  - ❖ Facades with substantial weight and insulation;
  - ❖ Installation of sound-rated windows for primary sleeping and activity areas;
  - ❖ Installation of sound-rated doors for all exterior entries at primary sleeping and activity areas;
  - ❖ Greater building setbacks and exterior barriers;
  - ❖ Acoustic baffling of vents for chimneys, attic, and gable ends;
  - ❖ Installation of mechanical ventilation systems that provide fresh air under closed window conditions.

The aforementioned measures are not exhaustive and alternative designs may be approved by the City, provided that a qualified Acoustical Consultant submits information demonstrating that the alternative design(s) will achieve and maintain the specific targets for outdoor activity areas and interior spaces.

- **Implementing Policy NS-1-i: Mitigation by New Development:** Require an acoustical analysis where new development of industrial, commercial, or other noise generating land uses (including transportation facilities such as roadways, railroads, and airports) may result in noise levels that exceed the noise level exposure criteria established by **Table 3** and **Table 4** to determine impacts, and require developers to mitigate these impacts in conformance with **Table 3** and **Table 4** as a condition of permit approval through appropriate means.

Noise mitigation measures may include:

- ❖ The screening of noise sources such as parking and loading facilities, outdoor activities, and mechanical equipment;
- ❖ Providing increased setbacks for noise sources from adjacent dwelling;
- ❖ Installation of walls and landscaping that serve as noise buffers;
- ❖ Installation of soundproofing material and double-glazed windows; and
- ❖ Regulating operations, such as hours of operation, including deliveries and trash pickup.

Alternative acoustical designs that achieve the prescribed noise level reduction may be approved by the City, provided a qualified Acoustical Consultant submits information demonstrating that the alternative designs will achieve and maintain the specific targets for outdoor activity areas

and interior spaces. As a last resort, developers may propose to construct noise walls along roadways when compatible with aesthetic concerns and neighborhood character. This would be a developer responsibility, with no City funding.

- **Implementing Policy NS-1-j: Significance Threshold:** Establish, as a threshold of significance for the City's environmental review process, that a significant increase in ambient noise levels is assumed if the project would increase noise levels in the immediate vicinity by 3 dB L<sub>dn</sub> or CNEL or more above the ambient noise limits established in this General Plan Update.

*Commentary: When an increase in noise would result in a "significant" impact (increase of three dBA or more) to residents or businesses, then noise mitigation would be required to reduce noise exposure. If the increase in noise is less than three dBA, then the noise impact is considered insignificant and no noise mitigation is needed.*

*By setting a specific threshold of significance in the General Plan, this policy facilitates making a determination of environmental impact, as required by the California Environmental Quality Act. It helps the City determine whether (1) the potential impact of a development project on the noise environment warrants mitigation, or (2) a statement of overriding considerations will be required.*

- **Implementing Policy NS-1-k: Proposal Review:** Review all new public and private development proposals that may potentially be affected by or cause a significant increase in noise levels, per Policy NS-1-i, to determine conformance with the policies of this Noise Element. Require developers to reduce the noise impacts of new development on adjacent properties through appropriate means.
- **Implementing Policy NS-1-l: Enforcement:** Continue to enforce applicable State Noise Insulation Standards and Uniform Building Code noise requirements, as adopted by the City.
- **Implementing Policy NS-1-m: Transportation Related Noise Impacts:** For projects subject to City approval, require that the project sponsor mitigate noise created by new transportation and transportation-related stationary noise sources, including roadway improvement projects, so that resulting noise levels do not exceed the City's adopted standards for noise-sensitive land uses.
- **Implementing Policy NS-1-n: Best Available Technology:** Require new noise sources to use best available control technology to minimize noise emissions.

*Commentary: Noise from mechanical equipment can be reduced by soundproofing materials and sound-deadening installation; controlling hours of operation will also reduce noise impacts during the morning or evening.*

- **Implementing Policy NS-1-o: Sound Wall Guidelines:** Acoustical studies and noise mitigation measures for projects shall specify the heights, materials, and design for sound walls and other noise barriers. Aesthetic considerations shall also be addressed in these studies and mitigation measures such as variable noise barrier heights, a combination of a landscaped berm with wall, and reduced barrier height in combination with increased distance or elevation differences between noise source and noise receptor, with a maximum allowable height of 15 feet. The City will develop guidelines for aesthetic design measures of sound walls, and may commission area wide noise mitigation studies that can serve as templates for acoustical treatment that can be applied to similar situations in the urban area.

*Commentary: While acoustical studies need to be site-specific in order to appropriately assess particular settings, having prototypical design measures and noise control templates that can be applied for similar situations and contexts can facilitate infill and other development.*

City of Fresno Municipal Code:



The following sections of the City of Fresno Municipal Code, Chapter 10, Regulations Regarding Public Nuisances and Real Property Conduct and Use, Article 1, Noise Regulations, also known as the Noise Ordinance of the City of Fresno, are applicable to the Proposed Project. Also, applicable to the Proposed Project is Chapter 15, Citywide Development Code Including Revisions, Article 25, Performance Standards.

- **Section 10-102. Definitions:**

(b) Ambient Noise. “Ambient noise” is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this ordinance, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen minutes, without inclusion of the offending noise, at the location and time of day at which a comparison with the offending noise is to be made. Where the ambient noise level is less than that designated in this section, however, the noise level specified herein [Table 5] shall be deemed to be the ambient noise level for that location.

**Table 5 – Fresno Municipal Code Default Ambient Noise Levels**

District	Time	Sound Level Decibels
Residential	10 pm to 7 am	50
Residential	7 pm to 10 pm	55
Residential	7 am to 7 pm	60
Commercial	10 pm to 7 am	60
Commercial	7 am to 10 pm	65
Industrial	anytime	70

Source: City of Fresno Municipal Code Sec. 10-102(b) Definitions.

- **Section 10-103: Decibel Measurement Criteria:** Decibel measurement made pursuant to the provisions of this article shall be based on a reference sound pressure of 0.0002 microbars as measured with a sound level meter using the “A” weighted network (Orig. Ord. 1076; Rep. and Added Ord. 72 - 163, 1972).
- **Section 10-105: Excessive Noise Prohibited:** No person shall make, cause, or suffer or permit to be made or caused upon any premises or upon any public street, alley, or place within the city, any sound or noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing or working in the area, unless such noise or sound is specifically authorized by or in accordance with this article. The provisions of this section shall apply to, but shall not be limited to, the control, use, and operation of the following noise sources:
  - (c) Machinery or equipment, such as fans, pumps, air conditioning units, engines, turbines, compressors, generators, motors or similar devices, equipment, or apparatus.
  - (d) Construction equipment or work, including the operation, use or employment of pile drivers, hammers, saws, drills, derricks, hoists, or similar construction equipment or tools. (Orig. Ord. 1076; Rep. and Added Ord. 72-163, 1972; Am. Ord. 2001-41, § 1, 5-20-01; Am. Ord. 2014-16, § 2, eff. 4-18-14).
- **Section 10-106: Prima Facie Violation:** Any noise or sound exceeding the ambient noise level at the property line of any person offended thereby, or, if a condominium or apartment house, within any adjoining living unit, by more than five decibels shall be deemed to be prima facie evidence of a violation of Section 8-305. (Orig. Ord. 1678; Rep. and Added Ord. 72-163, 1972).
- **Section 10-109: Exceptions:** The provisions of this article shall not apply to:

(a) Construction, repair or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday. (Added Ord. 72-163, 1972; Am. Ord. 80-171, § 74, eff. 12-26-80).

- **Section 15-2506: Noise:** The provisions of this section apply to noise sources resulting from and relating to new development or the expansion of a use or activity. Should there be a conflict between this section and any rule or regulation set forth in an airport plan, the airport plan shall govern. Exceptions to this section are listed in Subsection G. Noise-Related Definitions are located in Section 15-6802. All projects are subject to FMC Chapter 10, Article 1, Noise Regulations.

A. Acoustic Study

1. An acoustic study shall be required for any Proposed Project which could create or be subject to noise exposure in excess of the standards set by [Table 6] and [Table 7]. Noise attenuation measures determined from the results of the acoustic study shall be applied in order to meet said standards.
2. An acoustic study shall also be required when a project proposes to be located in an area where existing and/or future transportation-related noise exposure levels are identified as requiring study in [Table 7].
3. Any required acoustic study shall be paid for by the project applicant and shall be prepared by a qualified acoustical consultant as determined by, and managed under the supervision of, the Review Authority.

- B. Transportation Noise Standards. The standards listed in [Table 6] represent maximum allowable noise exposure from transportation-related (vehicles and trains) noise sources.

**Table 6 – Fresno Municipal Code Noise Exposure from Transportation Noise Sources**

Noise-Sensitive Land Use	Maximum Exterior Noise Level <sup>1,2</sup>	Maximum Interior Noise-Level	
	(Ldn/CNEL, dB)	(Leq, dB)	
Residential	65 <sup>3</sup>	45	-
Transient Lodging	65 <sup>3</sup>	45	-
Medical Care Facility	65 <sup>3</sup>	45	-
Religious Assembly Facility, Meeting Hall	65 <sup>3</sup>	-	45
Theatre, Auditorium	-	-	35
Office Building	-	-	45
School, Library, Museum	-	-	45
Other Noise-Sensitive Uses	As determined by the Review Authority		

Notes:

- 1 Exterior noise areas: Exclude: a) front and side yards and b) outdoor areas for projects along Bus Rapid Transit (BRT) corridors and/or within Activity Centers (where application of the standards will be detrimental to the realization of mixed-use, multi-modal oriented-objectives). Include: a) rear yards and courtyards and b) balconies or roof decks (not adjacent to BRT), if they are included in on-site open space calculations.
- 2 Where the location of exterior areas is unknown or not applicable, the exterior noise level standard shall be applied at the property line.

3 While 65 db is the maximum level, projects should strive to reach 60 db.

- C. **Land Use Compatibility for New Development near Transportation Noise Sources.** [Table 7] establishes the range of acceptable and unacceptable transportation noise exposure levels in order to determine whether a project is allowed to be sited near a transportation noise source and if noise attenuation measures would be required.
1. **A: Satisfactory.** The project may be permitted without requiring noise attenuation.
  2. **B: Analysis Required.** The project is required to provide an analysis that details noise reduction measures that shall be integrated into the project design in order to reduce noise exposure to a conforming level.
  3. **C: Acoustic Study Required.** The project is required to perform an acoustic study (see Subsection A of this section) and incorporate the resulting noise attenuation measures to reduce noise exposure to a conforming level.
  4. **D: Not Allowed.** The project shall not be permitted.
  5. **E: Restricted.** Only the specified project types shall be permitted.

**Table 7 – Fresno Municipal Code Land Use Compatibility for New Development Proposed Near Transportation Noise Sources**

Noise-Sensitive Land Use	Day/Night Average Sound Level (L <sub>dn</sub> or CNL, dB)	Requirements and Limitations
Residential; Transient Lodging; Medical Care Facility; Religious Assembly Facility, Meeting Hall; School, Library, Museum	Less than 65	A: Satisfactory
	65 to 70	B: Analysis and integration of noise reduction measures in project design
	70 to 75	C: Acoustic study and noise attenuation measures required
	Over 75	D: Not allowed
Theater, Auditorium, Concert Hall, Amphitheater	Less than 70	B: Analysis and integration of noise reduction measures in project design
	Over 70	D: Not allowed
Office Building	Less than 70	A: Satisfactory
	70 to 75	B: Analysis and integration of noise reduction measures in project design
	Over 75	C: Acoustic study and noise attenuation measures required
Industrial	Less than 75	A: Satisfactory
	Over 75	C: Acoustic study and noise attenuation measures required
Outdoor sports and recreation, parks	Less than 65	A: Satisfactory
	65 to 80	C: Acoustic study and noise attenuation measures required; avoid uses involving concentrations of people or animals

	Over 80	E: Limited to open space; avoid uses involving concentrations of people or animals
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D. Stationary Noise Sources.

1. New or expanded development of noise-sensitive uses shall not be permitted if noise levels, due to existing stationary noise sources, would exceed the standards of Table 15-2506-D. Such projects shall be permitted with the incorporation of noise attenuation measures stipulated in an acoustic study per Subsection A to reduce the noise exposure to compliant levels.
2. New or expanded development of major noise-generating stationary uses shall not be permitted if noise levels impinging on existing adjacent noise-sensitive uses would exceed the standards of [Table 8]. Such projects shall be permitted with the incorporation of noise attenuation measures stipulated in an acoustic study per Subsection A to reduce the noise exposure to compliant levels.
3. The Director shall determine uses that qualify as "noise-sensitive."
4. When ambient noise levels exceed or equal the levels in this table, mitigation shall only be required to limit noise to the ambient plus five dB.

**Table 8 – Fresno Municipal Code Noise Exposure from Stationary Noise Sources**

	Daytime 7am-10pm	Nighttime 10pm-7am
Hourly Equivalent Sound Level (Leq), dBA	10 pm to 7 am	50
Maximum Sound Level (Lmax), dBA	7 pm to 10 pm	55

Note:

1. As determined at outdoor activity areas. Where the location of outdoor activity areas is unknown or not applicable, the noise exposure standard shall be applied at the property line of the receiving land use.

- E. Best Available Technology. New noise sources shall use the best available control technology to minimize noise emissions.
- F. Noise Attenuation Measures. Any project subjected to an acoustic study may be required, as a condition of approval, to incorporate noise attenuation measures deemed necessary to ensure that noise standards are not exceeded.
  1. Noise attenuation measures identified in an acoustic study shall be incorporated into the project to reduce noise impacts to satisfactory levels.
  2. Emphasis shall be placed upon site planning and project design measures.
  3. Operation-related measures may be incorporated, such as regulating the hours of operation, deliveries, etc.
  4. The use of noise barriers (i.e. walls) shall be considered only after all feasible design-related and operation-related noise measures have been incorporated into the project.
- G. Noise Barriers. When noise attenuation measures require the construction of a noise barrier to reduce overall noise levels, it shall comply with the following standards:
  1. The noise barrier shall be a masonry block or concrete wall. The Review Authority may approve new wall materials that become available in the future for use as an alternative to a masonry block or concrete wall based on its proven comparable properties for durability, sound, light, and glare attenuation.

2. Topography, berming, and other alternative methods of mitigating the nuisance of noise and light might be considered and required at time of project review.
3. The additional standards represented in [Table 9] shall apply for noise barriers that are used to mitigate noise from vehicles and trains. (Added Ord. 2015-39, § 1, eff. 1-9-16).

**Table 9 – Fresno Municipal Code Noise Barrier Standards**

Overall Height of Wall	Earth Berm	Setback from Major Streets and railroad tracks (all streets require a min. 10 ft. setback. This standard shall be added to the min. <sup>1</sup> )
Less than 9 ft.	No requirement	No additional setback
9 ft. or taller (max. of 15 ft.)	6 inches for every ft. of wall height above 9 ft.	Additional ft. for every ft. that exceeds 10 ft.

Notes:

<sup>1</sup> As determined at outdoor activity areas. Where the location of outdoor activity areas is unknown or not applicable, the noise exposure standard shall be applied at the property line of the receiving land use.

- **Section 15-2507: Vibration:** No vibration shall be produced that is transmitted through the ground and is discernible without the aid of instruments by a reasonable person at the lot lines of the site. Vibrations from temporary construction, demolition, and vehicles that enter and leave the subject parcel (e.g., construction equipment, trains, trucks, etc.) are exempt from this standard. (Added Ord. 2015-39, § 1, eff. 1-9-16).

Some guidance regarding vibration levels associated with human annoyance as well as damage potential is provided by the Caltrans Transportation and Construction Vibration Guidance Manual. The Manual provides guidance for determining annoyance potential criteria and damage potential threshold criteria. These criteria are provided in **Table 10** and **Table 11** below, and are presented in terms of peak particle velocity (PPV) in inches per second (in/sec).

**Table 10 – Caltrans Guideline Vibration Annoyance Potential Criteria**

Human Response	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Barely Perceptible	0.04	0.01
Distinctly Perceptible	0.25	0.04
Strongly Perceptible	0.90	0.10
Severe	2.00	0.40

**Table 11 – Caltrans Guideline Vibration Damage Potential Threshold Criteria**

Structure and Condition	Maximum PPV (in/sec)	
	Transient Sources	Continuous/Frequent Intermittent Sources
Extremely fragile, historic buildings, ancient monuments	0.12	0.08
Fragile buildings	0.25	0.10
Historic and some old buildings	0.50	0.24
Older residential structures	0.50	0.30
New residential structures	1.00	0.50
Modern industrial/commercial buildings	2.00	0.50

#### **4.2.2 Existing Conditions**

The project site is located at 450 E. Belmont Avenue within the City of Fresno. The project site is currently being utilized by Producers as a trailer parking lot. Approximately fifty (50) trucks access the site per day. Trailers are transported to and from the Producers Dairy Operations facility located at 144 E. Belmont Avenue for storage at the project site. Current operations typically occur between the general hours of sunrise to sunset. Existing sources of noise near the project site include vehicular traffic on Belmont Avenue, Roosevelt Avenue and Ferger Avenue, aircraft overflights associated with Fresno Yosemite International Airport, noise associated with various nearby commercial activities, and noise associated with existing project-site operations.

Currently trailers on site do not operate their idling refrigeration units.

An acoustic study (Appendix G) was conducted by WJV Acoustics (WJVA) on January 23, 2017. Noise monitoring equipment consisted of Larson-Davis Laboratories Model LDL 820 sound level analyzers equipped with Bruel & Kjaer (B&K) Type 4176 ½” microphones. The monitors were calibrated with a B&K Type 4230 acoustic calibrator to ensure the accuracy of the measurements. The equipment complies with applicable specifications of the American National Standards Institute (ANSI) for Type 1 (precision) sound level meters.

Noise level measurements were conducted in the front of the residence located at 437 N. Roosevelt Avenue, the closest existing residential land use to the project site. Noise measurements were conducted while trucks entered and exited the project site. Additionally, a second sound level meter collected continuous ambient and project-related noise levels.

#### **Truck Movements**

Noise levels described below in this section do not consider noise level reduction provided by the proposed 12-foot CMU sound wall. The discussion of the sound wall and resulting noise level reductions is provided later in this chapter.



Between the hours of 12:00pm and 1:00pm no truck operations occurred within the project site. Between the hours of 1:00pm and 2:00pm, WJVA staff measured a total of thirteen (13) individual project-related events. Events were considered to be trucks entering the site, exiting the site, or audible movements occurring within the site. Each individual truck accessing the site resulted in two (2) or three (3) individual events. The 13 measured events were associated with a total of five (5) trucks that accessed the site between 1:00pm and 2:00pm.

The measured hourly  $L_{eq}$  for the hour of 12:00pm to 1:00pm was 58.3 dB. The measured hourly  $L_{eq}$  for the hour of 1:00pm to 2:00pm was 59.9 dB. Therefore, the second hour of noise monitoring, with 13 project-site events, resulted in an increase in overall noise by approximately 1.6 dB over the first hour, when no events occurred. Although it is not possible to directly attribute all of the increased noise levels to the truck events, nor is it possible to assume that the background/residual noise levels in the absence of truck events would be the same between any two given monitoring periods (hours), the data does indicate that the second hour of noise monitoring, with the 13 truck events, is comparable to the first hour where no truck events occurred at the project site. Therefore, it is reasonable to assume that project-site truck movements do not significantly contribute to the existing, overall noise exposure (as defined by the  $L_{eq}$ ) in the project vicinity.

#### 4.2.3 Standards of Significance

According to Appendix G, Environmental Checklist, of the CEQA Guidelines, noise impacts resulting from the implementation of the Proposed Project would be considered significant if the project would cause:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?
- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?
- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?
- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?
- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?
- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The City of Fresno General Plan has established performance standards to control stationary source/non-transportation related noise impacts. **Table 4** shows the City's maximum allowable noise exposure standards for a stationary noise source, as determined at outdoor activity areas, are 50 dBA  $L_{eq}$  and 70 dBA  $L_{max}$  or less during the daytime (7 a.m. to 10 p.m.) and 45 dBA  $L_{eq}$  and 65 dBA  $L_{max}$  or less during the nighttime (10 p.m. to 7 a.m.). When ambient noise levels exceed or equal the above levels, mitigation shall only be required to limit noise to the ambient plus five (5) dB.

Pursuant to Article 1, Section 10-105 and Section 10-109 of the City of Fresno's Municipal Code, construction noise is considered a nuisance and the Municipal Code restricts construction activities from occurring between 10:00 p.m. and 7:00 a.m. and anytime on Sunday.

The Fresno General Plan Noise Element also defines what constitutes a significant noise increase for project operational noise impacts. According to Policy NS-1-j, the project will create a significant noise - related impact if it would increase noise levels in the immediate vicinity by 3 dBA  $L_{dn}$  or CNEL or more above the ambient noise limits established in the Fresno General Plan.

The vibration impact thresholds were based on Caltrans thresholds presented in its Transportation- and Construction- Induced Vibration Guidance Manual. The report recommends a threshold of 0.25-inch-per-second PPV as the significance level for continuous events, near older residential structures during construction activities. The report also recommends a threshold of 0.25-inch-per-second PPV as the significance level for the human perception level to transient sources, which has been used to assess operations-related activities since the primary vibration source would be from the operation of trucks.

#### 4.2.4 Impact Discussion

a. *Would the project cause exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?*

a.1. **Less than Significant with Project Mitigation.** Although increasing the number of trucks from the existing 50 daily trucks to the proposed 70 daily trucks would not typically be expected to result in any significant or noticeable increase in overall noise exposure (as defined by the  $L_{eq}$ ), because the applicant proposed to extend truck parking closer to the existing residential land uses than that of current operations, the acoustic study estimates an increase of approximately 1-2 dB could occur as a result of the expanded utilized parking area (depending on the which portion of the project site is being utilized during any given hour of that day).

In regards to the City's maximum ( $L_{max}$ ) noise level standards described in **Table 4**,  $L_{max}$  noise levels observed during the 13 measured events were in the range of 63-73 dB. As the Proposed Project would move trailer parking operations closer to existing residential land uses,  $L_{max}$  levels could be expected to be in the range of 75-85 dB, when operations occur in close proximity to the residential land uses. Such levels would exceed the City's daytime  $L_{max}$  standard of 70 dB and the nighttime  $L_{max}$  standard of 60dB.

#### Truck Movements

Additionally, in order to quantify on-site truck movement noise exposure in terms of the  $L_{dn}$ , individual truck movement SEL (sound exposure level) value must be determined. The SEL is a measure of the total energy of a noise event, including consideration of event duration. The SEL is not actually heard, but is a derived value used for the calculation of energy-based noise exposure metrics such as the  $L_{dn}$ . The average measured truck event movement SEL collected by WJVA was 78.1 dB.

Based upon truck events observed by WJVA, a total of 70 trucks per day utilizing the site would result in approximately 182 truck movement events. To this analysis, it was assumed that truck



movements could occur at any hour of the day, and could be evenly distributed over a 24-hour day.

Truck movement noise exposure may be quantified in terms of the  $L_{dn}$  using the following formula:

$$L_{dn} = SEL + 10 \log N_{eq} - 49.4$$

where,

*SEL is the average SEL for a truck movement,  $N_{eq}$  is the equivalent number of truck movements in a typical 24-hour period determined by adding 10 times the number of nighttime events (10 p.m.-7 a.m.) to the actual number of daytime events (7 a.m.-7 p.m.), and 49.4 is a time constant equal to 10 log the number of seconds in the day.*

Applying the above described assumptions and standard rates of noise attenuation from a noise source, the resulting noise exposure at the closest noise-sensitive land uses derived from on-site truck movements would be approximately 59.5 dB  $L_{dn}$ . This noise level is below the City's 65 dB  $L_{dn}$  noise level standard.

#### Idling Refrigeration Units

While the idling of refrigeration units is not proposed in the project description, the potential effects of idling these units on-site was analyzed to evaluate potential future worst-case scenario of future operations. WJVA staff conducted reference noise level measurements of operating/idling refrigeration trailer units at the Producers Dairy main facility on January 23, 2017. WJVA measured noise levels of a Thermo King SB 210 refrigeration trailer and a Carrier X4 7300 refrigeration trailer. Both units have a high-speed and a low-speed setting. According to the fleet manager, the units cycle on and off over time. The fleet manager indicated that typically, the high-speed setting will occur when a unit is turned off after an extended period of non-operation. Additionally, in the summer months when exterior ambient temperatures are higher, the high-speed setting occurs more frequently than in cooler months. When the units cycle off, they remain off for a minimum time period of twenty (20) minutes.

Noise level measurements were conducted at a reference distance of approximately ten (10) feet from the operating units. High-speed setting noise levels ranged from approximately 80-83 dB at a distance of ten feet and a low speed setting noise levels ranged from approximately 73-76 dB at a distance of ten feet. According to the project applicant, trailers would be parked with the rear of the trailer facing the proposed CMU wall (and residential land uses), with the refrigeration unit facing toward the north, away from residential land uses. Assuming multiple trailers could be in operation simultaneously, the resulting noise levels associated with idling refrigeration trailers along the southern project boundary would be expected to be in the range of 75-85 dB during warmer months if the units remained on for longer periods of time. Such levels would exceed the City's noise level standards.

Given the above noise levels with idling refrigeration units, the following mitigation measures are identified:

## **Mitigation Discussion:**

### External Noise

As described above, the project applicant proposes the construction of a 12-foot CMU sound wall along the southern portion of the project site. The proposed sound wall will extend toward the north, until the site entry locations on both the east and west side of the project site.

A computer model was used to determine the effectiveness of the proposed 12-foot CMU sound wall along the southern project boundary. The model calculates sound wall insertion loss (noise reduction\_ based upon the distance from the source to the wall, the distance from wall to the receptor, and the relative heights of the sources and receptors. A semi-truck is typically assumed to have an effective source height of 8 feet above the pavement. However, for a typical refrigeration trailer unit, the source height is considered to be approximately 12 feet above the pavement. A typical receptor is assumed to have a height of 5 feet above ground level.

Based upon the above-described assumptions and method of analysis, it was determined that a 12-foot sound wall would reduce typical truck movement event noise levels by approximately 8-11 dB and refrigeration unit noise levels by approximately 5-8 dB.

Taking into account the above-described project-related noise levels, as well as the noise level reduction that would be expected as a result of the proposed 12-foot CMU sound wall, refrigeration unit noise levels would be expected to be approximately 64-77 dB at the closest existing residential land uses to the south of the project site. Such levels exceed the City's applicable noise level standards, as defined by the  $L_{max}$ . Please note, this assumes multiple refrigeration units in operation simultaneously along the southern boundary of the project site, near the closest existing residential land uses, and is considered a worst-case assessment of project-related noise levels.

In order to maintain compliance with the City's applicable noise level standards, the applicant shall not utilize the project area south of the site entrances for truck movements between the hours of 10:00 p.m. to 7:00 a.m. The applicant may, however, utilize the project area north of the project site entrance at any hour of the day for truck movements. The parking area south of the site entrances shall only be used for truck movements between daytime hours of 7:00 a.m. to 10:00 p.m.

### Internal Noise

The City of Fresno interior noise level standard is 45 dB  $L_{dn}$  with the proposed 12-foot CMU sound wall in place, the project-related noise exposure would be expected to be in the range of 49-52 dB  $L_{dn}$ . This means that the closest homes to the project site would need to be capable of providing a minimum outdoor-to-indoor noise level reduction (NLR) of approximately 7 dB (52-45=7).

A specific analysis of interior noise levels was not performed. However, it may be assumed that residential construction will reduce exterior noise levels by a minimum of 25 dB if windows and doors are closed and a minimum of 15 dB if windows and doors are open (Paul S. Veneklasen & Associates 1973, cited in Caltrans 2002:7-37). This will be sufficient for compliance with the City's 45 dB  $L_{dn}$  interior standard.

**Mitigation Measures:**

**Mitigation Measure NOI 1:** The Proposed Project will include an installation of a 12-foot-high Concrete Masonry Unit (CMU) sound wall. The wall will be along the southwest, southern, and southeast border of the property.

**Mitigation Measure NOI 2:** The Proposed Project will not operate Refrigeration Trailer Units on the Project Site at any time.

**Mitigation Measure NOI 3:** The applicant Proposed Project will not utilize the project site area south of the project access locations for vehicle movements or operations between the hours of 10:00 p.m. and 7:00 a.m.

**Mitigation Measure NOI 4:** Truck noise shall not exceed the level of forty-five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria, mitigation measures shall be imposed by the City of Fresno which could include further restrictions on hours of operation.

b. *Would the project cause exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?*

**b.1. Less than Significant.** The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. None of these sources are anticipated from the project site. Typical vibration levels at distances of 25 feet and 100 feet are summarized by **Table 12**. Vibration levels caused by project-related truck movements would be considered “barely perceptible”, as defined by **Table 10**, at nearby residential land uses. This would be consistent with City of Fresno Development Code 15-2507, which exempts vibration “from temporary construction, demolition, and vehicles that enter and leave the subject parcel”.

**Table 12 – Typical Vibration Levels**

Equipment	PPV (in/sec)	
	@ 25 ft.	@ 100 ft.
Bulldozer (Large)	0.09	0.011
Bulldozer (Small)	0.003	0.0004
<b>Loaded Truck</b>	<b>0.08</b>	<b>0.01</b>
Jackhammer	0.04	0.005
Vibratory Roller	0.2	0.03

Source: Caltrans

c. *Would the project cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?*

**c.1. Less than Significant with Project Mitigation.** See Discussion a.1 above.

**d.** *Would the project cause a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?*

**d.1. Less than Significant with Project Mitigation.** See Discussion a.1 above.

**e.** *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?*

**e.1. Less than Significant with Project Mitigation.** The Proposed Project is 1.5 miles from Chandler Airport, which is owned by the City of Fresno and is a public use airport. See Discussion a.1 above for more details of noise levels.

**f.** *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

**f.1. No Impact.** The Proposed Project is 7 miles south of the closest private airstrip, the Sierra Sky Park. As such, the project is not within the vicinity of a private airstrip.

#### **4.2.5 Cumulative Noise and Vibration Impacts**

The Initial Study found that the Proposed Project could not have cumulative noise and vibration impacts that would be potentially significant with project mitigation. The acoustic study and reevaluation of the noise and vibration impacts in the SEIR have reaffirmed that the Proposed Project will have a Less than Significant Cumulative Impact with Project Mitigation.

#### **4.2.6 Summary of Significant Impacts and Mitigation Measures**

As set forth in Section 4.2.4, Impact Discussion, the Proposed Project will have a Less than Significant Impact with Project Mitigation. The following four mitigation measures will ensure the Proposed Project will not have a significant impact on Noise and Vibration.

**Mitigation Measure NOI 1:** The Proposed Project will include an installation of a 12-foot-high Concrete Masonry Unit (CMU) sound wall. The wall will be along the southwest, southern, and southeast border of the property.

**Mitigation Measure NOI 2:** The Proposed Project will not operate Refrigeration Trailer Units on the Project Site at any time.

**Mitigation Measure NOI 3:** The Proposed Project will not utilize the project site area south of the project access locations for vehicle movements or operations between the hours of 10:00 p.m. and 7:00 a.m.

**Mitigation Measure NOI 4:** Truck noise shall not exceed the level of forty-five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria, mediation measures shall be imposed by the City of Fresno which could include further restrictions on hours of operation.

All the mitigation measures stated above are compliance with the City of Fresno General Plan, Tower District Specific Plan and Historic Preservation Ordinance of Fresno.

### **4.3 Transportation and Traffic**

This section describes the existing transportation setting and potential effects from project implementation on the site and its surrounding area. Transportation and Traffic impacts from the Proposed Project were originally analyzed in Section 6.16 of the Producers Dairy Cheese Plant Project Initial Study. Mitigation Measures TRA 1 - 3 from the Initial Study were found to be adequate to reduce Transportation and Traffic impacts to a less-than-significant level. However, during the preparation of this SEIR the current delivery trailer parking site was relocated from 1752 G Street to the parking lot at the southwest corner of H Street and Tuolumne Street in the City of Fresno (APN 466-230-33SU). This change in current delivery trailer parking requires a revised analysis of impacts to Transportation and Traffic. This analysis is set forth in Section 4.3.

#### **4.3.1 Environmental Setting**

##### **Regulatory Framework**

There are several Federal, State, and local laws and regulations applicable to transportation and traffic impacts on the Proposed Project site.

##### **Federal Regulations**

As the Proposed Project has no federal nexus, there are no federal laws or regulations related to Transportation and Traffic that are relevant to the Proposed Project.

##### **State Regulations**

###### California Department of Transportation

Caltrans maintains a target Level of Service (LOS) at the transition between LOS C and LOS D for freeway facilities, which translates to a service flow rate of approximately 1,680 passenger cars per hour per lane. Where an existing freeway is operating at less than the LOS C/LOS D threshold, an existing measure of effectiveness should be maintained. In determining whether a project would create an adverse impact to a freeway facility already operating at LOS E or F, the forecast service flow rate is compared with ideal freeway capacity to establish a theoretical volume - to - capacity (v/c) ratio. A significant cumulative impact is considered to occur if a project would increase the freeway v/c ratio on a facility already operating at LOS E or F by 0.01 or more.

###### Traffic Congestion Relief Program (TCRP)

The California Traffic Congestion Relief Program (TCRP) is based on the Traffic Congestion Relief Act of 2000 and provides a source of funds for "congestion relief improvements, to dedicate the sales tax on gasoline to transportation purposes, and to create a Transportation Investment Fund to finance

improvements to neighborhood streets and roads, to provide funding for transit operations and intercity rail, and to supplement the Traffic Congestion Relief Fund.”

## **Regional**

### Fresno County - Wide Measure C Program

In 1986, the voters of Fresno County approved Measure C imposing a half - cent sales tax for 20 years to provide a source of funds for specified transportation improvement projects within Fresno County. Money generated through the Measure C is used for various improvements to extend freeways, improve roads, and enhance public safety. In its first 20 years (1986 to 2006) Measure C funded over \$1 billion of improvements. In 2006, the voters approved the extension of Measure C from 2007 to 2027, and it is projected to generate \$1.7 billion over its 20 - year life.

### Regional Transportation Mitigation Fee Program

Measure C authorizes the establishment of a Regional Transportation Mitigation Fee (RTMF) program to provide additional funding for regional transportation projects through new fees charged to development projects. The RTMF program was enacted by the County of Fresno and all cities within the County and became effective on January 1, 2009. The program is administered by a Joint Powers Authority (JPA) that was formed for the specific purpose of managing the fee program. In accordance with State law requirements, a nexus study was completed which analyzed the growth of travel demand for each jurisdiction, identified regional road improvements to meet such demands, described the appropriate “nexus” between such demand and improvements, and adopted appropriate mitigation fees applicable to various land use categories. The current RTMF fee rate for Light Industrial development is \$0.32 per square foot.

## **Local Regulations**

### City of Fresno General Plan

The purpose of the Fresno General Plan’s new Mobility and Transportation Element is to provide an efficient, multi-modal transportation system that will meet the needs of all residents throughout the planning period. The Element is based on a fundamental philosophy that travel needs can be met through a comprehensive program of transportation planning, land use planning, growth management strategies, and a new Complete Streets concept.

This Element includes objectives and policies for all modes and all users of streets and highways, transit, sidewalks and trails, and bicycle transportation modes, as well as parking, goods movement strategies, and the City’s airports.

The City of Fresno General Plan establishes the following objectives and policies that are applicable to the Project’s transportation:

- **Implementing Policy MT-1-k: Multi-Modal Level of Service Standards.** Develop and use a tiered system of flexible, multi-modal Level of Service standards for streets designated by the Circulation Diagram (Figure MT-1). Strive to accommodate a peak hour vehicle LOS of D or better on street segments and at intersections, except where Policies MT-1-m through MT-1-p provides greater specificity. Establish minimum acceptable service levels for other modes and use them in the development and environmental review process.

- **Implementing Policy MT-1-n: Peak Hour Vehicle LOS.** Maintain a peak-hour vehicle LOS standard of D or better for all roadway areas outside of identified Activity Center and Bus Rapid Transit Corridor districts, unless the City Traffic Engineer determines that mitigation to maintain this LOS would be infeasible and/or conflict with the achievement of other General Plan policies.
- **Implementing Policy MT-1-o: LOS Deviations Outside of Activity Centers and Areas Designated for Mixed-Use.** Accept vehicle LOS E or F conditions outside of identified multi-modal districts only if provisions commensurate with the level of impact and approved by the City Traffic Engineer are made to sufficiently improve the overall transportation system and/or promote non-vehicular transportation as part of a development project or City-initiated project.
- **Implementing Policy M-2-i: Transportation Impact Studies.** Require a Transportation Impact Study (Traffic Impact Study/TIS) to assess the impacts of new development projects on existing and planned streets for projects meeting one or more of the following criteria, unless it is determined by the City Traffic Engineer that the project site and surrounding area already has appropriate multi-modal infrastructure improvements.
  - ❖ When a project includes a General Plan amendment that changes the General Plan Land Use Designation.
  - ❖ When the project will substantially change the off-site transportation system (auto, transit, bike or pedestrian) or connection to the system, as determined by the City Traffic Engineer.
  - ❖ Transportation impact criteria are tiered based on a project's location within the City's Sphere of Influence. This is to assist with areas being incentivized for development. The four zones, as defined on Figure MT-4, are listed below. The following criteria apply:
    - Traffic Impact Zone I (TIZ-I): TIZ-I represents the Downtown Planning Area. Maintain a peak hour LOS standard of F or better for all intersections and roadway segments. A TIS will be required for all development projected to generate 200 or more peak hour new vehicle trips.
    - Traffic Impact Zone II (TIZ-II): TIZ-II generally represents areas of the City currently built up and wanting to encourage infill development. Maintain a peak hour LOS standard of E or better for all intersections and roadway segments. A TIS will be required for all development projected to generate 200 or more peak hour new vehicle trips.
    - Traffic Impact Zone III (TIZ-III): TIZ-III generally represents areas near or outside the City Limits but within the SOI as of December 31, 2012. Maintain a peak hour LOS standard of D or better for all intersections and roadway segments. A TIS will be required for all development projected to generate 100 or more peak hour new vehicle trips.
    - Traffic Impact Zone IV (TIZ-IV): TIZ-IV represents the southern employment areas within and planned by the City. Maintain a peak hour LOS standard of E or better for all intersections and roadway segments. A TIS will be required for all development projected to generate 200 or more peak hour new vehicle trips.

The Proposed Project site is located in TIZ-II. Local Proposed Project site is located in TIZ-II and TIZ-I. SR 180 represents the boundary between TIZ-I and TIZ-II, with TIZ-I being located south of SR 180. City staff has indicated that it is the City's practice to apply the more conservative of the TIZ criteria to intersections on the boundary. Therefore, intersections on Belmont Avenue will be considered within TIZ-II.

**Because the Proposed Project will generate a total of 20 new vehicle round-trips, it is below the 200 or more peak hour new vehicle round-trips threshold for a Traffic Impact Study. Therefore, under Fresno General Plan Implementing Policy M-2-1, a Traffic Impact Study is *not* required for the Proposed Project.**

#### City of Fresno Transportation Impact Fee Programs

In order to improve and maintain the desired level of service on the Fresno's streets and highways network, the City implements two major transportation impact fee programs. The two programs are: 1) the Traffic Signal Mitigation Impact (TSMI) Fee program, which is directed to the improvement of major street intersections, and 2) the Fresno Major Street Impact (FMSI) Fee program, which is directed to the improvement of major streets. These programs collect fees from new development that are used to fund improvement, construction, and expansion of City roadway infrastructure commensurate with growth and development of the City. The TSMI and FMSI fees are paid to the City prior to issuance of building permits for new development projects.

#### City of Fresno Traffic Signal Mitigation Impact (TSMI) Fee Program

The City of Fresno's Traffic Signal Mitigation Impact (TSMI) fees are charged to new development in the City, to mitigate traffic impacts through the funding of traffic signal improvements that serve new development. TSMI fees for new development are calculated through a fee per unit rate schedule based upon the type of project.

#### The City of Fresno Major Street Impact (FMSI) Fee Program

The City's FMSI Fee Program is made up of the New Growth Area Major Street Impact Fee and the Citywide Regional Street Impact Fee. The fees under these programs are calculated based on land use and net acreage of the property as determined by the City. As a basis for establishing the FMSI fees, the City staff developed the Major Street Capital Improvement Program and estimated the cost of the improvements necessary to implement the major street network identified in the Fresno General Plan and Master EIR and to meet the level of service and other policies of the Fresno General Plan. The Citywide Regional Street Impact Fee applies to all new developments and the New Growth Area Major Street Impact Fee is a condition on all new development projects in the New Growth Areas. The Proposed Project is not located in a New Growth Area, and therefore the New Growth Area Major Street Impact Fee is not applicable to the project.

#### Active Transportation Plan

On March 2, 2017, the City of Fresno adopted the Active Transportation Plan (ATP), which supersedes the 2010 City of Fresno Bicycle, Pedestrian and Trails Master Plan. The ATP is a comprehensive guide outlining the vision for active transportation in the City of Fresno, and is a roadmap for achieving that vision. The ATP envisions a complete, safe, and comfortable network of trails, sidewalks, and bikeways that serves all residents of Fresno. The recommended buildout network would add 165 miles of Class I Bike Paths, 703 miles of Class II Bike Lanes, 67 miles of Class III Bike Routes, 2 miles of Class IV Separated Bikeways, and 805 miles of sidewalks. Currently no bike paths exist within 0.33 miles of the Project site, according to Figure 32, Insert 4 of the ATP.

### **4.3.2 Existing Conditions**

#### **Current Routes**



Local delivery trailer traffic is currently split between Routes A and B. Route A traffic (**Figure 9**) is for delivery trailers that make more than one delivery trip per day, and the trailers are currently stored at the Staging lot on H Street at the south-west corner of H Street and Tuolumne Street. Route B traffic (**Figure 10**) is for delivery trailers that make one or fewer delivery round-trips per day, and the trailers are currently stored at the Project site at 450 E. Belmont Ave. Route B currently has 50 vehicle round-trips per day.

**Table 13 – Route A Mileage**

<b>Route Portion</b>	<b>Miles</b>
Freeway to Production	1.00
Production to Staging	1.22
Staging to Production	1.20
Production to Freeway	0.87
<b>Route A Total</b>	<b>4.29</b>

**Table 14 – Route B Mileage**

<b>Route Portion</b>	<b>Miles</b>
Freeway to Production	1.00
Production to Site	0.54
Site to Production	0.3
Production to Freeway	0.87
<b>Route B Total</b>	<b>2.71</b>

**Figure 9 – Route A**









### Current Site Entrance/Exit

The Proposed Project is bounded by E. Belmont Avenue to the north, N. Ferger Avenue to the west, N. Roosevelt Avenue to the east, and by two residential properties to the south. Delivery trailer traffic currently enters and exits the Project site from the east side on N. Roosevelt Avenue (**Figure 11**). The Project site currently has 50 delivery trailer vehicle round-trips per day.

**Figure 11 – Current Project Site Entrance/Exit**



### 4.3.3 Standards of Significance

According to Appendix G, Environmental Checklist, of the CEQA Guidelines, transportation impacts resulting from the implementation of the Proposed Project would be considered significant if the Project would:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit.

- b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways.
- c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- e) Result in inadequate emergency access.
- f) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks).

#### 4.3.4 Impact Discussion

##### Proposed Route

As discussed in Section 4.3.2 of this SEIR, delivery trucks currently travel on Route A and B (**Figure 9** and **Figure 10**). Route A is 4.2 miles long (**Table 13**) and Route B is 2.71 miles long (**Table 14**). Currently, 50 delivery truck round-trips per day travel on Route B. Under the Proposed Project, all delivery trucks traveling Route A will instead use Route B, and the current Staging site at H Street and Tuolumne Street will no longer be used by Producers Dairy. This will lead to an increase in local traffic to the Project Site at 450 E. Belmont Ave by 20 vehicle round-trips per day (**Table 15**). As Route B is 1.58 miles shorter than Route A, this will lead to a total reduction of vehicle miles traveled by 33% for trucks that would normally use Route A. This leads to an overall reduction in vehicle miles traveled.

**Table 15 – Project Site - Delivery Round-trips Per Day**

Status	Round-trips/Day
Current	50
Proposed Project	70

##### Proposed Site Entrance/Exit

Under the Proposed Project, the entrance to the Project site on N. Roosevelt Ave will be relocated approximately 25 feet to the north, and a new exit will be made on N. Ferger Ave (**Figure 4**). Delivery trailer traffic will enter on N. Roosevelt Ave, and exit on N. Ferger Ave. As previously stated, vehicle round-trips per day to the Project site will increase from 50 round-trips per day to 70 round-trips per day.

**Figure 12 – Proposed Project Site Entrance/Exit**



### Impact Discussion

- a. *Would the project “Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non - motorized travel and relevant components of the circulation system including, but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?”*

**a.1. Less than Significant with Project Mitigation.** The proposed traffic will result in indirect (delivery truck) and direct (construction) traffic.

#### Indirect Traffic and Circulation

As noted in **Table 14**, **Table 15**, **Figure 10**, and **Figure 12** above, indirect effects are reduced under the proposed traffic flow pattern. 1.58 miles of indirect effects are proposed to be reduced with the new traffic flow regime, resulting in a 33% percent reduction in traffic in the local area. As previously noted in Section 4.3.1, the Proposed Project is consistent with the Fresno General Plan. Because the Proposed Project will generate a total of 20 new vehicle round-trips, it is below the 200 or more peak hour new vehicle trips threshold for a Traffic Impact Study. Therefore, under Fresno General Plan Implementing Policy M-2-I, a Traffic Impact Study is not required for the Proposed Project.

**Pedestrian Traffic**

Per City traffic design, the closest crosswalk across E. Belmont Avenue is at the intersection of N. Palm Avenue and E. Belmont Avenue. Additionally, the Project site and the immediate surrounding residential neighborhood south of E. Belmont Avenue are not Priority Pedestrian Areas as shown in Figure 51, Inset 4 of the City of Fresno Active Transportation Plan.

**Direct - Construction Traffic and Circulation**

The Proposed Project would temporarily and intermittently increase construction traffic volumes on roadways used by demolition-related vehicles. To address potential temporary and intermittent adverse effects to transportation and traffic, the following mitigation measure would be adopted.

**Mitigation Measures:**

**Mitigation Measure TRA 1:**

The frequency of truck trips (loaded or empty) shall be no greater than (a) one every 10 minutes (six truck trips per hour) during the a.m. and p.m. peak commute hours, and (b) one every five minutes (12 truck trips per hour) during periods other than the a.m. and p.m. peak commute hours.

**Mitigation Measure TRA 2:**

The Contractor will restrict project-related vehicle traffic, within the construction area, to established roads, construction areas, and other designated areas.

**Mitigation Measure TRA 3:**

Observe a 5-mph speed limit for construction areas.

**Mitigation Measure TRA 4:**

All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.

Under these limitations, the projected level of indirect and direct traffic would have minimal effects on traffic flow in the local area, and would therefore result in a less than significant impact with project mitigation.

- b. *Would the project “Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?”*

**b.1. Less than Significant with Project Mitigation.** See 4.3.4.a.1 above for more details.

- c. *Would the project “Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?”*

**c.1. No Impact.** The Proposed Project will not result in a change in air traffic patterns, and would not including either an increase in traffic levels or a change in location that results in substantial safety risks.

- d. *Would the project “Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?”*

**d.1. Less than Significant.** The project does not propose to make changes to roadways that would create road hazards or alter design features developed to mitigate such hazards. The Proposed Project will be required to implement mitigation measures adopted as part of the Master EIR for the General Plan measures and entitlement conditions of approval will require adherence to City standards for roadway construction, including geometrics (lane curvature and turning radii), number and widths of travel and turn lanes, signalization and signage, bikeways, sidewalks, trails, and bus turnouts.

**e. *Would the project "Result in inadequate emergency access?"***

**e.1. Less than Significant.** Because the Proposed Project will be providing sufficient off-street parking for the Proposed Project, impacts would be less than significant. The project will not result in inadequate emergency access.

**f. *Would the project "Conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?"***

**f.1. Less than Significant.** The Proposed Project will increase only the truck parking spaces within the site and will not impact alternative transportation such as bicycle routes, or bus turnouts.

#### **4.3.5 Cumulative Traffic and Transportation Impacts**

The Initial Study found that the Proposed Project could not have cumulative traffic and transportation impacts that would be potentially significant. A reanalysis of traffic and transportation was required in this SEIR due to the relocation of the current Staging site from 1752 G Street to the southwest corner of H Street and Tuolumne Street. Because the Proposed Project will lead to an overall reduction in Vehicle Miles Traveled and because the increase of truck traffic at the project site will only be 20 additional round-trips per day, the Proposed Project would therefore **not** have a significant cumulative impact.

#### **4.3.6 Summary of Significant Impacts and Mitigation Measures**

As set forth in Section 4.3.4, Impact Discussion, the Proposed Project will have a Less than Significant Impact with Project Mitigation. The following three mitigation measures will ensure the Proposed Project will not have a significant impact on Transportation and Traffic.

##### **Mitigation Measure TRA 1:**

The frequency of truck trips (loaded or empty) shall be no greater than (a) one every 10 minutes (six truck trips per hour) during the a.m. and p.m. peak commute hours, and (b) one every five minutes (12 truck trips per hour) during periods other than the a.m. and p.m. peak commute hours.

##### **Mitigation Measure TRA 2:**

The Contractor will restrict project-related vehicle traffic, within the construction area, to established roads, construction areas, and other designated areas.

##### **Mitigation Measure TRA 3:**

Observe a 5-mph speed limit for construction areas



**Mitigation Measure TRA 4:**

All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.

## 5.0 Alternatives to the Proposed Project

### 5.1 Introduction

This section discusses alternatives to the Proposed Project. CEQA Guidelines Section 15126.6 requires that an EIR include the description and a comparative analysis of alternatives to a Proposed Project, including both a No Project Alternative and a reasonable range of alternatives that could feasibly attain the project's objectives and avoid or substantially lessen any of the significant effects of the project. CEQA Guidelines Section 15163(b) states that a Supplemental EIR "need contain only the information necessary to make the previous EIR adequate for the project as revised."

This section evaluates alternatives to these components and focuses on the topic areas for which the Initial Study prepared for the Proposed Project determined that the Proposed Project would have potentially significant impacts (see Appendix A). This analysis does not consider alternatives that would address significant impacts that were found in the Tower District FEIR because such alternatives were already evaluated in that FEIR.

The following subsections evaluates the following project alternatives:

**Table 16 – Project Objectives Summary for Each Alternative**

Objectives	Met by Alternative?					
	No Project Alternative	Preservation of North Building Alternative	On-Site Re-use (Façade) Alternative	North Building Relocation Alternative	North and South Building Preservation/ Rehabilitation Alternative	Proposed Project
Secure additional parking for Producers Dairy delivery trailers, which will necessitate demolition of the two existing buildings on the site.	No	No	No	Yes	No	Yes
Systematically remove the two existing buildings on site to expand delivery trailer parking on the Proposed Project site.	No	No	No	Yes	No	Yes

Objectives	Met by Alternative?					
	No Project Alternative	Preservation of North Building Alternative	On-Site Re-use (Façade) Alternative	North Building Relocation Alternative	North and South Building Preservation/ Rehabilitation Alternative	Proposed Project
Reuse, to extent feasible, the remaining portions of the buildings and architecturally incorporate the material into an aesthetically appealing wall along the subject property.	No	No	Yes	No	No	Yes
Reduce public safety hazards by eliminating the risk of fire, structural collapse, personal injury to trespassers, vandalism and crime, and by demolishing structurally unsound buildings that have been abandoned, deteriorated and damaged.	No	Yes	Yes	Yes	Yes	Yes
Foster economic development in the local area.	No	Yes	Yes	Yes	Yes	Yes

## 5.2 No Project Alternative

This alternative would not achieve the petitioner's goals for the site. The current project site represents an attractive nuisance and the demolished portions of the buildings which have been boarded up for 30 years are an eyesore to the community. If the current buildings were to remain unutilized, they would eventually be condemned. In addition, preservation of the site would require long-term maintenance, substantial financial investment for clean-up, and subsequent retrofitting of the buildings to bring the structures to current code standards for wind and seismic load resistance, thus imposing an undue burden on the project proponent.

Specific issues evaluated by a 3<sup>rd</sup> Party Registered Professional Engineer specializing in structural engineering are listed by building below (See Appendix A of the Initial Study):

**South Building:**

- Unreinforced Red Brick Walls
- Nominally reinforced CMU walls
- Straight board roof sheeting with water damage and rot
- Severe water damage to roof framing
- Significant impact damage to the west wall
- Step cracking in the east wall near the north corner
- Deteriorated ceiling sheeting at the east side of the building
- No wall ties from perimeter walls to the roof framing
- Roof joist embedded directly in the masonry wall
- No shear transfer from the roof" diaphragm" to the shear walls

**North Building:**

- A mixture of Unreinforced Red Brick walls, wood stud walls, and light gage metal stud walls apparently all working as shear walls
- Tall unreinforced red brick perimeter walls
- Steel moment frames resisting lateral forces in same principal direction as solid masonry walls
- Nominally reinforced CMU walls
- Lack of roof diaphragm continuity between successive building additions
- Offsets in wall lines with questionable means to distribute shear loads
- West wall above moment frame is a diagonally sheeted wood wall with a plater finish on the outside
- Straight wood board diaphragms exist in several areas of the building
- Seriously damaged roof sheeting was observed in several areas of the building
- There appears to be at least 3 major phases of construction. The nature of these separate phases seems to lack a coordination with the previous construction resulting in a lack in continuity and connection of the subsequent phases so as to provide a total building which will act as a whole during exposure to wind or seismic forces.
- The westerly most addition to the building has a significant vertical discontinuity in stiffness as the roof diaphragm forces move from a second story shear wall system to a steel moment from on the lower level

The estimated cost of this alternative exceeds the estimated cost of the Proposed Project, as demonstrated by an estimate for building preservation and reinforced by a Structural Engineering Evaluation included as Attachment A in the Initial Study. The estimate for retrofitting both buildings for preservation amounts to \$1,875,000 while the estimated cost for demolition of both buildings amounts to \$375,000.

The difference between the estimated costs of preserving the buildings and demolishing the buildings is \$1,500,000, which equates to an estimated cost increase of 400%. The differential estimated costs of preserving the buildings as compared to the estimated cost of the Proposed Project are so great that a reasonably prudent person would not proceed with the project. Therefore, the magnitude of the difference demonstrates that this alternative is economically infeasible. Additionally, the No-Project Alternative would require the relocation of the Proposed Project to a new location, which cause additional estimated costs through the purchase of new land, and permitting the alternative location. This new location would likely be further from the current Producers Dairy Operations Facility at 144 E. Belmont

Avenue, thereby causing potential additional impacts to Transportation/Traffic, Air Quality, Greenhouse Gas, Biological, Cultural Resources, Hydrology and Water Quality, Population and Housing, and Noise. Therefore, the No-Project Alternative would neither be an economically feasible nor an environmentally preferred alternative.

### **5.3 Preservation of the North Building Alternative**

Preservation of the North Building Alternative is discussed in the Tower District FEIR; however, this alternative would not achieve the petitioner's goals for the site because it would secure only 61% of the delivery trailer parking needed by the petitioner. In addition, preservation of the North Building would require long-term maintenance, substantial financial investment for clean-up, and subsequent retrofitting of the building to bring the structure to current code standards for wind and seismic load resistance. The estimated cost of this alternative exceeds the estimated cost of the Proposed Project, as demonstrated by an estimate for building preservation and reinforced by a Structural Engineering Evaluation included as an attachment to this document. Specific issues evaluated by a 3<sup>rd</sup> Party Registered Professional Engineer specializing in structural engineering are listed by building below (See Appendix A of the Initial Study):

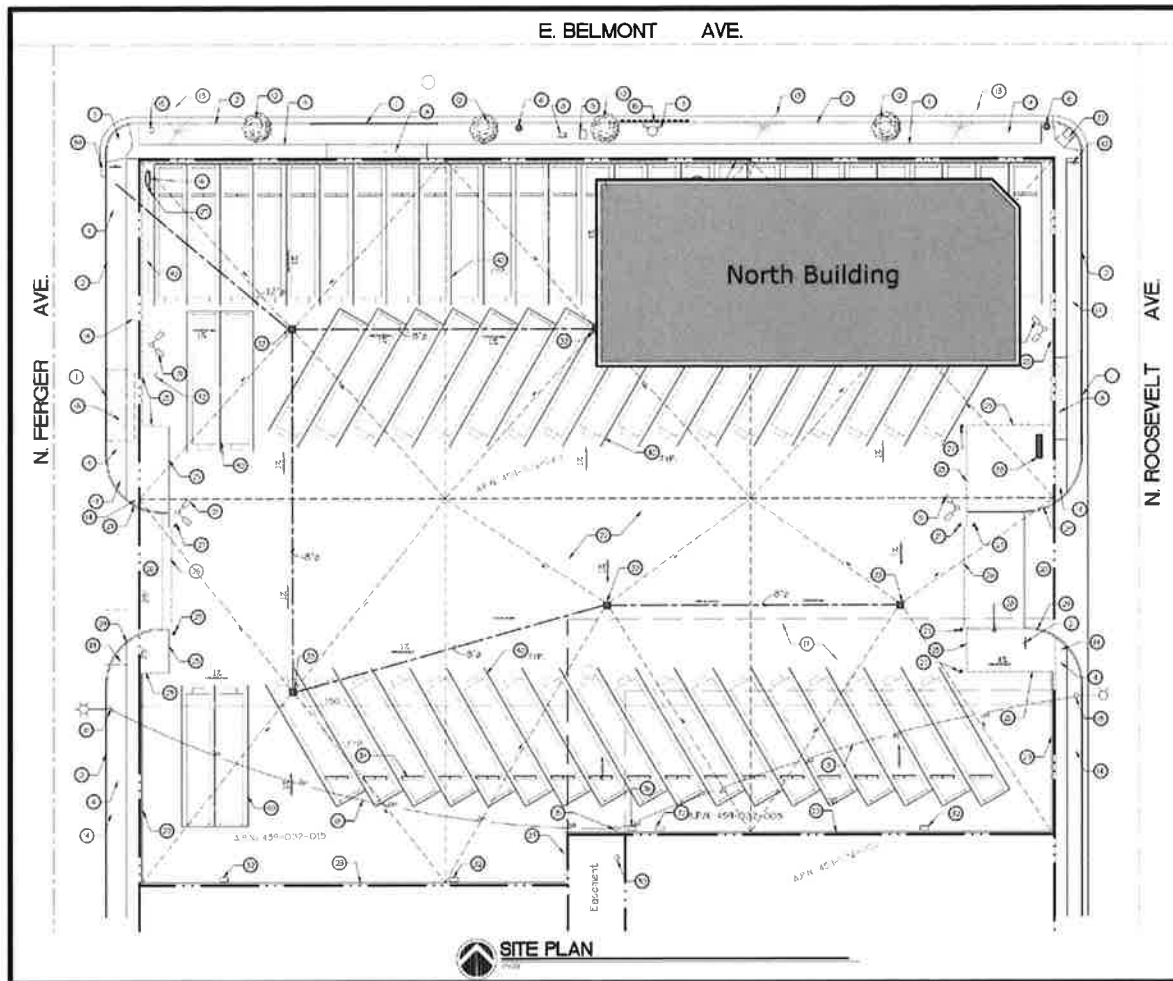
#### **North Building:**

- A mixture of Unreinforced Red Brick walls, wood stud walls, and light gage metal stud walls apparently all working as shear walls
- Tall unreinforced red brick perimeter walls
- Steel moment frames resisting lateral forces in same principal direction as solid masonry walls
- Nominally reinforced CMU walls
- Lack of roof diaphragm continuity between successive building additions
- Offsets in wall lines with questionable means to distribute shear loads
- West wall above moment frame is a diagonally sheeted wood wall with a plater finish on the outside
- Straight wood board diaphragms exist in several areas of the building
- Seriously damaged roof sheeting was observed in several areas of the building
- There appears to be at least 3 major phases of construction. The nature of these separate phases seems to lack a coordination with the previous construction resulting in a lack in continuity and connection of the subsequent phases so as to provide a total building which will act as a whole during exposure to wind or seismic forces
- The westerly most addition to the building has a significant vertical discontinuity in stiffness as the roof diaphragm forces move from a second story shear wall system to a steel moment frame on the lower level

The estimate for retrofitting the North Building for preservation amounts to \$1,387,500, while the estimated cost for demolishing the North Building amounts to \$277,500.

The difference between the estimated costs of preserving the North Building and demolishing the building is \$1,110,000, which equates to an estimated cost increase of 400%. The differential estimated costs of preserving the building as compared to the estimated cost of the Proposed Project places an undue burden on the project proponent. The magnitude of the difference demonstrates that this alternative is economically infeasible. As seen in **Figure 13**, this alternative would result in the loss of 26 of the 67 proposed delivery trailer parking spaces, which equates to a loss of 39% of the proposed parking. The reduction in parking spaces would not achieve the petitioner's goals for the site.

**Figure 13 – Preservation of North Building**



**5.4 On-Site Re-Use (Façade) Alternative**

Under the On-Site Re-use Alternative, activities called out in the Project Description would remain the same with the exception of activities related to the façade of the large building. In this alternative, the North and South Building wall façades would be brought up to code, shored and a parking lot would be constructed in the remaining open areas.

The estimate for demolishing both buildings, and structurally retrofitting the façades amounts to \$487,500, while the estimated cost for demolishing both buildings amounts to \$375,000. The difference between the estimated costs of preserving the façades and demolishing the building is \$112,500, which equates to an estimated cost increase of 30%.

The differential estimated costs of retrofitting the façades as compared to the estimated cost of the Proposed Project places an undue burden on the project proponent. These costs are demonstrated by an

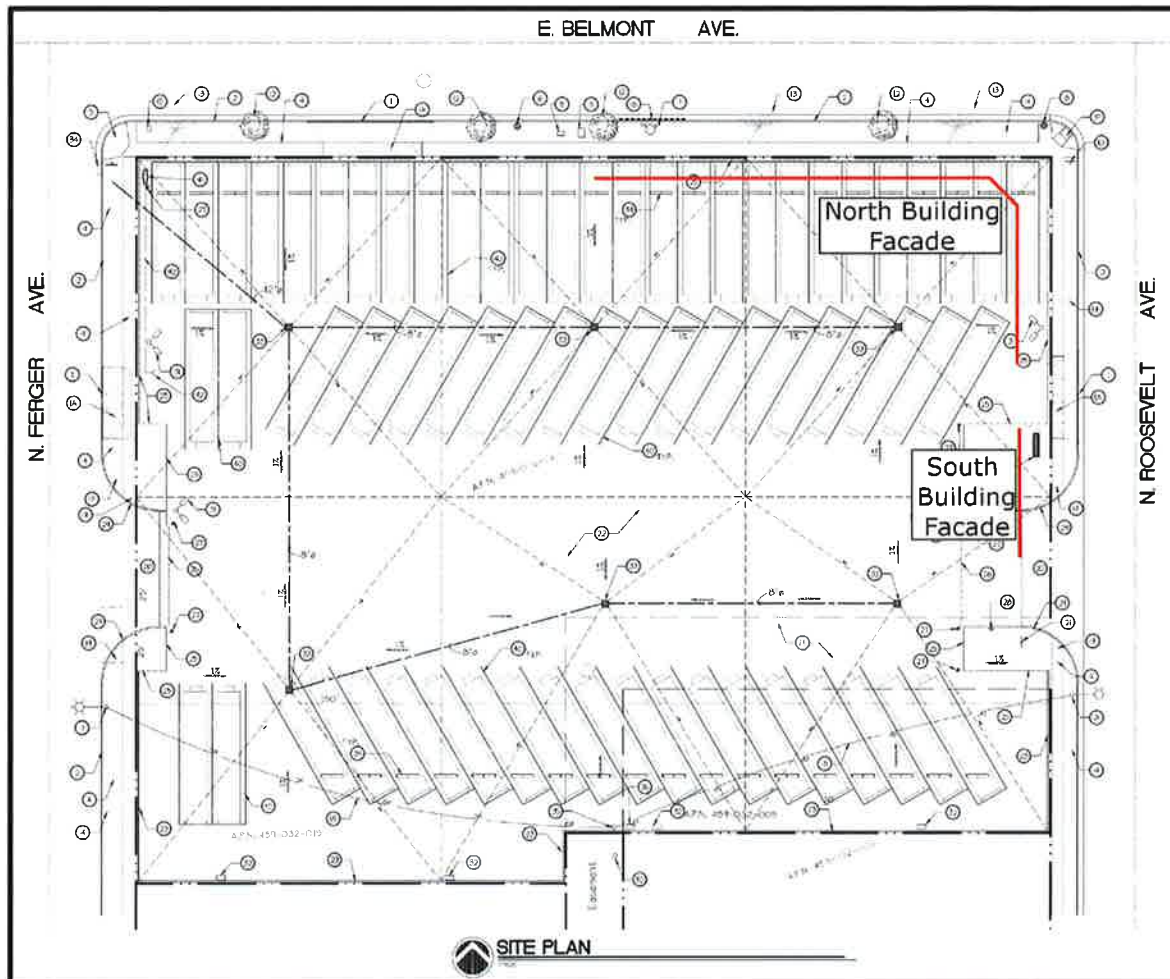
estimate for building preservation by a professional architecture firm (Appendix C) and reinforced by a Structural Engineering Evaluation (Appendix A of the Initial Study). Specific issues evaluated by a 3<sup>rd</sup> Party Registered Professional Engineer specializing in structural engineering are listed by building below (See Appendix A of the Initial Study):

- A mixture of Unreinforced Red Brick walls, wood stud walls, and light gage metal stud walls apparently all working as shear walls
- Tall unreinforced red brick perimeter walls
- Steel moment frames resisting lateral forces in same principal direction as solid masonry walls

Additionally, the use of a façade is not a viable option due to the increased risk to a safe working environment. The façades would not be structurally sound without major retrofitting and structures to maintain the wall in position.

As seen in **Figure 14**, retaining the North and South Building façades would also result in the direct loss of 14 of the 67 proposed delivery trailer parking spaces – a direct loss of 26% of the proposed parking. Retaining the south building façade would also block half of the entrance driveway on N. Roosevelt Ave. Moving the entrance driveway further south to accommodate would also impact and reduce parking along the southern-most row of proposed delivery trailer parking. This 26% loss of proposed parking would not meet the project proponent objectives, and would require the relocation of at least 26% of the delivery trailer parking to a new location, which would cause additional estimated costs through the purchase of new land, and permitting the alternative location. This new location would likely be further from the current Producers Dairy Operations Facility at 144 E. Belmont Avenue, thereby causing potential impacts to Transportation/Traffic, Air Quality, and Greenhouse Gas. Biological, Cultural Resources, Hydrology and Water Quality, Population and Noise impact would also have to be evaluated again for a new site, adding to the additional costs. Preserving the façade would neither be environmentally preferred nor economically feasible alternative.

**Figure 14 – Façade Alternative**



### **5.5 North Building Relocation Alternative**

Under the North Building Relocation Alternative, activities called out in the Project Description would remain the same with the exception of activities related to demolition. Plans for demolition of the southern building would be the same as described in the project description. However, the north building would be relocated off-site by a professional building moving company to a yet-to-be determined location. For estimate purposes, it was assumed that a new site for the north building could be found within one mile of the project site.

The estimate for simply relocating the North Building to a new site within one mile of the Proposed Project amounts to \$2,000,000. The estimated cost for demolishing the North Building is \$277,500. These estimates do not take into account any additional funds that may be required to secure a new site for the North Building and to retrofit it and bring it up to code.



The difference between the estimated costs of relocating the North Building and demolishing it is \$1,722,500, which equates to an estimated cost increase of 620%. The differential estimated costs of moving the North building as compared to the estimated cost of the Proposed Project are so great that a reasonably prudent person would not proceed with the project. Therefore, the magnitude of the difference demonstrates that this alternative is economically infeasible.

This estimated cost for this alternative greatly exceeds the estimated cost of demolition, as demonstrated in an estimate for building relocation by a professional building moving company included as an attachment to this document (Appendix D). In addition, preservation of the north building at the new site would require long-term maintenance, substantial financial investment for clean-up, and subsequent retrofitting of the building to bring it up to current code standards for wind and seismic load resistance. Also, a suitable relocation site would need to be found to relocate the north building, and funding would need to be secured for the retrofitting and upkeep of the building on the new site.

### **5.6 North and South Building Preservation/Rehabilitation**

Preservation of the North Building is discussed in the Tower District FEIR. Additionally, preservation of the South Building's façade is discussed in the Tower District FEIR. Preservation and rehabilitation of both buildings is herein analyzed as a project alternative based upon public comments.

This project alternative would not achieve the petitioner's goals for the site because it would secure only 61% of the delivery trailer parking needed by the petitioner. In addition, preservation of both buildings would require long-term maintenance, substantial financial investment for clean-up, and subsequent retrofitting of the building to bring the structure to current code standards for wind and seismic load resistance. The estimated cost of this alternative exceeds the estimated cost of the Proposed Project, as demonstrated by an estimate for building preservation and reinforced by a Structural Engineering Evaluation included as an attachment to this document. Specific issues evaluated by a 3rd Party Registered Professional Engineer specializing in structural engineering are listed by building below (See Appendix A of the Initial Study):

#### ***South Building:***

- Unreinforced Red Brick Walls
- Nominally reinforced CMU walls
- Straight board roof sheeting with water damage and rot
- Severe water damage to roof framing
- Significant impact damage to the west wall
- Step cracking in the east wall near the north corner
- Deteriorated ceiling sheeting at the east side of the building
- No wall ties from perimeter walls to the roof framing
- Roof joist embedded directly in the masonry wall
- No shear transfer from the roof" diaphragm" to the shear walls

#### ***North Building:***

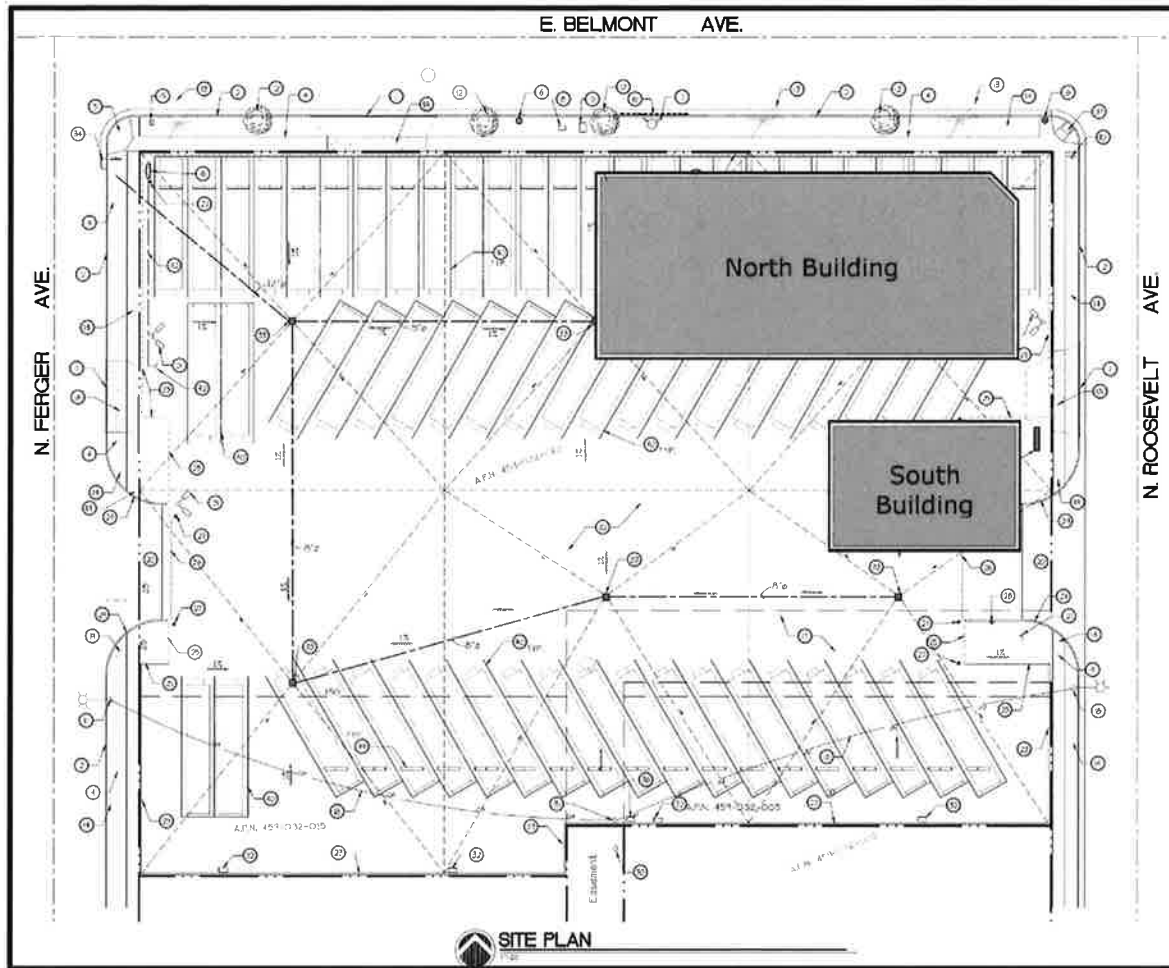
- A mixture of Unreinforced Red Brick walls, wood stud walls, and light gage metal stud walls apparently all working as shear walls
- Tall unreinforced red brick perimeter walls
- Steel moment frames resisting lateral forces in same principal direction as solid masonry walls
- Nominally reinforced CMU walls

- Lack of roof diaphragm continuity between successive building additions
- Offsets in wall lines with questionable means to distribute shear loads
- West wall above moment frame is a diagonally sheeted wood wall with a plater finish on the outside
- Straight wood board diaphragms exist in several areas of the building
- Seriously damaged roof sheeting was observed in several areas of the building
- There appears to be at least 3 major phases of construction. The nature of these separate phases seems to lack a coordination with the previous construction resulting in a lack in continuity and connection of the subsequent phases so as to provide a total building which will act as a whole during exposure to wind or seismic forces.
- The westerly most addition to the building has a significant vertical discontinuity in stiffness as the roof diaphragm forces move from a second story shear wall system to a steel moment frame on the lower level

The estimate to retrofit both buildings for preservation amounts to \$1,875,500, while the estimated cost for demolishing the both buildings amounts to \$375,500.

The difference between the estimated costs of preserving both buildings and demolishing both buildings is \$2,250,000, which equates to an estimated cost increase of 600%. The differential estimated costs of preserving the building as compared to the estimated cost of the Proposed Project places an undue burden on the project proponent. The magnitude of the difference demonstrates that this alternative is economically infeasible. This alternative would result in the loss of 27 of the 67 proposed delivery trailer parking spaces, which equates to a loss of 39% of the proposed parking. It would also block half of the proposed N. Roosevelt Ave entrance. Moving the entrance driveway further south to accommodate would also impact and reduce parking along the southern-most row of proposed delivery trailer parking. The reduction in parking spaces would not achieve the petitioner's goals for the site.

**Figure 15 – North and South Building Preservation Alternative**



### **5.7 Proposed Project**

The Proposed Project would meet the goals of the petitioner for the site and is the most feasible alternative.

### **5.8 Environmentally Superior Alternative**

In addition to the discussion and comparison of impacts of the Proposed Project and the four project alternatives, Section 15126.6 of the State CEQA Guidelines requires that an “environmentally superior” alternative be selected and the reasons for such a selection be disclosed. In general, the environmentally superior alternative is the alternative that would be expected to generate the least amount of significant impacts. Identification of the environmentally superior alternative is an informational procedure and the alternative selected may not be the alternative that best meets Project objectives. The No Project Alternative analyzed in Section 5.2 would have the fewest environmental impacts as compared to the

other alternatives, and would therefore be considered the environmentally superior alternative. However, in accordance with State CEQA Guidelines Section 15126.6(e)(2), if the Environmentally Superior Alternative is the “No Project” alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. In this case, the North Building Relocation Alternative would be considered the environmentally superior alternative.

## **6.0 CEQA Mandated Sections**

This section provides an overview of the impacts of the Proposed Project based on the analysis presented in Sections 4 and 5 of this Revised Draft SEIR.

### **6.1 Impacts Found Not to be Significant**

An Initial Study was prepared for the Proposed Project and is circulated with this SEIR. The Initial Study evaluated the Proposed Project against all CEQA thresholds of significance and determined that no significant impacts would occur for the following resource categories and that no new analysis is required in this SEIR:

- Aesthetics
- Air Quality
- Biological Resources
- Greenhouse Gases
- Geology and Soils
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Utilities and Services Systems

### **6.2 Significant and Unavoidable Impacts**

CEQA Guidelines Section 15126.2(b) requires that an EIR describe any significant impacts that cannot be avoided, including those which can be mitigated but not reduced to a level of insignificance. The Proposed Project would result in the demolition of two historically significant buildings, a significant impact. Implementation of Mitigation Measures CUL 1 through CUL 5 would not reduce this impact to a less-than-significant level and therefore, this impact would remain significant and unavoidable. In addition, the project's contribution to cumulative impacts on significant historic resources would be considerable and would remain a significant cumulative and unavoidable impact of the Proposed Project. More information on these impacts is found in Section 4 of this Revised Draft SEIR.

### **6.3 Significant Irreversible Changes Due to the Proposed Project**

Because this is a SEIR, this section focuses on the components of the Proposed Project that have the potential to generate impacts that were not evaluated in the Tower District FEIR. These components include:

- Proposed extended trailer parking.
- Demolition of the north building

- Demolition of the south building façade. The Tower District FEIR originally evaluated demolishing the south building except for the south building façade.
- Proposed decorative sound wall.
- Commemorative monument with a plaque.

### **6.3.1 Changes in Land Use that Commit Future Generations**

The Proposed Project involves the extension of a currently used site that currently contains paved surfaces and various structures as described in Section 6.10, Land Use and Planning, of the Initial Study. The Proposed Project would redevelop the site by increasing the amount of delivery trailer units parked on the project site from the current maximum of 30 trailers to a new maximum of 67 trailers. In addition, there will be a decorative sound wall and a commemorative monument on site. Because the Proposed Project site is already developed, and is located along Belmont Avenue with other commercial buildings and an existing neighborhood south of the site, the Proposed Project will not make any changes in land use that commit future generations.

### **6.3.2 Irreversible Damage from Environmental Accidents**

CEQA Guidelines Section 15126.2(c) requires that an EIR identify significant irreversible environmental changes that would result from implementation of the Proposed Project. Such changes include uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Also, irreversible damage can result from environmental accidents associated with the project.

Demolition and construction activities associated with development of the Proposed Project would involve some risk for environmental accidents. Also, the demolition of the buildings would result in the short-term use of nonrenewable resources such as gasoline and oil for the operation of the demolition equipment. During this process, these activities would follow the appropriate State and County guidelines. However, this would be short-term in nature.

No irreversible damage resulting in environmental accidents would be expected from such demolition activities.

### **6.4 Growth Inducement**

CEQA Guidelines Section 15126.2(d) requires that an EIR discuss the ways in which the Proposed Project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.

The project will not be growth inducing, since no new infrastructure, such as roads, utilities, or housing would be extended to any contiguous areas. There is minor new construction proposed for the site, but the project would not result in employment growth.

## **7.0 Organizations and Persons Consulted**

### **7.1 City of Fresno (Lead Agency)**

Mike Sanchez, Assistant Director - Development and Resources Management Department

### **7.2 Other Agencies and Organizations**

#### **7.2.1 Other Public Agencies**

Native American Heritage Commission  
Gayle Totton, Associate Governmental Program Analyst  
1550 Harbor Blvd, Suite 100  
West Sacramento, CA 95691

Russell Walls, Senior Engineer  
California Regional Water Quality Control Board  
Central Valley Region  
1685 E Street

City of Clovis  
Planning Division  
1033 5<sup>th</sup> St  
Clovis, CA 93612

San Benito County  
San Benito County Planning & Building Department  
2301 Technology Parkway  
Hollister, CA 95023

Monterrey County  
Planning Services  
168 W. Alisal St  
Salinas, CA 93901

Kings County  
Community Development Agency  
1400 W. Lacey Blvd, Bldg. #6  
Hanford, CA 93230

Tulare County  
Planning and Development  
5961 S. Mooney Blvd  
Visalia, CA 93277

Inyo County  
P.O. Drawer L  
168 N. Edwards Street  
Independence, CA 93526

Mono County  
Planning Department  
P.O. Box 347 Old Mammoth Road, Ste P  
Mammoth Lakes, CA 93546

Madera County  
Planning Department  
200 W. 4<sup>th</sup> St, Suite 3100  
Madera, CA 93637

Merced County  
Planning & Community Development Department  
2222 M St  
Merced, CA 95340

Michael Navarro  
Senior Transportation Planner  
California Department of Transportation – District 6  
1352 W. Olive Avenue  
Fresno, CA 93728

Lucinda Woodward  
Office of Historic Preservation  
1725 23<sup>rd</sup> Street, Suite 100  
Sacramento, CA 95816

### **7.2.2 Native American Tribes Consulted with Under AB 52**

Per California AB 52 requirements, requests for consultation were sent to the following Native American Tribes:

Lorrie Planas  
Choinumni Tribe  
2736 Palo Alto  
Clovis, CA 93611

Elizabeth D. Kipp  
Big Sandy Rancheria of Mono Indians  
P.O Box 337  
Auberry, CA 93602

Carol Bill, Chairperson  
Cold Springs Rancheria of Mono Indians  
P.O Box 209  
Tollhouse, CA 93667



Keith Turner  
Dumna/Wo-Wah Tribal Government-Dumna/Foothill Yokuts, Mono  
P.O Box 306  
Auberry, CA 93602

Robert Ledger, Chairman  
Dumna/Wo-Wah Tribal Government-Dumna/Foothill Yokuts, Mono  
2216 East Hammond St.  
Fresno, CA 93703

Florence Dick, Tribal Secretary  
Dunlap Band of Mono Indians  
P.O Box 44  
Dunlap, CA 93624

Ron Goode  
North Fork Mono Tribe  
13396 Tollhouse Road  
Clovis, CA 93619

Rueben Barrios Sr.  
Santa Rosa Rancheria-Tachi Yokut Tribe  
P.O Box 8  
Lemoore, CA 93245

Bob Pennell  
Table Mountain Rancheria-Yokuts  
P.O Box 410  
Friant, CA 93626-0410

Angie Osborne  
Traditional Choinumni Tribe  
4321 South Golden State Blvd.  
Fresno, CA 93725

Kenneth Woodrow, Tribal Chair  
Wuksachi Indian Tribe  
1179 Rock Haven Ct.  
Salinas, CA 93906

Lawrence Bill, Interim Chair  
Sierra Nevada Native American Coalition  
34329 Shaver Springs Road  
Auberry, CA 93602

Kitanemuk & Yowlumne Tejon Indians  
Delia Dominguez, Chairperson  
115 Radio Street

Bakersfield, CA 93305

North Valley Yokuts Tribe  
Katherine Erolinda Perez, Chairperson  
P.O. Box 717  
Linden, CA 95236

Southern Sierra Miwuk Nation  
Louis Martin, Chairperson  
P.O. Box 186  
Lemoore, CA 93245

Tule River Indian Tribe  
Neil Peyton, Chairperson  
P.O. Box 589  
Friant, CA 93258

### **7.2.3 Engineering Companies**

Brooks Ransom Associates  
7415 N Palm Ave # 100, Fresno, CA 93711  
Rick Ransom, CEO  
559.449.8444

Yamabe + Horn Engineering, Inc.  
2985 N Burl Ave #101, Fresno, CA 93727  
559.244.3123

J2 Engineering Inc.  
5234 E Pine Ave, Fresno, CA 93727  
559.251.5600

Pauli Engineering, Inc.  
2501 W Shaw Ave #121, Fresno, CA 93711  
559.237.4408

Kleinfelder  
5125 N Gates Ave #102, Fresno CA 93722  
559.486.0750

Mark Chin, Structural Engineer  
4045 N. Fresno Street  
Fresno, California 93726

Associated Design and Engineering  
Mike Jundt, Principal  
351 N. Cromwell Ave, Ste 108  
Fresno, California 93711

559.431.2389

Cornerstone Structural Engineering Group  
Todd Goolkasian, CEO  
986 W. Alluvial Ave Fresno, California 93711  
559.320.3200

Precision Civil Engineering  
Ed Dunkel, Owner  
1234 O St  
Fresno, California 93721  
559.449.4500

#### **7.2.4 Building Relocation Companies**

Wolfe House Movers, LLC.  
M. Charlie Hart  
10 Birch Lane  
Bernville, PA 19506  
610.488.1020

#### **7.3 Report Preparers and Qualifications**

##### **SEIR Consultant**



**Soar Environmental Consulting**  
1401 Fulton Street, Suite 918  
Fresno, CA 93721  
Phone: 559.547.8884

Michael Murphy, CEO  
Patrick Sauls, Project Manager  
Evan Studley, Senior Environmental Consultant  
Consuelo Sauls, Archaeologist  
James Brooks, Business & Feasibility Analyst

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- California Historical Building Code. Sections 18950-18961 of Division 13. *Part 2.7 of Health and Safety Code*. 2016. Print.
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- City of Fresno. 2014b. *Draft Master Environmental Impact Report*. Fresno, CA. August 24, 2014.
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# **Appendix A: Producers Dairy Cheese Plant Project Initial Study**

# **Appendix B: September 20th, 2016 Community Outreach Minutes**

## **Appendix C: Memorandum for Record – Engineering Contacts**



# **Appendix D: Memorandum for Record – Building Relocation Estimate**

# **Appendix E: December 19th, 2016 SEIR Scoping Meeting Minutes**

## **Appendix F: 1991 Tower District FEIR Excerpt**

## **Appendix G: Acoustic Study**

## **Appendix H: AB 52 Consultation**

## **Appendix I: Additional Air Quality Data**

## **Appendix J: Response to Draft SEIR Comments**

## **Appendix K: Revisions to Draft SEIR**



## Appendix L

### Changes to the Final SEIR

On November 10<sup>th</sup>, 2017, the City of Fresno determined that a Rezone Application for the Project site (located at 450 East Belmont Avenue) to amend Conditions of Zoning and an amendment of the Statement of Covenants (Appendix E of the Initial Study) were required for the Project. As such, the City is processing Rezone Application No. R-17-021 to change the Project site zoning from Light Industrial (conditions of zoning) to Light Industrial (conditions of zoning) with amendments to the conditions.

Rezone Application No. R-17-021 proposes to amend the following Statement of Covenants and Conditions of Zoning for the Project site (Appendix E of the Initial Study):

- A. *The project shall retain the existing building at the southwest corner of East Belmont and North Roosevelt Avenues as depicted on attached Exhibit "L-1".*
- B. *Retention and renovation of the facade of the existing building immediately south of the building at the southwest corner, as shown on Exhibit "L-1", as is physically possible and economically practical. If the facade fails, due to structural distress, it should be rebuilt to resemble the existing historical structure as closely as possible using the remnant bricks from the fallen facade. All precautions in concert with common practices standard to the industry shall be taken to save the facade intact. However, no implicit guarantee can be given that the facade will not fail during the demolition and renovation process.*
- C. *The new construction in the infill areas on the east - side of the property shall be compatible with the existing structure as shown on Exhibit "L-2".*
- D. *The new construction contemplated immediately west of the facade described above shall be no higher than the height of the facade for a minimum of twenty feet west of the facade.*
- E. *The new building to be constructed immediately west of the 30' existing building at the northwest corner of the site as shown on Exhibit "L-1" shall be of a height equal to or slightly greater than the westerly portion of said building, but in no case higher than forty feet and shall be compatible with the existing structure to the east as shown on Exhibit "L-2".*
- F. *The owner shall provide and maintain street trees in tree wells in the sidewalk on the west side of the property south to the entry driveway. These trees and major trees planted along the remainder of the west and south sides of the property shall be a species that attain a minimum height of thirty feet (30'0") at maturity.*
- G. *The future high density frozen storage building proposed for phase three shall be set back a minimum of fifty feet (50'-0") east of Ferger Avenue to the height of: sixty feet (60'-0"), or sixty-six feet with a minor deviation as provided by the Fresno Municipal Code.*
- H. *All noise producing equipment on the building shall meet the standards of the City of Fresno. Truck noise shall not exceed the level of forty-five decibels (45db) inside adjacent residences between the hours of 10:00 p.m. and 6:00 a.m. If noise levels exceed that criteria, mediation measures shall be imposed by the City of Fresno which could include restrictions on hours of operation.*
- I. *All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.*

These nine Statement of Covenants and Zoning Restrictions were previously analyzed in Section 6.10 of the Initial Study. These Statement of Covenants are also the same as the nine original mitigation measures for the Project site in the Tower District FEIR (Appendix F). The original mitigation measures were updated in Section 1.7 of the Revised Draft SEIR. Three of the original mitigation measures were kept and incorporated into the new Project mitigation measures. Therefore, in order to maintain consistency between the Conditions of Zoning, Statement of Covenants, and the new mitigation measures, the following changes shall be made to the Conditions of Zoning and Statement of Covenants affecting Land Development:

1. Statement of Covenants A and B shall be removed as they do not fit the current Project description as stated in Section 3.0 of the Revised Draft SEIR.
2. Statement of Covenants C, D, E, and G shall be removed as they only apply to new building construction, which is not proposed under the current Project.
3. Statement of Covenants F, H, and I shall be retained.

Statement of Covenants F corresponds with Project Mitigation Measure (MM) LUP 1. Statement of Covenants H corresponds with Project MM NOI 4. Statement of Covenants I corresponds with MM TRA 4.

## Errata

The following are revisions to the Revised Draft SEIR for the Producers Dairy Cheese Plant Project. The revisions are minor modifications and clarifications to the document, and do not change the significance of the impact determinations made within the Revised Draft SEIR. The revisions below are listed by page number as found in the Revised Draft SEIR. All additions to the text are underlined (underlined) and all deletions from the text are stricken (~~stricken~~).

### Section 1.1.1 – SEIR Format – Pages 2-3.

- **Appendices:** The appendices for this document contain the following supporting documents:
  - Appendix A:** Producers Dairy Cheese Plant Project Initial Study
  - Appendix B:** Community Outreach/Scoping Meeting Minutes
  - Appendix C:** Memorandum for Record – Engineering Contacts
  - Appendix D:** Memorandum for Record – Building Relocation Estimate
  - Appendix E:** December 19<sup>th</sup>, 2016 SEIR Scoping Meeting Minutes
  - Appendix F:** 1991 Tower District FEIR Excerpt
  - Appendix G:** Acoustic Study
  - Appendix H:** AB 52 Consultation
  - Appendix I:** Additional Air Quality Data
  - Appendix J:** Response to Draft SEIR Comments
  - Appendix K:** Revisions to Draft SEIR
  - Appendix L:** Changes to the Final SEIR

### Section 3.1 – Project Summary – Page 23

The purpose of the Project is to expand delivery trailer parking on the Project site. As outlined in Development Permit No. D-16-088, Producers proposes to remove two boarded-up buildings at 450 E.

Belmont Avenue site. Producers proposes to build a commemorative monument onsite reusing brick from the existing buildings. Producers also proposes to replace the existing Concrete Masonry Unit (CMU) wall and chain link fence situated on the north half of the parcel facing E. Belmont Avenue businesses on the North, Northeast, and Northwest portion of the parcel with a decorative iron security fence supported by brick pilasters of appropriate spacing. Producers will incorporate bricks from the existing buildings into the pilasters if reusable brick is still available after construction of the commemorative monument. Additionally, Producers proposes to construct a 12-foot-high Concrete Masonry Unit sound wall situated on the south side of the parcel facing residential properties on the South, Southeast, and Southwest portion of the parcel. The sound wall assists in mitigating noise to the surrounding area. Variance Application No V-17-001 has been filed with the City of Fresno. Accommodating these delivery trailers at 450 E. Belmont Avenue is consistent with the property's existing use. The project will result in an additional 20 vehicle round-trips per day (from 50 round-trips per day to 70 round-trips per day). The proposed hours of operations will be 24 hours a day, though a majority of vehicle trips will occur between 7:00 am to 10:00 pm.

The current Producers delivery trailers located at the southwest corner of Tuolumne Street and H Street in Fresno need to be moved to the new location at 450 E. Belmont Ave. The new location is more economically viable, will allow for a shorter driving distance, and coincides with Producers' long-range development plan. Additionally, the two boarded-up buildings are currently a nuisance and continue to be a potential safety hazard.

Project construction will commence with the controlled demolition of the existing buildings, removal of their foundations, and removal of the existing perimeter fence and wall. The second stage will be construction a 12-foot-high sound wall and security fence surrounding the parcel as well as paving the property, installing new utility poles, paving new sidewalks, and new gates. Statement of Covenants Affecting Land Development and Conditions of Zoning will be amended in Rezone Application No. R-17-021.

### **Section 3.4.1 – Discretionary and Ministerial Actions – Page 33**

Discretionary approvals and permits are required by the City of Fresno for implementation of the Proposed Project. The project application would require the following discretionary approvals and actions, including:

- **Development Permit Review (formerly Site Plan Review):** Applicant is now seeking a new or amended development permit review to evaluate the Project site and overall building modifications. The Development Permit number is D-16-088.
- **Variance Application:** Applicant has filed a variance application with the City of Fresno. The Variance Application number is V-17-001.
- **Rezone Application:** The City of Fresno is processing Rezone Application No. R-17-021 to change the Project site zoning from Light Industrial (conditions of zoning) to Light Industrial (conditions of zoning) with amendments to the conditions.