

EXHIBIT M

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, CERTIFYING SUPPLEMENT TO AN ENVIRONMENTAL IMPACT REPORT SCH No. 2017031030 AS RELATED TO THE PROPOSED PRODUCERS DAIRY CHEESE PLANT PROJECT, ADOPTING FINDINGS OF FACT AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(a) AND CEQA GUIDELINES, SECTION 15091, APPROVING A MITIGATION MONITORING PROGRAM AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081.6 AND CEQA GUIDELINES SECTION 15097, AND ADOPTING THE STATEMENT OF OVERRIDING CONSIDERATIONS AS REQUIRED BY PUBLIC RESOURCES CODE SECTION 21081(B) AND CEQA GUIDELINES SECTION 15093, AS RELATED TO THE PROPOSED PRODUCERS DAIRY CHEESE PLANT PROJECT

WHEREAS, in 2016 the applicant, Producers Dairy, filed with the City of Fresno applications for Development Permit Application No. D-16-088 and Variance Application No. V-17-001 (Project) relating to the redevelopment of 450 E. Belmont Avenue, superficially Assessor Parcel Numbers 459-032-23, 459-032-15, and 459-032-05 (Subject Property); and,

WHEREAS, in 2017 the applicant, Producers Dairy, filed with the City of Fresno Rezone Application No. R-17-021 relating to the Subject Property; and,

WHEREAS, the redevelopment of the Subject Property would consist of the expanding delivery trailer parking on the Subject Property through removing two boarded-up buildings, building a commemorative monument onsite reusing brick from the existing buildings, replacing the existing Concrete Masonry Unit (CMU) wall and chain link fence situated on the north half of the Subject Property facing E. Belmont

1 of 16

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:

MCD

Resolution No.

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, constructing a 12-foot-high CMU sound wall situated on the south side of the parcel facing residential properties on the South, Southeast, and Southwest portion of the parcel; and,

WHEREAS, upon submittal of the entitlement application related to the Project, an Initial Study was performed by Soar Environmental Consulting, Inc. (Consultant) under the direction of the City of Fresno (City), as Lead Agency, which identified potentially significant environmental impacts resulting from the Project and concluded that a Supplement to the Tower District Specific Plan Final Environmental Impact Report (SEIR) needed to be prepared for the Project pursuant to the provisions of CEQA; and,

WHEREAS, on September 20, 2016, the City conducted a community outreach meeting on the Project, pursuant to CEQA Guidelines Section 15082(c) and Public Resources Code Section 21080.4, during which it received comments from various members of the public regarding the scope of the proposed SEIR; and,

WHEREAS, on November 30, 2016, the City published and distributed a Notice of Preparation, pursuant to CEQA Guidelines Section 15082 and Public Resources Code Section 21080.4, providing notice of the thirty-one-day period during which Responsible Agencies, Trustee Agencies and members of the general public could provide comments to the City regarding the scope of the proposed SEIR; and,

WHEREAS, on December 19, 2016, the City conducted a public scoping meeting on the Project, pursuant to CEQA Guidelines Section 15082(c) and Public Resources

Code Section 21080.4, during which it received comments from various members of the public regarding the scope of the proposed SEIR; and,

WHEREAS, on March 10, 2017, the City filed a Notice of Availability with the Fresno County Clerk and published and distributed the Notice of Availability of the Draft SEIR for the project (Draft SEIR), pursuant to Public Resources Code Section 21092 and CEQA Guidelines Section 15087 which provided the public with a forty-five-day notice to provide comments regarding the content of the Draft SEIR (State Clearinghouse No. 2017031030); and,

WHEREAS, on March 10, 2017, the City filed with the State Clearinghouse a Notice of Completion pursuant to Public Resources Code Section 21161 and CEQA Guidelines Section 15085; and,

WHEREAS, for forty-five days following the date of the filing and publication of the Notice of Availability and Notice of Completion, public agencies and the public were given the opportunity to comment, in writing, on the adequacy of the Draft SEIR as an informational document; and,

WHEREAS, on August 1, 2017, the City filed a Notice of Recirculation and Availability with the Fresno County Clerk and published and distributed the Notice of Recirculation and Availability of the Revised Draft SEIR for the project (Revised Draft SEIR), pursuant to Public Resources Code Section 21092 and CEQA Guidelines Section 15087 which provided the public with a thirty-day notice to provide comments regarding the content of the Revised Draft SEIR (State Clearinghouse No. 2017031030); and,

WHEREAS, at the conclusion of the thirty-day public review and comment period related to the Revised Draft SEIR, the City caused the preparation of a Final SEIR dated September 22, 2017, (Final SEIR) pursuant to CEQA Guidelines Sections 15088, 15089, and 15132 which included the Revised Draft SEIR, responses to public comments on the Revised Draft SEIR, and minor corrections and clarifications (Errata); and,

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

WHEREAS, on October 4, 2017, the Planning Commission held a duly noticed public hearing at which the Commission considered and discussed the adequacy of the proposed Final SEIR pursuant to CEQA Guidelines Section 15088, 15089, and 15132; and,

WHEREAS, on November 27, 2017, the City filed a Notice of Recirculation and Availability with the Fresno County Clerk and published and distributed the Notice of Recirculation and Availability of Appendix L to the Final SEIR for the project, pursuant to Public Resources Code Section 21092 and CEQA Guidelines Section 15087 which provided the public with a thirty-day notice to submit comments regarding Appendix L to the Final SEIR (State Clearinghouse No. 2017031030); and,

WHEREAS, on January 3, 2018, the Planning Commission held a duly noticed public hearing at which the Commission considered and discussed the adequacy of the proposed Rezone Application No. R-17-021 to change the Project site zoning from Light Industrial (conditional) to Light Industrial (amended conditional); and,

WHEREAS, on January 11, 2018, the Council of the City of Fresno (Council) conducted a public hearing and considered the record of proceedings for the SEIR, which includes, but is not limited to the following:

- 1) The Notice of Preparation for the Project (the "NOP"), and all other public notices issued by the City in connection with the Project;
- 2) The Final SEIR dated November 27, 2017;
- 3) The Revised Draft SEIR dated August 1, 2017;
- 4) The Draft SEIR dated March 10, 2017;
- 5) The Final SEIR Appendix L dated November 27, 2017;
- 6) All written comments submitted by agencies or members of the public during any public review comment period on the Draft SEIR and Revised Draft SEIR;
- 7) All written and verbal public testimony presented during a noticed public hearing for the Project at which such testimony was taken, including without limitation, the Report to City Council, including all attachments, all presentations by City staff, the City's consultants, the applicant and the applicant's consultants, the public, and any other interested party; and
- 8) The Mitigation Monitoring and Reporting Program for the Project (the "MMRP");
- 9) The reports, studies and technical memoranda included and/or referenced in the Revised Draft SEIR and the Final SEIR and/or their appendices, including all information sources and/or documents, studies, and communications referenced in these documents;

10) All documents, studies, EIRs, and other materials incorporated by reference in the Revised Draft SEIR and the Final SEIR;

11) All Resolutions presented to and/or adopted by the City in connection with the Project; and all documents incorporated by reference therein, specifically including, but not limited to, this resolution and all of its exhibits;

12) Matters of common knowledge to the City, including, but not limited to, federal, state, and local laws and regulations, adopted City plans, policies (including, but not limited to, the 2035 Fresno General Plan, the Tower District Specific Plan, and the MEIR), and the professional qualifications of its staff members;

13) Any documents expressly cited in this Resolution and its exhibits and/or the Report to City Council; and

14) Any other relevant materials required to be in the record of proceedings under Section 21167.6(e) of the Public Resources Code; and,

WHEREAS, on January 11, 2018, the City Council considered and discussed the adequacy of the Final SEIR as an informational document and applied its own independent judgment and analysis to the review and hereby desires to take action to certify the Final SEIR, as having been completed in compliance with CEQA, based on the findings found herein and set forth in **Attachment 2** hereto; and

WHEREAS, CEQA requires in Public Resources Section 21081 the following:

Section 21081. Findings necessary for approval of project.

Pursuant to the policy stated in Sections 21002 and 21002.1, no public agency shall approve or carry out a project for which an

environmental impact report has been certified which identifies one or more significant effects on the environment that would occur if the project is approved or carried out unless both of the following occur:

(a) The public agency makes one or more of the following findings with respect to each significant effect:

(1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

(2) Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.

(b) Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

(c) With respect to significant effects which were subject to a finding under paragraph (3) of subdivision (a), the public agency finds that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the significant effects on the environment.

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

Section 15090. Certification of the Final SEIR.

(a) Prior to approving a project the Lead Agency shall certify that:

(1) The final EIR has been completed in compliance with CEQA;

(2) The final EIR was presented to the decision-making body of the Lead Agency and that the decision making body reviewed and considered the information contained in the final EIR prior to approving the project; and

(3) The final EIR reflects the Lead Agency's independent judgment and analysis.

Section 15091. Findings.

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

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency, or can and should be, adopted by such other agency.

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

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

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

(d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of

approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

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

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

Section 15092. Approval.

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

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

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

(2) The agency has:

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

(B) Determined that any remaining significant effects on the environment found to be unavoidable under

Section 15091 are acceptable due to overriding concerns as described in Section 15093.

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

Section 15093. Statement of Overriding Considerations.

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

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

(c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the

project approval and should be mentioned in the notice of determination.

This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference.
2. Compliance with CEQA. As set forth in **Attachment 1** hereto, the Final SEIR, dated November 27, 2017, which is incorporated herein by this reference (including the Revised Draft SEIR dated August 1, 2017 and related appendices, Errata sheets, and Responses to Comments) was prepared in compliance with the requirements of the California Environmental Quality Act (CEQA).
3. Final SEIR Reviewed and Considered. The Council certifies that, based upon the findings in **Attachment 1**, the Final SEIR:
 - (a) has been completed in compliance with CEQA;
 - (b) was presented to the Council and that the Council has reviewed and considered the information contained in the Final SEIR prior to approval of the Project, and all of the information contained therein has substantially influenced all aspects of the decision by the Council; and
 - (c) reflects the Council's independent judgment and analysis.
4. Findings Regarding Significant Effects. The Council finds that the Final SEIR identified several significant effects of the Project. Pursuant to

Section 21081(a) and CEQA Guideline section 15091, Council makes the following findings:

(a) Findings Regarding Potentially Significant But Mitigable Effects. The Council finds, based upon substantial evidence in the record of proceedings, that with regard to the effects in **Attachment 2 (Part 4.B)** to this resolution, (titled "Impacts and Mitigation Measures"), which is hereby adopted and incorporated herein by reference, changes have been required in, or incorporated into, the Project through the imposition of mitigation measures in the MMRP, which mitigate or avoid the significant effects on the environment. The Council finds that to the extent that any of the mitigation measures are within the responsibility and jurisdiction of another public agency and not the City, those mitigation measures can and will be adopted and imposed by the other agency based on state and/or federal law, communications by those agencies, and/or existing policies and/or intergovernmental relationships with those agencies.

(b) Findings Regarding Unavoidable Significant Impacts. The Council finds, based upon substantial evidence in the records of proceedings, that with regard to the effects described in Attachment 2 (Part 5.A) to this resolution, (titled "Impacts that Remain Significant"), which is hereby adopted and incorporated herein by reference, that specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or project alternatives identified in the Final SEIR, including based upon the findings in Attachment 2 (Part 5.A) to this resolution (titled "Impacts that Remain Significant"), which is hereby adopted and incorporated herein by reference. Therefore, those impacts are found to be significant and unavoidable.

5. Alternatives. The Council adopts the Findings of Fact rejecting Project Alternatives, attached hereto as **Attachment 2 (Part 4.D)** and incorporated herein by this reference.

6. Statement of Overriding Considerations. The Council adopts the Statement of Overriding Considerations, attached hereto as **Attachment 2 (Part 5.B)**, which is incorporated herein by this reference, and finds that each of the Significant and Unavoidable impacts identified may be considered acceptable.

7. Mitigation Monitoring. Pursuant to Public Resources Code Section 21081.6, the MMRP dated September 22, 2017, set forth in **Attachment 2, and referred to as Exhibit "i" thereto** is hereby adopted and incorporated herein by this reference to ensure that all mitigation measures adopted for the Project are fully implemented. Additionally, compliance by the applicant with the MMRP will be made a condition of approval on Development Permit Application No. D-16-088.

8. Location and Custodian of Documents. The record of Project approval shall be kept with the Development and Resource Management Department and the Records Clerk of the Development and Resource Management Department shall be the custodian of the documents.

9. Certification. Based on the above facts, findings and its own independent judgment, and as fully set forth in **Attachment 2** hereto, the Council certifies the Final SEIR dated November 27, 2017, for the Project is accurate and adequate. The Council further certifies that the Final SEIR was completed in compliance with CEQA and the CEQA Guidelines. The Director of

the Development and Resource Management Department is directed to file a Notice of Determination as required by the Public Resources Code and CEQA Guidelines.

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

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2018.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2018
Mayor Approval/No Return: _____, 2018
Mayor Veto: _____, 2018
Council Override Vote: _____, 2018

YVONNE SPENCE, MMC
City Clerk

By: _____

Deputy

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Mary Raterman-Doidge Date
Deputy

Exhibits:

Attachment 1 - Final SEIR

Attachment 2 - Findings of Fact and Statement of Overriding Considerations for the Approval of the Producers Dairy Cheese Plant Project.

Exhibit "I": Mitigation Monitoring and Reporting Program

Attachment 1



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
2600 Fresno St
Fresno, CA 93721
Contact: Mike Sanchez, Assistant Director

Prepared by:



Soar Environmental Consulting, Inc.
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Fresno, CA 93721
559.547.8884

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

Table of Contents

Chapter 1 - Introduction	1-1
Chapter 2 - Responses to Written Comments	2-1
List of Authors	2-1
Responses to Comments.....	2-3
Chapter 3 - Errata.....	3-1

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

<u>Author</u>	<u>Author Code</u>
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.

Bruce A. Owdom
Attorney at Law
Post Office Box 4111
Fresno, California 93744
Telephone (559) 259-0062; email: bruceaowdom@gmail.com

August 30, 2017

Mr. Mike Sanchez, Assistant Manager
City of Fresno
Department of Development and Resource Management
2600 Fresno Street, Room 3065
Fresno, California 93721

Delivered by email to: Mike.Sanchez@fresno.gov and by U.S. Mail

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.

**RDSEIR
1-1**

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.

**RDSEIR
1-2**

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

/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:

RDSEIR
1-2

"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 contract 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.

**RDSEIR
1-6**

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.

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 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.

**RDSEIR
1-13**

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.

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 Avenues, 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.

RDSEIR
1-18

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.

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
Page 7

**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 Particulate 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 (~~14~~56%) *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.

Attachment 2

ATTACHMENT 2: CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PRODUCERS DAIRY CHEESE PLANT PROJECT AND THE CITY'S FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE APPROVAL OF THE PRODUCERS DAIRY CHEESE PLANT PROJECT

1. INTRODUCTION

The City of Fresno, as lead agency under the California Environmental Quality Act (Pub. Res. Act § 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. §§ 15000- 15387) (collectively, "CEQA"), has completed the Final Supplement to an Environmental Impact Report ("Final SEIR" or "SEIR") for the Producers Dairy Cheese Plant Project (hereinafter, "Project").

The City Council held a duly noticed public hearing on November 2, 2017 to consider certification of the Final SEIR under CEQA. The Planning Commission recommended, but City Council is the decision-making body on, Resolution ___-___ certifying the Final SEIR and adopting these Findings of Fact and Statement of Overriding Considerations. The Planning Commission recommended, but City Council is the decision-making body on a separate resolution, Resolution ___-___, approving Development Permit Application No. D-16-088 and Variance Application No. V-17-001 (the "Associated Approval").

The document is organized into the following sections:

- Section 1, "Introduction", provides an introduction to the document.
- Section 2, "Project Description," provides a summary of the Project, a statement of the Project Objectives, the alternatives considered in the Final SEIR, and an overview of the Record of Proceedings for approval of the Project.
- Section 3, "Certification of the Final SEIR", sets forth the City's findings in support of the certification of the Final SEIR.
- Section 4, sets forth the **Findings** required under CEQA, as follows:
 - Part 4.A: Findings regarding the environmental review process and the contents of the Final SEIR.
 - Part 4.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final SEIR and adopted as conditions of approval.
 - Parts 4.C and 4.D: Findings regarding alternatives discussed in the Final SEIR and the reasons that such alternatives to the Project are not approved.
 - Parts 4.E: Findings regarding Project Alternatives Scoped Out of the SEIR.
 - Part 4.F: Findings regarding Adequacy of Range of Alternatives
 - Part 4.G: Description of the Mitigation Monitoring and Reporting Program ("MMRP") for the Project.
 - Part 4.H: Summary of the findings and determinations regarding the Project.
- Section 5, "Statement of Overriding Considerations", sets forth the substantial benefits of the Project that outweigh and override the Project's significant and unavoidable impacts, such that the impacts are considered acceptable.

2. PROJECT DESCRIPTION

A. Project Components, Operational Features, and Development

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 limits and as such is under the regulatory jurisdiction of the Fresno General Plan and is 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 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 constructing 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.

B. Project Objectives

The Project Final SEIR identified the following basic objectives of the Project ("Project Objectives"):

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.

C. Summary of Alternatives in the Final SEIR.

The Final SEIR evaluates the following five alternatives to the proposed Project:

1. **No Project Alternative:** Producers Dairy would continue to operate delivery trailer parking at the Project site under current conditions. The proposed Project would need to be relocated to a new location, which may require the purchase of new land, and permitting the alternative location. The existing structures on the proposed Project Site would likely remain unutilized and may eventually be condemned.
2. **Preservation of the North Building Alternative:** The North building on the Project site would be preserved, and the rest of the site would be developed. Doing so would secure only 61% of the delivery trailer parking needed for the Project.
3. **On-Site Re-Use (Façade) Alternative:** The North and South building wall facades would be brought up to code, shored, and a parking lot would be constructed in the remaining open areas. This alternative would reduce the proposed parking by 26%, and require the relocation of at least 26% of the delivery trailer parking to a different off-site location.
4. **North Building Relocation Alternative:** The South building would be demolished, while 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.
5. **North and South Building Preservation/Rehabilitation:** Preservation of the North and South building as discussed in the Tower District FEIR. The rest of the Project site would be developed as planned. This Project alternative would secure only 61% of the delivery trailer parking set forth in the Project. Retaining the South building would also block one-half of the proposed Project entrance, and would require a redesign of the Project site.

D. Record of Proceedings

Various documents and other materials constitute the record upon which the City bases these findings and approvals contained herein. The custodian of these documents and materials is the Director of the Development and Resource Management Department. The documents and materials are accessible at the Development and Resource Management Department, City Hall, 2600 Fresno Street, Third Floor, Fresno, California, 93721-3604.

3. CERTIFICATION OF THE FINAL SEIR

The Final SEIR comprises a Project-level analysis and contains the environmental review evaluating the impacts of the Project, which requires approval of Development Permit Application No. D-16-088 and

Variance Application No. V-17-001. The Final SEIR has State Clearinghouse No. 2017031030, and the SEIR was prepared in the manner specified in Section 4(A)(i), which is incorporated by reference here. The Final SEIR includes:

a. The Revised Draft Supplement to the Tower District Specific Plan Final Environmental Impact Report ("Revised Draft SEIR") dated August 1, 2017, which assesses the potential environmental effects of implementation of the Project, identifies means to eliminate or reduce potential adverse impacts, and evaluates a reasonable range of alternatives. The Revised Draft SEIR includes eleven (11) Appendices referred to in the Revised Draft SEIR text.

The Final SEIR consists of one volume and contains one (1) written comment letter on the Revised Draft SEIR submitted by one member of the public; written responses to the environmental issues raise in the comment letter; revisions to the text of the Revised Draft SEIR reflecting changes made in response to comments and other information; and additional air quality information. The Revised Draft SEIR is considered part of the Final SEIR and is incorporated into the Final SEIR by reference.

b. The City Council hereby certifies as follows:

- i. That it has been presented with the Final SEIR and it has reviewed and considered the information contained in the Final SEIR to make the following certifications and the findings in Section 4, below;
- ii. That, pursuant to CEQA Guidelines Section 15090 (Title 14 of the California Code of Regulations, Section 15090), the Final SEIR has been completed in compliance with the CEQA and the State CEQA Guidelines; and
- iii. That the Final SEIR reflects its independent judgement and analysis.

4. CEQA FINDINGS

Having received, reviewed, and considered the Final SEIR and other information in the record of proceedings, the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines:

- | | |
|-------------|--|
| Part 4.A: | Findings regarding the environmental review process and the contents of the Final SEIR. |
| Part 4.B: | Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final SEIR and adopted as conditions of approval. As described in Part 2.B, the City hereby adopts the impact findings as set forth in <u>Exhibit "i"</u> to these findings. |
| Part 4.C&D: | Findings regarding alternatives discussed in the Final SIER and the reasons that such alternatives to the Project site are not approved. |
| Part 4.E: | Findings Regarding Project Alternatives Scoped Out of the Final SEIR. |
| Part 4.F: | Findings Regarding Adequacy of Range of Alternatives. |

Part 4.G: Description of the Mitigation and Monitoring and Reporting Program ("MMRP") for the Project.

Part 4.H: Summary of the findings and determinations regarding the Project.

In addition, these findings incorporate by reference Section 5 of this document, which includes the Statement of Overriding Considerations and determines that the benefits of implementing the Project outweigh the significant and unavoidable environmental impacts that will result, and therefore justifies approval of the Project despite those impacts.

The Final SEIR is hereby incorporated in this document by reference.

The City Council certifies that these findings are based on full appraisal of all viewpoints, including comments received up to the date of close of the hearing prior to approval of the Project.

A. Environmental Review Process

i. Preparation of the SEIR.

1. *Community Outreach Meeting.* On September 20, 2016, the City held a publicly noticed community outreach meeting at Marlo's Club and Mexican Restaurant located at 468 N. Palm Ave, Fresno, CA 93701, to which interested members of the public were invited, and which had been duly advertised in advance. Seventeen individuals attended the meetings. Minutes of the meeting, including responses to spoken questions, are contained in Appendix B of the Revised Draft SEIR.

2. *Notice of Preparation and Initial Study.* Upon the City's determination that an SEIR was required for the Project, an Initial Study and a Notice of Preparation (NOP) was made available to the public and public agencies to solicit input on issues of concern that should be addressed in the SEIR. The NOP was issued on November 30, 2016, and the 31-day comment period on the NOP closed on December 31, 2016. The NOP included a Project description, Project location, notice of a public scoping meeting, a brief overview of the topics to be covered in the SEIR, and a copy of the Initial Study. The Initial Study found the potentially significant impacts of the Project were confined to the area of cultural resources. The Initial Study and NOP were made electronically available via posting on the City's website on <https://www.fresno.gov/darm/planning-development/plans-projectprojects-under-review/>. One comment letter was received in response to the NOP & Initial Study. The Initial Study is contained in Appendix A of the Revised Draft SEIR.

3. *Response to Comments on Initial Study.* After a close of the public review period, the City prepared formal response to the written comments received. A total of one (1) written comment was received during the comment period regarding the Initial Study. The responses to the 1 written comment letter were made electronically available via posting on January 2017 on the City's website on <https://www.fresno.gov/darm/planning-development/plans-projectprojects-under-review/>.

4. *Public Scoping Meeting.* On December 19, 2016, the City held a publicly noticed scoping meeting at Di Cicco's Italian Restaurant, located at 144 N. Blackstone Ave, Fresno, CA 93701, to which interested members of the public were invited, and which had been duly advertised in advance. Fifteen individuals were in attendance. Minutes of the meeting, including responses to spoken questions, are contained in Appendix E of the Revised Draft SEIR.

5. *Comment Period on Draft SEIR.* The City finished the preparation of the Draft SEIR and published a Notice of Completion and a Notice of Availability on March 10, 2017. The period for receipt of comments on the Draft SEIR remained open until April 24, 2017.

6. *Response to Comments on Draft SEIR:* After a close of the public review period, the City prepared formal response to the written comments received. A total of one (1) written comment was received regarding the Draft SEIR. The responses to the one written comment letter are contained in the Revised Draft SEIR.

7. *Comment Period on Revised Draft SEIR.* The City recirculated a Revised Draft SEIR and published a Notice of Recirculation and Availability on August 1, 2017. The period for receipt of comments on the Revised Draft SEIR remained open until August 30, 2017.

8. *Response to Comments on Revised Draft SEIR:* After a close of the public review period, the City prepared formal response to the written comments received. A total of one (1) written comment was received regarding the Revised Draft SEIR. The responses to the one written comment letter are contained in the Final Draft SEIR.

9. *Final SEIR.* The Final SEIR was completed and made available to public agencies and members of the public on September 22, 2017. The Final SEIR comprises the Revised Draft plus the one comment letter received during the public comment period, together with written responses to the one comment letter that raised environmental issues, which were prepared in accordance with CEQA and CEQA Guidelines. The Final SEIR also includes clarifications to text in the Revised Draft SEIR.

10. The Final SEIR was made available electronically available via posting on the City's website on <https://www.fresno.gov/darm/planning-development/plans-projects-under-review/>.

The City Council finds and determines there was procedural compliance with the mandates of CEQA and that the Final SEIR provides adequate, good faith, and reasoned responses to all comments raising significant environmental issues.

ii. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice given of the availability of the Draft EIR, but before certification of the Final EIR. 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 that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard.

The City recognizes that the Final SEIR incorporates information obtained by the City since the Revised Draft SEIR was completed, and contains additions, clarifications, modifications, and other changes. With respect of this information, the City approves the incorporation of these clarifications into the Project and finds that the clarifications do not cause the Project to result in new or substantially more severe adverse environmental effects, or otherwise require recirculation of the Final SEIR.

1. Other Changes.

Various minor changes and edits have been made to the text and figures of the Revised Draft SEIR, as set forth in the Final SEIR. These changes are generally of an administrative nature such as correcting typographical errors, making minor adjustments to the data, and adding or changing certain phrases to improve readability.

The City find this additional information does not constitute significant new information requiring recirculation, but rather that the additional information merely clarifies or amplifies or make insignificant modifications in an adequate SEIR.

In addition to changes and corrections described above, the Final SEIR provides additional information in response to comments and questions from agencies and the public.

The City finds that information added in the Final SEIR does not constitute significant new information requiring recirculation, but rather that the additional information clarifies or amplifies an adequate SEIR. Specifically, the City finds that the additional information, including the changes described above, does not show that:

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

Based on the foregoing, and having reviewed the information that contained in the Final SEIR and in the record of the City's proceedings, including the comments on the Revised Draft SEIR and the responses thereto, and the above-described information, the City finds that no significant new information has been added to the Final SEIR since public notice was given of the availability of the Revised Draft SEIR that would require recirculation of the Final SEIR.

iii. Differences of Opinion Regarding the Impacts of the Project

In making its determination to certify the Final SEIR and to approve the Project, the City recognizes that the Project involves several controversial environmental issues and that a range of technical and scientific opinions exist with respect to those issues. The City has acquired an understanding of the range of these technical and scientific opinions by its review of the Revised Draft SEIR, the comments received on the Revised Draft SEIR and the response to those comments in the Final SEIR, as well as public testimony, letters, and reports regarding the Final SEIR and the Project, and its own experience and expertise in assessing those issues. The City has reviewed and considered, as a whole, the evidence and analysis presented in the Revised Draft SEIR, the evidence and analysis presented in the comments on the Revised Draft SEIR, the evidence and analysis presented in the Final SEIR, the information submitted in the Final SEIR, the testimony and comments presented at the October 4, 2017 hearing, and the reports prepared by the experts who prepared the SEIR, the applicants' consultants, and by staff addressing those comments. The City has gained a comprehensive and well-rounded understanding of the environmental issues presented by the Project. In turn, this understanding has enabled the City to make its decisions after weighing and considering these important issues.

Accordingly, the City certifies that its findings are based on a full appraisal of all the evidence contained in the Final SEIR, as well as the evidence and other information in the record addressing the Final SEIR.

B. Impacts and Mitigation Measures

i. These findings provide the written analysis and conclusions of the City regarding the environmental impacts of the Project and the mitigation measures identified in the Final SEIR are adopted by the City as conditions of approval for the Project. In making these findings, the City has considered the opinions of other agencies and members of the public, including opinions that disagree with some of the analysis and thresholds of significance used in the Final SEIR.

The City finds that the analysis and determination of significance thresholds are judgments within the discretions of the City; the analysis and significance thresholds used in the Final SEIR are supported by substantial evidence in the record, including the expert opinion of the Final SEIR preparers and City consultants and staff; and the significance thresholds used in the Final SEIR provide reasonable and appropriate means of assessing the significance of the adverse environmental effects of the Project.

ii. Exhibit "i" attached to these findings and incorporated herein by reference is the Executive Summary Table contained in the SEIR that summarizes the environmental determinations of the Final SEIR about the Project's environmental impacts before and after mitigation. This exhibit does not attempt to describe the full analysis of each environmental impact contained in the Final SEIR. Instead, Exhibit "i" provides: (1) a summary description of each environmental impact, (2) identifies the applicable mitigation measures described in the Final SEIR, and (3) states the City's findings on the significance of each environmental impact after imposition of the applicable mitigation measures. A full explanation of these environmental findings and conclusions can be found in the Final SEIR and these findings hereby incorporate by reference the discussion and analysis in the Final SEIR supporting the Final SEIR's determinations regarding the Project's environmental impacts and mitigation measures designed to address those impacts.

For clarification, the impacts discussed in Exhibit "i" are also repeated below with their mitigation measures and findings:

1. Findings Mitigated to a Less Than Significant Level

Noise and Vibrations

Impact NOI 1: 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.

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, additional mitigation measures shall be imposed by the City of Fresno which could include further restrictions on hours of operation.

Finding: Implementation of Mitigation Measures NOI 1 through 4 will reduce impacts related to 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 to a **less-than-significant** level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

Impact NOI 2: The Proposed Project **may** cause a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.

Mitigation Measures: See Mitigation Measures NOI 1 through 4 above.

Finding: Implementation of Mitigation Measures NOI 1 through 4 will reduce impacts related to substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project to a **less-than-significant** level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

Impact NOI 3: 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.

Mitigation Measures: See Mitigation Measures NOI 1 through 4 above.

Finding: Implementation of Mitigation Measures NOI 1 through 4 will reduce substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project to a **less-than-significant** level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

Impact NOI 4: 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.

Mitigation Measures: See Mitigation Measures NOI 1 through 4 above.

Finding: Implementation of Mitigation Measures NOI 1 through 4 will reduce exposing people residing or working in the project area to excessive noise levels to a **less-than-significant** level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

Traffic and Transportation

Impact TRA 1: 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.

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 Measures TRA 3: Observe a 5-mph speed limit for construction areas.

Mitigation Measures TRA 4: All truck maneuvering and parking shall take place on site and shall be subject to the requirements of the City of Fresno.

Finding: Implementation of Mitigation Measures TRA 1 through 4 will reduce impacts related to conflicts with an applicable plan, ordinance, or policy to a **less-than-significant** level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

Impact TRA 2: 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.

Mitigation Measures: See Mitigation Measures TRA 1 through 4 above.

Finding: Implementation of Mitigation Measures TRA 1 through 4 will reduce impacts related to conflicts with an applicable congestion management program to a **less-than-significant** level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the SEIR.

2. Impacts that Remain Significant and Unavoidable

Cultural Resources

Impact CUL 1: The Proposed Project **would** cause a substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5.

Mitigation Measure 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, 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.

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.

Finding: Implementation of Mitigation Measures CUL 1 through 5 would serve to somewhat lessen potential impacts to the substantial adverse change in the significance of a historical resource as defined in CEQA Section 15064.5. However, because physical demolition is a substantial adverse change as set forth in CEQA Section 15064.5(b), subsections (1) and (2), this impact cannot be mitigated to less than significant, and therefore remains **significant and unavoidable**. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, social, technological, or other considerations, make infeasible the mitigation measures or project alternatives identified in the Final SEIR.

The City approves the findings set in Exhibit "i" (and reiterated above) as its findings regarding the Project's environmental impacts before and after mitigation. In making these findings, the City ratifies, adopts, and incorporates the analysis and explanation in the Final SEIR, and ratifies, adopts, and incorporates in these findings the determinations and conclusions of the Final SEIR relating to environmental impacts and mitigation measures, except to the extent any such determinations and conclusions are specifically and expressly modified by these findings.

The City adopts, and incorporates as conditions of approval of the Project, the mitigation measures set forth in the MMRP attached to these findings as Exhibit "ii" to reduce or avoid the potentially significant and significant impacts of the Project, as well as certain less-than-significant impacts.

iii. In adopting these mitigation measures, the City intends to adopt each of the mitigation measures identified by the Final SEIR and applicable to the Project. Accordingly, in the event a mitigation measure recommended in the Final SEIR has inadvertently been omitted from Exhibit "ii", such mitigation measure is hereby adopted and incorporated in the findings below by reference. In addition, in the event the language describing mitigation measure set forth in Exhibit "ii" fails to accurately reflect the mitigation measures in the Final SEIR due to a clerical error, the language of the mitigation measures as set forth in the Final SEIR shall control, unless the mitigation measure has been specifically and expressly modified by these findings.

C. Basis for the City's Decision to Approve the Project and Reject Other Alternatives

The Final SEIR evaluates a range of potential alternatives to the original Project, as is described in Section 2.A., above, which is incorporated here by reference. In summary, the alternatives include: (1) a No Project Alternative, (2) a Preservation of the North Building Alternative, (3) an On-Site Re-Use (Façade) Alternative, (4) a North Building Relocation Alternative, and (5) a North and South Building Preservation/Rehabilitation Alternative. The Final SEIR examines the environmental impacts of each alternative in comparison with the Project as originally proposed and the relative ability of each alternative to satisfy the Project Objectives.

D. The City's Findings Relating to Alternatives

In making these findings, the City certifies that it has independently reviewed and considered the information on alternatives provided in the Final SEIR, including the information provided in comments on the Revised Draft SEIR and the responses to those comments in the Final SEIR. The Final SEIR's discussion and analysis of these alternatives is not repeated in total in these findings, but the discussion and analysis of the alternatives in the Final SEIR are incorporated in these findings by reference to supplement the analysis here. The City also certifies that it has independently reviewed and considered all other information in the administrative record.

The City finds that the range of alternatives studied in the Final SEIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most of the Project Objectives. The City finds that the alternatives analysis is sufficient to inform the City, agencies, and the public regarding the tradeoffs between the degrees to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the achievement of the Project Objectives and other economic, environmental, social, technological, and legal considerations.

The City finds the Project would satisfy the Project Objectives, and is more desirable than the other alternatives. As set forth in Section 4.B above, the City has adopted mitigation measures that avoid or reduce, to the extent feasible, the significant environmental effects of the Project. As explained in Section 5, which is incorporated by reference into the CEQA findings, while these mitigation measures will not mitigate all Project impacts to a less-than-significant level, they will mitigate those impacts to a level that the City finds is acceptable. **The City finds the remaining alternatives infeasible. Accordingly, the City has determined to approve the Project instead of approving of one of the remaining alternatives.**

In making this determination, the City finds that when compared to the other alternatives described and evaluated in the Final SEIR, the Project, as mitigated, provides a reasonable balance between satisfying the Project objectives and reducing potential environmental impacts to an acceptable level. The City further finds and determines that the Project should be approved, rather than one of the other alternatives, for the reasons set forth below and in the Final SEIR.

i. No Project Alternative

Under CEQA, a "No Project Alternative" compares the impacts of proceeding with a Project with the impacts of not proceeding with the Project. A "No Project Alternative" describes the environmental conditions in existence at the time the Notice of Preparation was published or some other supportable time period, along with a discussion of what would be reasonably expected to occur at the site in the foreseeable future, based on current plans and consistent with available infrastructure and community services.

Under the "No Project Alternative" considered in the Final SEIR, the Project site would remain in its current condition, and the existing North and South buildings would remain in their partially demolished and deteriorated state. The hours of operation on the Project site would likely remain the same. Producers Dairy would need to relocate the delivery trailer parking for the proposed Project to a new location, which would cause additional costs through the purchase of new land and permitting of the alternative location. The purpose of the No Project Alternative is to evaluate what would be "reasonably expected" if the decision makers elect not to approve the proposed Project.

For comparative purposes, the proposed Project would result in significant and unavoidable impacts with regard to cultural resources through the demolition of the two buildings on the Project site. These impacts would be avoided by the No-Project Alternative. The buildings have been boarded-

up since 1983, and have numerous areas of concern regarding structural integrity, as determined by an Engineering Schematic Condition assessment performed by Brooks-Ransom Associates on September 14, 2016, and located in Appendix A of the Initial Study. If the current buildings were to remain unutilized, they may eventually be condemned. Additionally, because a new alternative Project location would need to be found, and the new alternative location would likely be further from the current Producers Dairy Operations Facility at 144 E. Belmont Avenue than the current Project site is, the No Project Alternative could potentially cause additional impacts to Transportation/Traffic, Air Quality, Greenhouse Gas, Biological, Cultural Resources, Hydrology and Water Quality, Population and Housing, and Noise.

The City hereby rejects the No Project Alternative as infeasible. By not redeveloping the Project site under the proposed Project, the No Project Alternative would not accomplish any of the Project objectives.

While this alternative would eliminate the significant and unavoidable Project cultural resource impacts evaluated in the Final SEIR, on balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the alternative's failure to achieve any of the Project objectives, and its failure to affect the other beneficial attributes of the Project identified above and in Section 5, below.

ii. Preservation of North Building Alternative

The "Preservation of North Building Alternative" would develop the Project the same as shown in Section 3.1 (Project Summary) and 3.4 (Construction Activities) of the Initial Study, and Section 3.1 (Project Summary) of the Final SEIR, except for preserving the North building. These construction activities would consist of removing the South building, building a commemorative monument onsite reusing brick from the existing building, replacing the chain link fence and cinderblock wall on the northern half of the Project site with a decorative iron security fence supported by brick pilasters of appropriate spacing, constructing a 12-foot-high Concrete Masonry Unit sound wall on the south half of the Project site, repaving the property, and installing new utility poles, sidewalks, and gates.

The existing 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. An Engineering Schematic Condition assessment performed by Brooks-Ransom Associates on September 14, 2016, and located in Appendix A of the Initial Study, found the North building to have numerous areas of concern regarding structural integrity.

Preservation can be very costly and would cause the estimated cost of this alternative to exceed the estimated cost of the proposed Project. 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. In addition, 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 North building as compared to the estimated cost of the proposed Project places an undue burden on the Project proponent.

For comparative purposes, the proposed Project would result in significant and unavoidable impacts to cultural resources through the demolition of the two buildings on the Project site. The Preservation of the North Building Alternative would eliminate significant and unavoidable impacts to cultural resources through preserving the North building. However, this alternative would not fully eliminate the significant and unavoidable impacts to cultural resources of demolishing the South building on the Project site. Additionally, because a new alternative Project location would need to be found, and the new alternative location would likely be further from the current Producers Dairy

Operations Facility at 144 E. Belmont Avenue than the current Project site is, the Preservation of North Building Alternative could cause potential additional impacts to Transportation/Traffic, Air Quality, Greenhouse Gas, Biological, Cultural Resources, Hydrology and Water Quality, Population and Housing, and Noise.

The City rejects the Preservation of North Building Alternative as infeasible. The City finds, separately and independently, the Preservation of North Building Alternative would not fully meet some fundamental Project objectives, rendering this Alternative as less desirable to the City, as set forth below.

1. This alternative does not fully secure additional parking for Producers Dairy delivery trailers. Leaving the North building on-site would secure only 61% of the delivery trailer parking. This would require securing additional delivery trailer parking off-site at an undetermined alternative location. Because the new alternative location may be further from the current Producers Dairy Operations Facility at 144 E. Belmont Avenue than the current Project site is, this alternative would not lead to the same overall reduction of off-highway greenhouse gas emissions and air quality emissions. It may also cause potential impacts to Biological, Cultural Resources, Hydrology and Water Quality, Population and Housing, and Noise.

2. This alternative does not systematically remove the two existing buildings on site to expand delivery trailer parking on the proposed Project site. Leaving the North building on-site would secure only 61% of the delivery trailer parking.

3. This alternative will leave fewer portions of the buildings to be architecturally incorporated into an aesthetically appealing wall along the subject property.

4. The preservation of the North building, as outlined above, would equate 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.

The Preservation of North Building Alternative would not fully avoid the Project's significant unavoidable cultural resource impacts, and could possibly increase impacts to other environmental sections. Additionally, this alternative would place an economic burden on the Project proponent due to the magnitude of the cost increase and render this option economically infeasible.

iii. On-Site Re-use (Façade) Alternative

The "On-Site Re-use (Façade) Alternative" would develop the Project the same as shown in Section 3.1 (Project Summary) and 3.4 (Construction Activities) of the Initial Study, and Section 3.1 (Project Summary) of the Final SEIR, except for retaining the northern and eastern façades of the North building and the eastern façade of the South building. These construction activities would consist of removing the North and South buildings except for the above mentioned façades, building a commemorative monument onsite reusing brick from the existing building, replacing the chain link fence and cinderblock wall on the northern half of the Project site with a decorative iron security fence supported by brick pilasters of appropriate spacing, constructing a 12-foot-high Concrete Masonry Unit sound wall on the south half of the Project site, repaving the property, and installing new utility poles, sidewalks, and gates.

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%.

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, which 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.

The City rejects the On-Site Re-use (Façade) Alternative as infeasible. The City finds, separately and independently, the On-Site Re-use (Façade) Alternative would not fully meet some fundamental Project objectives, rendering this Alternative as less desirable to the City, as set forth below.

1. This alternative does not fully secure additional parking for Producers Dairy delivery trailers. Leaving the North and South building façades would secure only 74% of the delivery trailer parking. This would require securing additional delivery trailer parking off-site at an undetermined alternative location. Because the new alternative location may be further from the current Producers Dairy Operations Facility than the current Project site is, this alternative would not lead to the same overall reduction of off-highway greenhouse gas emissions and air quality emissions. It may also cause potential impacts to Biological, Cultural Resources, Hydrology and Water Quality, Population and Housing, and Noise.

2. The preservation of the North building, as outlined above, would equate to an estimated cost increase of 30%. 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.

The On-Site Re-Use (Façade) Alternative would lessen the Project's significant unavoidable cultural resource impacts, but could possibly increase impacts to other environmental sections. Additionally, this alternative would place an economic burden on the Project proponent due to the magnitude of the cost increase. The use of a façade is not a viable option due to the increased risk to a safe working environment. Additionally, preserving the façade would neither be environmentally preferred nor an economically feasible alternative.

iv. North Building Relocation Alternative

The "North Building Relocation Alternative" would develop the Project the same as shown in Section 3.1 (Project Summary) and 3.4 (Construction Activities) of the Initial Study, and Section 3.1 (Project Summary) of the Final SEIR, except for relocating the North building to an off-site location. These construction activities would consist of removing the South building, building a commemorative monument onsite reusing brick from the existing building, replacing the chain link fence and cinderblock wall on the northern half of the Project site with a decorative iron security fence supported by brick pilasters of appropriate spacing, constructing a 12-foot-high Concrete Masonry Unit sound wall on the south half of the Project site, repaving the property, and installing new utility poles, sidewalks, and gates.

The North building would be removed 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 of 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 in order to 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 Project. **Thus, the magnitude of the difference demonstrates that this alternative is economically infeasible. The 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, as shown in Appendix D of the Final SEIR.**

The City rejects the North Building Relocation Alternative as infeasible. The City finds, separately and independently, the North Building Relocation Alternative would meet most fundamental Project objectives, but would be economically infeasible, thus rendering this Alternative as less desirable to the City.

v. North and South Building Preservation/Rehabilitation Alternative

The "North and South Building Preservation/Rehabilitation Alternative" would develop the Project the same as shown in Section 3.1 (Project Summary) and 3.4 (Construction Activities) of the Initial Study, and Section 3.1 (Project Summary) of the Final SEIR, except for preserving and rehabilitating the North and South buildings. These construction activities would consist of building a commemorative monument onsite reusing brick from the existing building, replacing the chain link fence and cinderblock wall on the northern half of the Project site with a decorative iron security fence supported by brick pilasters of appropriate spacing, constructing a 12-foot-high Concrete Masonry Unit sound wall on the south half of the Project site, repaving the property, and installing new utility poles, sidewalks, and gates.

However, 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 buildings to bring the structures to current code standards for wind and seismic load resistance.

The estimate to retrofit both buildings for preservation amounts to \$1,875,500, while the estimated cost for demolishing the both buildings amounts to \$375,500.00.

The estimate 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. 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 difference estimated costs of preserving the building as compared to the estimated cost of the Project places an undue burden on the Project proponent. **The magnitude of the difference demonstrates that this alternative is economically infeasible.**

The City rejects the North and South Building Preservation/Rehabilitation Alternative as infeasible. The City finds, separately and independently, the North and South Building Preservation/Rehabilitation Alternative would not fully meet some fundamental Project objectives, rendering this Alternative as less desirable to the City, as set forth below:

1. This alternative does not fully secure additional parking for Producers Dairy delivery trailers. Preserving the North and South buildings would secure only 61% of the delivery trailer parking. This would require securing additional delivery trailer parking off-site at an

undetermined alternative location. Because the new alternative location may be further from the current Producers Dairy Operations Facility than the current Project site is, this alternative would not lead to the same overall reduction of off-highway greenhouse gas emissions and air quality emissions due to fewer Vehicle Miles Traveled. It may also cause potential impacts to Biological, Cultural Resources, Hydrology and Water Quality, Population and Housing, and Noise.

2. This alternative does not systematically remove the two existing buildings on site to expand delivery trailer parking on the proposed Project site. Leaving the North and South buildings on-site would secure only 61% of the delivery trailer parking. Additionally, retaining the South building would block half of the proposed N. Roosevelt Avenue entrance. Moving the entrance drive further south to accommodate this would also impact and reduce parking along the southern-most row of delivery trailer parking.

3. The preservation of the North building, as outlined above, would equate 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 different demonstrates that this alternative is economically infeasible.

While the North and South Building Preservation/Rehabilitation Alternative would fully avoid the Project's significant cultural resource impacts, it could possibly increase impacts to other environmental sections. Also, on balance, the environmental benefits that might be achieved with this alternative are outweighed, independently and separately, by the alternative's failure to achieve fundamental Project objectives in the manner described above and to the same extent as the Project, and its failure to effect fully the other beneficial attributes of the Project identified above and in Section 5 below. Additionally, this alternative would place an economic burden on the Project proponent due to the magnitude of the cost increase.

E. Findings Regarding Project Alternatives Scoped out of SEIR

During the preparation of the SEIR, no Project alternatives put forth by the applicant, the City, the public, the consultant, and other agencies or organizations were scoped out of the SEIR.

F. Findings Regarding Adequacy of Range of Alternatives

The City finds that the range of alternatives evaluated in the SEIR reflects a reasonable attempt to identify and evaluate various types of alternatives that would potentially be capable of reducing the Project's environmental effects, while accomplishing most but not all of the Project objectives. The City finds that the alternatives analysis is sufficient to inform the City and the public regarding the tradeoff between the degree to which alternatives to the Project could reduce environmental impacts and the corresponding degree to which the alternatives would hinder the City's ability to achieve most or all of its Project objectives.

G. Mitigation Monitoring and Reporting Program

In accordance with CEQA and the CEQA Guidelines, the City must adopt a mitigation monitoring and reporting program to ensure that the mitigation measures adopted herein are implemented. **The City hereby adopts the Mitigation Monitoring and Reporting Program for the Project attached to these findings as attached Exhibit "ii".**

H. Summary

i. Based on the foregoing findings and the information contained in the administrative record of proceedings, the City has made one or more of the following findings with respect to each of the significant environmental effects of the Project identified in the Final SEIR:

1. Change or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effects on the environment.

2. Specific economic, social, technological, or other considerations make the mitigation measures or alternatives identified in the Final SEIR infeasible; and would otherwise avoid or substantially lessen the identified significant environmental effects of the Project.

ii. **Based on the foregoing findings and information contained in the record, it is hereby determined that:**

1. All significant effects on the environment due to approval of the Project have been eliminated or substantially lessened where feasible.

2. Any remaining significant effects on the environment found unavoidable are acceptable due to the factors described in the Statement of Overriding Considerations in Section 5 below.

5. Statement of Overriding Considerations

A. Impacts That Remain Significant

As discussed in Exhibit "i" and the Final SEIR, the City has found that impacts related to Cultural Resources remain significant and unavoidable following adoption and implementation of all feasible mitigation measures, as described in the Final SEIR. The significant and unavoidable impact is identified with further detail below.

The City hereby finds that mitigating Cultural Resources, as identified in this section, to a level of less-than-significant would be infeasible, separately and independently, for the reasons set forth below.

i. Impact

1. Demolition of Historical Resources: The December 2015 Report to the Historic Preservation Commission regarding the two buildings on the Project site found the buildings to be architecturally significant as "a rare expression in masonry brick of the Mission Revival style in Fresno". Based on the report findings, the buildings on the Project site are considered historical resources for the purposes of CEQA under CEQA Guidelines §15064.5(a)(2). **Per CEQA Guidelines §15064.5(b), the physical demolition of a historical resource is a significant impact, and therefore cannot be mitigated to a less-than-significant level.**

ii. Feasibility Findings

The City finds that mitigation measures CUL 1 through 5 outlined in Exhibit "ii" are feasible, but for the reasons stated above, these mitigation measures **cannot** mitigate the significant impact to cultural resources to a less-than-significant-level.

B. Overriding Considerations Justifying Project Approval

In accordance with CEQA Guidelines Section 15093, the City has, in determining whether or not to approve the Project, balanced the economic, social, technological, and other Project benefits against its unavoidable environmental risks, and finds that each of the benefits of the Project set forth below outweighs the significant adverse environmental effects that are not mitigated to less-than-significant levels.

This Statement of Overriding Considerations is based on the City's review of the Final SEIR and other information in the administrative record. Each of the benefits identified below provides a

separate and independent basis for overriding the significant environmental effects of the Project. The benefits of the Project are as follows:

i. Removal of Attractive Nuisance

The two buildings on the Project site have not been utilized for over 30 years since the previous owner, KF Foods, filed for bankruptcy in 1986. The buildings are currently boarded up and in a state of disrepair. The buildings are marked with graffiti both inside and out, and represent an attractive nuisance. Additionally, the demolished portions of the building are an eyesore to the community, as stated by several local residents at the initial Community Outreach meeting. If the buildings were to remain unutilized, they would eventually be condemned. These buildings, along with numerous other buildings on Belmont Avenue within a close proximity to the Project site, represent an attractive nuisance. Removal of these buildings and development of the site will remove the attractive nuisance and help combat urban decay in the local neighborhood.

ii. Improve Public Safety

The current buildings represent a safety hazard due to being partially demolished and are in a state of disrepair. Both buildings have numerous areas of concern regarding structural integrity, as determined by an Engineering Schematic Condition assessment performed by Brooks-Ransom Associates on September 14, 2016, and located in Appendix A of the Initial Study. Specific issues are listed below:

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 seem 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 proposed Project will reduce public safety hazards by eliminating the risk of fire, structural collapse, personal injury to trespassers, vandalism, and crime through demolishing structurally unsound buildings that have been abandoned, deteriorated, and damaged.

iii. Reduce Greenhouse and Air Quality Emissions

As shown in Section 4.3, Transportation and Traffic, of the Final SEIR, the proposed Project will increase truck route efficiency in Producers' truck fleet by relocating the truck parking closer to the Producers' Operational Facility at 144 E. Belmont Avenue. This will reduce truck routes by 1.58 miles, which is a reduction of total Vehicle Miles Traveled (VMT) by 33%, as shown in Tables 13 and 14 of the Final SEIR. By reducing off-highway VMT by nearly 33%, this proposed Project will reduce total Project greenhouse gas and air quality emissions.

iv. Further Screen Truck Parking

As shown in Section 6.1, Aesthetics, of the Initial Study and Figures 2, 4, and 8 of the Final SEIR, only one-quarter of the Project site is currently screened by the existing buildings. The buildings screen views of the truck parking only on the northeast side of the Project along E. Belmont Avenue and N. Roosevelt Avenue. View of the truck parking on the Project site is currently not screened for any of the residential areas to the southwest, south, and southeast. The proposed Project will screen a total of one-half of the truck parking with the removal of the existing boarded up buildings and installation of a 12-foot decorative CMU wall on the southern half of the Project site. This screening will effectively screen the truck parking from the residential properties surrounding the site.

v. Install Sound Wall

Currently no sound wall exists between the southern boundary of the Project site and the single-family residences immediately south of the Project site. Installation of the 12-foot decorative CMU sound wall on the southern half of the property will not only serve to visually screen truck parking from the surrounding residences, but will also serve to lower the noise of the Project operations, as shown in Section 4.2 of the Final SEIR and Appendix G to the Final SEIR.

vi. Economic Development/Reduce Urban Decay

The 12,500 square foot buildings on the Project site are currently in a state of partial demolition and disrepair, having been boarded up and abandoned for over 30 years. Removal of these buildings and utilization of the space by Producers will help reduce urban decay and will contribute to the general economic development of the area. Other businesses will be more likely to lease space on some of the surrounding boarded up properties with improvements to the proposed Project site. Those improvements include removing the urban decay represented by the two buildings along with refurbishing the Project site with new decorative walls and fencing, lighting, improvements to the parking lot, and bordering driveways and sidewalks.

vii. Add Neighborhood Improvements

Finally, the proposed Project will add local improvements to the area in the form of constructing a commemorative monument, new sidewalk, curb and gutter areas, a new accessible ramp at the corners of E Belmont Avenue and N Roosevelt Ave, installing a new storm water inlet/outlet, and providing and maintaining street trees in tree wells on the sidewalk to the west side of the property

south to the entry driveway. Trees planted in this location and the remainder of the west and south sides of the property will be a species that attains a minimum height of thirty feet at maturity.

