

Attachment D  
Findings of Fact and Statement of Overriding Considerations

# FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

## FRESNO GENERAL PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT FRESNO, CALIFORNIA



**LSA**

July 2020

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# **FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS**

## **FRESNO GENERAL PLAN PROGRAM ENVIRONMENTAL IMPACT REPORT FRESNO, CALIFORNIA**

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## 1.0 INTRODUCTION

The purpose of these findings is to satisfy the requirements of Sections 15091, 15092, and 15093 of the California Environmental Quality Act (CEQA) Guidelines, associated with approval of the text changes to the Fresno General Plan (project).

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

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

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

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

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

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## 2.0 PROJECT DESCRIPTION

The following provides a summary of the Project Description.

### 2.1 PROJECT LOCATION AND SETTING

The City of Fresno is located in Fresno County in the central San Joaquin Valley. The city is located approximately 200 miles north of Los Angeles, and 170 miles south of Sacramento. The city is located on the State Route (SR) 99 corridor. To the north of Fresno is Madera County, and to the northeast and adjacent to Fresno is the city of Clovis. Unincorporated land is located to the east, south, and west of Fresno.

The Planning Area is the geographic area for which the approved General Plan establishes policies about future growth. The boundary of the Planning Area was determined in response to State law (California Government Code Section 65300) requiring each city to include in its General Plan all territory within the boundaries of the incorporated area as well as “any land outside its boundaries which in the planning agency’s judgment bears relation to its planning”. The Planning Area established by the City of Fresno includes all areas within the City’s current city limits, including the Fresno-Clovis Regional Wastewater Reclamation Facility (RWRf), the areas within the current Sphere of Influence (SOI), and an area north of the city’s most northeasterly portion (referred to as the North Area). The Planning Area has not been changed since it was evaluated in the previously-certified 2014 Master EIR (MEIR) for the approved General Plan.

The SOI is a boundary that encompasses lands that are expected to ultimately be annexed into the City. Until annexed, the lands are unincorporated and fall under the jurisdiction of the County of Fresno. Within the Planning Area, the current SOI covers approximately 103,570 acres, or approximately 162 square miles including the 3,293-acre RWRf and an additional 2,486 acres identified as the North Area. The Planning Area encompasses approximately 106,000 acres, or approximately 166 square miles of both incorporated (approximately 72,200 acres) and unincorporated (approximately 33,800 acres) land bearing relation to the City’s future growth. The Planning Area is generally bounded by the San Joaquin River to the north, American Avenue to the south, Garfield Avenue to the west, and McCall Avenue to the east, with the RWRf generally located with Jensen Avenue to the north, American Avenue to the south, South Chateau Fresno Avenue to the west, and Cornelia Avenue to the east. The Planning Area includes various unincorporated islands surrounded by the City’s limits.

### 2.2 PROJECT

The intent of the project is to update the text of the approved General Plan in order to reflect changes in applicable statutes and regulations related to Vehicle Miles Traveled (VMT), as well as updating the EIR to include a current baseline for the continued implementation of the approved General Plan, and reflect changes in City planning documents that have occurred since adoption of the approved General Plan in 2014. The City is not proposing any land use changes as a part of this project, but it does include an update to the City’s Greenhouse Gas Reduction Plan. In doing so, the City is converting the previously-certified MEIR to a PEIR. The MEIR was certified by the City Council in 2014. This update, consistent with Section 15168 of the CEQA Guidelines, is intended to

streamline implementation of the approved General Plan’s programs and projects by supporting them with updated environmental analysis, regulatory framework, and mitigation measures, pursuant to CEQA. Two major goals of updating the General Plan text and MEIR include:

- Complying with new legislation as it relates to various resource topic area as defined by CEQA; and
- Updating the technical analyses to reflect the current baseline conditions of 2019.

This update will includes the following components:

- **Incorporation of New local, State and/or federal regulations.** Since adoption of the approved General Plan in 2014, several new regulations that have taken effect, including:
  - Climate Action Plan Legislation. The City will update the Greenhouse Gas Reduction Plan that was prepared for the MEIR (Appendix F-2) taking into account Executive Order S-03-05 (2005), SB 32 (2006), and Executive Order B-30-15 (2015);
  - Vehicle Miles Travelled (VMT) Legislation – SB 743 (2013);
  - Tribal Consultation, Assembly Bill (AB) 52 (2014);
  - Sustainable Groundwater Management Act (SGMA) (2014);
  - Cooperative Agreement between the City of Fresno Irrigation District and City of Fresno for Water Utilization and Conveyance (2016); and
  - 2017 Housing Package as described by the State of California Department of Housing and Community Development, <http://www.hcd.ca.gov/policy-research/lhp.shtml#summary>.
- **Corresponding technical revisions to the Mobility and Transportation Element of the approved General Plan.** Specific changes include, but are not limited to, the following:
  - Add Vehicle Miles Traveled (VMT) policies consistent with the requirements of Senate Bill (SB) 743; and
  - Revise text relating to Level of Service (LOS) metrics to update applicability.

### Project Objectives

The City established specific objectives for the General Plan when it was adopted in 2014 which would serve to aid decision-makers in their review of the proposed project and its associated environmental impacts. Within the approved General Plan, these were referred to as Goals, but for the sake of clarity, the CEQA term of “objectives” will be used in this EIR. The following objectives were adopted for the approved General Plan in 2014, and are applicable to the proposed project:

1. Increase opportunity, economic development, business and job creation.

2. Support a successful and competitive Downtown.
3. Emphasize conservation, successful adaptation to climate and changing resource conditions, and performance effectiveness in the use of energy, water, land, buildings, natural resources, and fiscal resources required for the long-term sustainability of Fresno.
4. Emphasize achieving healthy air quality and reduced greenhouse gas emissions.
5. Support agriculture and food production as an integral industry.
6. Protect, preserve, and enhance natural, historic, and cultural resources.
7. Provide for a diversity of districts, neighborhoods, housing types (including affordable housing), residential densities, job opportunities, recreation, open space, and educational venues that appeal to a broad range of people throughout the city.
8. Develop Complete Neighborhoods and districts with an efficient and diverse mix of residential densities, building types, and affordability which are designed to be healthy, attractive, and centered by schools, parks, and public and commercial services to provide a sense of place and that provide as many services as possible within walking distance.
9. Promote a city of healthy communities and improve quality of life in established neighborhoods.
10. Emphasize increased land use intensity and mixed-use development at densities supportive of greater use of transit in Fresno.
11. Emphasize and plan for all modes of travel on local and Major Streets in Fresno.
12. Resolve existing public infrastructure and service deficiencies, make full use of existing infrastructure, and invest in improvements to increase competitiveness and promote economic growth.
13. Emphasize the City as a role model for good growth management planning, efficient processing and permit streamlining, effective urban development policies, environmental quality, and a strong economy. Work collaboratively with other jurisdictions and institutions to further these values throughout the region.
14. Provide a network of well-maintained parks, open spaces, athletic facilities, and walking and biking trails connecting the city's districts and neighborhoods to attract and retain a broad range of individuals, benefit the health of residents, and provide the level of public amenities required to encourage and support development of higher density urban living and transit use.
15. Improve Fresno's visual image and enhance its form and function through urban design strategies and effective maintenance.
16. Protect and improve public health and safety.

17. Recognize, respect, and plan for Fresno's cultural, social, and ethnic diversity, and foster an informed and engaged citizenry.

## **2.3 PROJECT ALTERNATIVES**

The Draft PEIR considered and evaluated two alternatives. Findings for the alternatives are included in Section 6.0 of this document.

### **No Project Alternative**

Under the No Project Alternative, the development within the Planning Area would continue to be implemented as proposed under the approved General Plan, however, changes to the Mobility and Transportation Element and updates to the Greenhouse Gas Reduction Plan would not be implemented. The approved General Plan would not be updated to reflect conformance with SB 743, and no updates to the Greenhouse Gas Reduction Plan would occur. Despite the lack of an update under the No Project scenario, the distribution and location of projected growth would occur in a manner that is consistent with the approved General Plan and zoning documents. Buildout of the approved General Plan would result in a population of approximately 921,000 people by 2056.

### **Net Zero Energy Consumption Alternative**

Under the Net Zero Energy Consumption Alternative, both residential and non-residential development would be required to achieve net zero energy consumption in 2020. The 2019 Title 24 standards require that all new residential development starting in 2020 consume net zero energy, and by 2030, all non-residential development would do the same. By achieving net zero energy consumption for non-residential development in 2020, the city would reduce overall GHG emissions. All other components of the approved General Plan would remain in effect and would continue to be implemented, including the updated text in the approved General Plan related to assessing transportation impacts relative to VMT.

### 3.0 PROCEDURAL FINDINGS

Based on the nature and scope of the project, the City of Fresno (City) determined, based on substantial evidence, that the project may have a significant effect on the environment and prepared a Program EIR for the project. The Program EIR (State Clearinghouse No. 2019050005) was prepared, noticed, published, circulated, reviewed, and completed in full compliance with CEQA, and additional noticing and opportunities for public comment were also provided, as follows:

- A Notice of Preparation (NOP) was prepared and circulated on May 16, 2019, for a 30-day public and agency comment period. The NOP was submitted to the State Clearinghouse, Fresno County Clerk-Recorder, and responsible and trustee agencies.
- A public scoping meeting to receive comments regarding the issues to be covered in the EIR was held on May 21, 2019, at Fresno City Hall, Fresno, CA.
- A Notice of Completion and copies of the Draft PEIR were distributed to the Office of Planning and Research on March 6, 2020, to those public agencies that have jurisdiction by law with respect to the project, or which exercise authority over resources that may be affected by the project, and to other interested parties and agencies as required by law. The comments of such persons and agencies were sought.
- Pursuant to Assembly Bill (AB) 52, the City distributed letters dated September 19, 2019, to the California tribes that are culturally and geographically affiliated with the Planning Area. Representatives for the following tribes were notified: Table Mountain Rancheria of California and the Dumna Wo Wah Tribal Government.
- No responses from notified tribes were received during the 30-day response period and, therefore, no resources have been identified as Tribal Cultural Resources. On this basis, the consultation process under PRC Section 21080.3.1(b) was concluded.
- A Notice of Availability of the Draft PEIR was mailed on March 6, 2020, to all interested groups, organizations, and individuals who had previously requested notice in writing. The Notice of Availability stated that City had completed the Draft PEIR and that copies were available on the City's website: <https://www.fresno.gov/darm/planning-development/plans-projects-under-review/#tab-07>. Hard copies of the Draft PEIR were made available at the City's offices at 2600 Fresno Street, Room 3065, Fresno, CA and all the Fresno City Public Libraries.
- A 46-day public comment period for the Draft PEIR began on March 6, 2020.
- Due to closures of public facilities in response to COVID-19, the public comment was extended by 15 days to May 5, 2020, to allow public agencies and interested parties a total of 61 days to review and submit comments on the Draft PEIR.

- The City provided written responses to all comments received during and after the public comment period referenced above for the Draft PEIR and additional information to clarify such responses was added by the City to the Draft PEIR to produce the Final EIR (FEIR).
- The FEIR was made available in July 2020, and consists of the following items:
  - The Draft PEIR released on March 6, 2020;
  - Responses to Comments; and
  - Revisions to the Draft PEIR.
- As required by CEQA Guidelines Section 15088(b), public agencies that commented on the Draft PEIR were provided at least 10 days to review the proposed responses contained in the FEIR prior to the date for consideration of the FEIR for certification.

## 4.0 RECORD OF PROCEEDINGS

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

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

The documents constituting the record of proceedings are available for review by responsible agencies and interested members of the public during normal business hours at the City offices at 2600 Fresno Street, Room 3065, Fresno, CA. Due to closures of public facilities in response to COVID-19, the public comment period was extended by 15 days to May 5, 2020, to allow public agencies and interested parties a total of 61 days to review and submit comments on the Draft PEIR.

The Draft PEIR and FEIR are incorporated into these findings in their entirety, unless and only to the extent these findings expressly do not incorporate by reference the Draft EIR and FEIR. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the project in spite of the potential for associated significant and unavoidable adverse physical environmental impacts.

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## 5.0 FINDINGS REQUIRED UNDER CEQA

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

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

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

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

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

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

In the process of adopting mitigation measures, the City has made a determination regarding whether the mitigation proposed in the EIR is “feasible.” In some cases, modifications may have been made to the mitigation measures proposed in the EIR to update, clarify, streamline, or revise those measures. None of these changes result in significant new information or impacts that would require recirculation of the PEIR.

With respect to a project for which significant impacts are not avoided or substantially lessened, a lead agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons in support of the finding that the project benefits outweigh its unavoidable adverse environmental effects. In the process of considering the EIR for certification, the City has recognized that impact avoidance is not possible in all instances. To the extent that significant adverse environmental impacts will not be reduced to a less-than-significant level with the adopted mitigation, the City has found that specific economic, social, and other considerations support approval of the project. Those findings are reflected herein in Section 5, “Findings Required Under CEQA,” and in Section 7, “Statement of Overriding Considerations,” below.

## **5.1 SUMMARY OF FINDINGS**

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

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

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

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

### Findings Regarding Errata and EIR Recirculation

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

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

- A new significant environmental impact that would result from the project or from a new mitigation measure;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures would be adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the proponents will not adopt it; or
- The Draft PEIR was so fundamentally and basically inadequate and conclusory that meaningful public review and comment were precluded.

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

The City made changes to the Draft PEIR after this document was released. These changes are described in Chapter 3, “Revisions to the Draft PEIR,” of the FEIR. Revisions were made to Mitigation Measure BIO-1.1 to BIO-1.4, BIO-2.1 to BIO-2.3 to reflect updated conditions requested by the California Department of Fish and Wildlife, and HYD-3.2 to HYD-3.5 to reflect updated conditions requested by the Fresno Metropolitan Flood Control District.

These changes are described in the FEIR. No impacts identified in the Draft PEIR would be substantially increased because of changes to the project or mitigation measures following recirculation. There are no new feasible alternatives or mitigation measures that are considerably different from those considered in the Draft PEIR that the City has declined to adopt. Therefore, recirculation of the PEIR is not required.

### Findings Regarding Less Than Significant Impacts (No Mitigation Required)

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

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

#### *AESTHETICS*

- Impact AES-1: The proposed project would not have a substantial adverse effect on a scenic vista.
- Impact AES-2: The proposed project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

#### *AGRICULTURAL AND FORESTRY RESOURCES*

- Impact AG-3: The proposed project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).
- Impact AG-4: The proposed project would not result in the loss of forest land or conversion of forest land to non-forest use.
- Impact AG-5: The proposed project would not involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

#### *AIR QUALITY*

- Impact AQ-1: The proposed project would not conflict with or obstruct implementation of the applicable air quality plan

#### *BIOLOGICAL RESOURCES*

- Impact BIO-4: The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.
- Impact BIO-5: The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

- Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

#### *ENERGY*

- Impact ENG-1: The proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation.
- Impact ENG-2: The proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

#### *GEOLOGY AND SOILS*

- Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
  - a. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to California Geological Survey Special Publication 42.);
  - b. Strong seismic ground shaking;
  - c. Seismic-related ground failure, including liquefaction;
  - d. Landslides
- Impact GEO-2: The project would not result in substantial soil erosion or the loss of topsoil.
- Impact GEO-3: The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.
- Impact GEO-4: The project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994, as updated), creating substantial direct or indirect risks to life or property.
- Impact GEO-5: The project does not contain soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water.

#### *GREENHOUSE GAS EMISSIONS*

- Impact GHG-2: The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

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### *HAZARDS AND HAZARDOUS MATERIALS*

- Impact HAZ-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and/or accident conditions involving the release of hazardous materials into the environment.
- Impact HAZ-3: The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- Impact HAZ-4: The project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.
- Impact HAZ-5: The project would be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, and would not result in a safety hazard for people residing or working in the project area.
- Impact HAZ-7: The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.

### *HYDROLOGY AND WATER QUALITY*

- Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- Impact HYD-4: The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

### *LAND USE AND PLANNING*

- Impact LU-1: The proposed project would not physically divide an established community.
- Impact LU-2: The proposed project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

### *MINERAL RESOURCES*

- Impact MIN-1: The proposed project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Impact MIN-2: The proposed project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

### *NOISE*

- Impact NOI-3: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the proposed project would not expose people residing or working in the project area to excessive noise levels.

### *POPULATION AND HOUSING*

- Impact POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- Impact POP-2: The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

### *PUBLIC SERVICES AND RECREATION*

- Impact PSR-1: The proposed project would not result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities, or the need for new or physically altered school facilities, the construction of which could cause significant environmental impacts.

### *TRANSPORTATION*

- Impact TRA-2: The proposed project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)
- Impact TRA-3: The proposed project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- Impact TRA-4: The proposed project would not result in inadequate emergency access.

### *UTILITIES AND SERVICE SYSTEMS*

- Impact UTL-2: The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.
- Impact UTL-5: The proposed project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

### *WILDFIRE*

- Impact WF-1: The proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

- Impact WF-2: Due to slope, prevailing winds, and other factors, the proposed project would not exacerbate wildfire risks, and thereby would not expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- Impact WF-3: The proposed project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- Impact WF-4: The proposed project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

### *CUMULATIVE IMPACTS*

The project would result in either no cumulative impact or a less-than-significant cumulative impact, requiring no mitigation, for the following topics.

- Impact ENG-3: Cumulative impacts related to energy.
- Impact LU-3: Cumulative impacts related to land use and planning.
- Impact MIN-3: Cumulative impacts related to mineral resources.
- Impact NOI-4: Cumulative impacts related to groundborne vibration and groundborne noise levels.
- Impact NOI-5: Cumulative impacts related to excessive aircraft-related noise.
- Impact POP-3: Cumulative impacts related to population and housing.
- Impact WF-5: Cumulative impacts related to wildfire.

### **Findings Regarding Impacts Mitigated to a Level of Less than Significant**

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

### *AIR QUALITY*

**Impact AQ-4: Significant odors that could adversely affect a substantial number of people.**

Although not considered a major source of odor, continued implementation of the approved General Plan could result in odors. This would be a potentially significant impact.

#### **Mitigation Measure AIR-4.1**

Require developers of projects with the potential to generate significant odor impacts as determined through review of SJVAPCD odor complaint history for similar facilities and consultation with the SJVAPCD, to prepare an odor impact assessment and to implement odor control measures recommended by the SJVAPCD or the City as needed to reduce the impact to a level deemed acceptable by the SJVAPCD. The City's Planning and Development Department shall verify that all odor control measures have been incorporated into the project design specifications prior to issuing a permit to operate.

***Significance after Mitigation.*** Implementation of Mitigation Measure AIR-4.1 would minimize odor impacts and implement odor control measures. (Draft PEIR pages 4.3-62 and 4.3-63)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to odors identified in the PEIR.

### ***BIOLOGICAL RESOURCES***

#### **Impact BIO-1: Adverse effects to special-status species and associated habitat.**

Although impacts to species listed as a candidate, sensitive, or special-status species by local, State, and federal agencies should be avoided to the greatest extent feasible; it is acknowledged that future projects may not be able to avoid these species.

#### **Mitigation Measure BIO-1.1**

Construction of a proposed project shall avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Planning Area. If construction within potentially suitable habitat must occur, the presence/absence of any special-status plant or wildlife species must be determined prior to construction, to determine if the habitat supports any special-status species. If a special-status species are determined to occupy any portion of a project site, avoidance and minimization measures shall be incorporated into the construction phase of a project to avoid direct or incidental take of a listed species to the greatest extent feasible. Specific mitigation measures for direct or incidental impacts to special-status species will be determined on a case-by-case basis through agency consultation during the review process for discretionary projects, and will be consistent with survey protocols and mitigations measures recommended by the agency at the time of consultation.

#### **Mitigation Measure BIO-1.2**

Direct or incidental take of any state or federally listed species shall be avoided to the greatest extent feasible. If construction of a proposed project will result in the direct or incidental take of a listed species, consultation with the resources agencies and/or additional permitting may be

required. Agency consultation through the CDFW 2081 and USFWS Section 7 or Section 10 permitting processes shall take place prior to any action that may result in the direct or incidental take of a listed species. Specific mitigation measures for direct or incidental impacts to a listed species will be determined on a case-by-case basis through agency consultation. Specific mitigation measures for direct or incidental impacts to state or federally listed species will be determined on a case-by-case basis through agency consultation during the review process for discretionary projects, and will be consistent with survey protocols and mitigations measures recommended by the agency at the time of consultation.

### **Mitigation Measure BIO-1.3**

Development within the Planning Area shall avoid, where possible, special-status natural communities and vegetation communities that provide suitable habitat for special-status species. If a proposed project will result in the loss of a special-status natural community or suitable habitat for special-status species, compensatory habitat-based mitigation is required under CEQA and CESA. Mitigation shall consist of preserving on-site habitat, restoring similar habitat or purchasing off-site credits from an approved mitigation bank. Compensatory mitigation shall be determined through consultation with the City and/or resource agencies. An appropriate mitigation strategy and ratio shall be agreed upon by the developer and lead agency to reduce project impacts to special-status natural communities to a less than significant level. Agreed-upon mitigation ratios shall depend on the quality of the habitat and presence/absence of a special-status species. Specific mitigation measures for direct or incidental impacts to special-status natural communities and vegetation communities will be determined on a case-by-case basis through agency consultation during the review process for discretionary projects, and will be consistent with survey protocols and mitigations measures recommended by the agency at the time of consultation. ~~The specific mitigation for project level impacts shall be determined on a case-by-case basis.~~

### **Mitigation Measure BIO-1.4**

Proposed projects within the Planning Area should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a pre-construction clearance survey shall be conducted by a qualified biologist to determine if any nesting birds or nesting activity is observed on or within 500-feet of a project site. If an active nest is observed during the survey, a biological monitor shall be on site to ensure that no proposed project activities would impact the active nest. A suitable buffer shall be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the biological monitor. Prior to commencement of grading activities and issuance of any building permits, the Director of the City of Fresno Planning and Development Department, or designee, shall verify that all proposed project grading and construction plans include specific documentation regarding the requirements of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code Section 3503, that preconstruction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field. Specific mitigation measures for direct or incidental impacts to avian species protected under Fish and Game Code 3500 and the Migratory

Bird Treaty Act (MBTA will be determined on a case-by-case basis through agency consultation during the review process for discretionary projects, and will be consistent with survey protocols and mitigations measures recommended by the agency at the time of consultation.

***Significance after Mitigation.*** Implementation of Mitigation Measures BIO-1.1 through BIO-1.4 would minimize impacts to special-status species and associated habitat by requiring avoidance and minimization efforts, consultation with responsible agencies, compensatory mitigation and mitigation consistent with regulatory requirements. (Draft PEIR pages 4.4-25 and 4.4-28)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to special-status species and associated habitat identified in the PEIR.

**Impact BIO-2: Substantial adverse effect on any riparian habitat or other sensitive natural community.**

Future development that occurs within the Planning Area and in the vicinity of the San Joaquin River, its tributaries, any lakes or streams, and/or open grasslands with seasonal wetlands, may result in a significant impact to riparian habitat or a special-status natural community. The presence of riparian habitat and/or a special-status natural community on a project site must be evaluated prior to approvals of discretionary projects.

**Mitigation Measure BIO-2.1**

A pre-construction clearance survey, following current CDFW protocols, shall be conducted by a qualified biologist to determine if a proposed project will result in the removal or impact to any riparian habitat and/or a special-status natural community with potential to occur in the Planning Area, compensatory habitat-based mitigation shall be required to reduce project impacts. Compensatory mitigation must involve the preservation or restoration or the purchase of off-site mitigation credits for impacts to riparian habitat and/or a special-status natural community. Mitigation must be conducted in-kind or within an approved mitigation bank in the region. The specific mitigation ratio for habitat-based mitigation shall be determined through consultation with the appropriate agency (i.e., CDFW or USFWS) on a case-by-case basis. The project applicant/developer for a proposed project shall develop and implement appropriate mitigation regarding impacts on their respective jurisdictions.

**Mitigation Measure BIO-2.2**

A pre-construction clearance survey, following current CDFW protocols, shall be conducted by a qualified biologist to determine if a proposed project will result in significant impacts to streambeds or waterways protected under Section 1600 of Fish and Wildlife Code and Section 404 of the CWA. The project applicant/developer for a proposed project shall consult with partner agencies such as CDFW and/or USACE to develop and implement appropriate mitigation regarding impacts on their respective jurisdictions, determination of mitigation strategy, and regulatory permitting to reduce impacts, as required for projects that remove riparian habitat and/or alter a streambed or

waterway. The project applicant/developer shall implement mitigation as directed by the agency with jurisdiction over the particular impact identified.

**Mitigation Measure BIO-2.3**

Prior to project approval, a pre-construction clearance survey, following current CDFW protocols, shall be conducted by a qualified biologist to determine if a proposed project will result in project-related impacts to riparian habitat or a special-status natural community or if it may result in direct or incidental impacts to special-status species associated with riparian or wetland habitats. The project applicant/developer for a proposed project shall be obligated to address project-specific impacts to special-status species associated with riparian habitat through agency consultation, development of a mitigation strategy, and/or issuing incidental take permits for the specific special-status species, as determined by the CDFW and/or USFWS.

**Significance after Mitigation.** Implementation of Mitigation Measure BIO-2.1 through BIO-2.3 would reduce impacts to riparian habitat or other sensitive natural communities through pre-construction surveys, developing compensatory mitigation measures (if needed), and agency consultation. (Draft PEIR pages 4.4-28 through 4.4-30)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any riparian habitat or other sensitive natural community identified in the PEIR.

**Impact BIO-3: Substantial adverse effect on state or federally protected wetlands.**

Development within the Planning Area could result in the loss of jurisdictional wetland habitat, which includes vernal pools, seasonal wetlands, waters of the U.S. or intermittent/permanent water bodies.

**Mitigation Measure BIO-3.1**

If a proposed project will result in the significant alteration or fill of a federally protected wetland, a formal wetland delineation conducted according to USACE accepted methodology is required for each project to determine the extent of wetlands on a project site. The delineation shall be used to determine if federal permitting and mitigation strategy are required to reduce project impacts. Acquisition of permits from USACE for the fill of wetlands and USACE approval of a wetland mitigation plan would ensure a “no net loss” of wetland habitat within the Planning Area. Appropriate wetland mitigation/creation shall be implemented in a ratio according to the size of the impacted wetland.

**Mitigation Measure BIO-3.2**

In addition to regulatory agency permitting, Best Management Practices identified from a list provided by the USACE shall be incorporated into the design and construction phase of the project to ensure that no pollutants or siltation drain into a federally protected wetland. Project design

features such as fencing, appropriate drainage and incorporating detention basins shall assist in ensuring project-related impacts to wetland habitat are minimized to the greatest extent feasible.

***Significance after Mitigation.*** Implementation of Mitigation Measure BIO-3.1 and BIO-3.2 would reduce impacts to state or federally protected wetlands through the preparation of wetland delineation and appropriate mitigation (if required), and implementation of Best Management Practices. (Draft PEIR pages 4.4-30 and 4.4-31)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any state or federally protected wetlands identified in the PEIR.

#### **CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES**

##### **Impact CUL-1: Substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.**

As development occurs in accordance with the approved General Plan, the growth that would occur within the Planning Area would include infill development and buildout of rural, agricultural, and undeveloped areas. As a result, there is a possibility that the new development could result in demolition or substantial alterations of historical or potentially historical buildings and structures. In addition to land use development, infrastructure and other public works improvements could result in demolition or substantial alterations of historical resources.

##### **Mitigation Measure CUL-1.1**

If previously unknown resources are encountered before or during grading activities, construction shall stop in the immediate vicinity of the find and a qualified historical resources specialist shall be consulted to determine whether the resource requires further study. The qualified historical resources specialist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines and the City's Historic Preservation Ordinance. If the resources are determined to be unique historical resources as defined under Section 15064.5 of the CEQA Guidelines, measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any historical artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

##### **Mitigation Measure CUL-1.2**

Prior to approval of any discretionary project that could result in an adverse change to a potential historic and/or cultural resource, the City shall require a site-specific evaluation of historic and/or cultural resources by a professional who meets the Secretary of Interior’s Qualifications. The evaluation shall provide recommendations to mitigate potential impacts to historic and/or cultural resources and shall be approved by the Directory of Planning and Development.

***Significance after Mitigation.*** Implementation of Mitigation Measure CUL-1.1 and CUL-1.2 would reduce impacts to historic or cultural resources through the preparation of site-specific evaluations and in accordance with Section 15064.5 of the CEQA Guidelines and the City’s Historic Preservation Ordinance. (Draft PEIR pages 4.5-24 through 4.5-26)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any historic resources identified in the PEIR.

**Impact CUL-2: Substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.**

Due to the limited amount of prehistoric archaeological information within the majority of the Planning Area, the potential to impact prehistoric archaeological resources during grading and construction activities within previously undisturbed soils is considered significant.

**Mitigation Measure CUL-2**

Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for prehistoric archaeological resources shall be conducted. The following procedures shall be followed.

- If prehistoric resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that buried prehistoric archaeological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. If the resources are determined to be unique prehistoric archaeological resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any prehistoric archaeological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

- If prehistoric resources are found during the field survey or literature review, the resources shall be inventoried using appropriate State record forms and submit the forms to the Southern San Joaquin Valley Information Center. The resources shall be evaluated for significance. If the resources are found to be significant, measures shall be identified by the qualified archaeologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include an archaeological monitor. The monitoring period shall be determined by the qualified archaeologist. If additional prehistoric archaeological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

***Significance after Mitigation.*** Implementation of Mitigation Measure CUL-2 would reduce impacts to prehistoric resources through field surveys and literature searches, as well as the implementation of recommendations provide by a qualified archaeologist. (Draft PEIR pages 4.5-26 through 4.5-28)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any archaeological resources identified in the PEIR.

**Impact CUL-3: Disturb human remains, including those interred outside of formal cemeteries.**

Although there is no record of isolated human remains or unknown cemeteries, there is always a possibility that ground-disturbing activities associated with future development of the approved General Plan may uncover previously unknown buried human remains.

**Mitigation Measure CUL-3**

In the event that human remains are unearthed during excavation and grading activities of any future development project, all activity shall cease immediately. Pursuant to Health and Safety Code (HSC) Section 7050.5, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall within 24 hours notify the Native American Heritage Commission (NAHC). The NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

**Significance after Mitigation.** Implementation of Mitigation Measure CUL-3 would reduce impacts to human remains through regulatory compliance and coordination with appropriate Native American representatives (if appropriate). (Draft PEIR pages 4.5-28 and 4.5-29)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any human remains, including those interred outside of formal cemeteries, identified in the PEIR.

**Impact CUL-4: Potential to impact TCRs, the disturbance of which could result in a significant impact under CEQA.**

Impacts resulting from future development within the Planning Area in accordance with the approved General Plan could impact unknown archaeological resources including Native American artifacts and human remains. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures CUL-1, CUL-2, and CUL-3.

**Significance after Mitigation.** Implementation of Mitigation Measures CUL-1 through CUL-3 would reduce impacts to tribal cultural resources through the preparation of site-specific evaluations, field surveys and literature searches, and regulatory compliance and coordination with appropriate Native American representatives. (Draft PEIR pages 4.5-29 and 4.5-30)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any tribal cultural resources, identified in the PEIR.

**GEOLOGY AND SOILS**

**Impact GEO-6: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

Although many areas within the Planning Area have been previously disturbed by farming activities or previous structural development, continued implementation of the approved General Plan could include future development that would require excavations or construction within previously undisturbed soils containing unique paleontological resources geologic features.

**Mitigation Measure GEO-6.1**

Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed:

- If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or

construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

- If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

***Significance after Mitigation.*** Implementation of Mitigation Measure GEO-6.1 would reduce impacts to paleontological resources through the field surveys, literature searches, and qualified paleontologist should resources be discovered. (Draft PEIR pages 4.7-26 and 4.5-27)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to any paleontological resources, identified in the PEIR.

## GREENHOUSE GAS EMISSIONS

**Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.**

Development that occurs under the approved General Plan would generate greenhouse gas emissions that could exceed emissions targets without implementing measures consistent with the City's Greenhouse Gas Reduction Plan Update.

### Mitigation Measure GHG-1.1

Development projects that require discretionary approval shall be consistent with the GHG Reduction Plan Update (2020) and shall implement all measures deemed applicable to the project through the GHG Reduction Plan Update-Project Consistency Checklist (Appendix B to the GHG Reduction Plan Update).

**Significance after Mitigation.** Implementation of Mitigation Measure GHG-1.1 would reduce impacts related to the generation of greenhouse gas emissions through implementation of all applicable measures identified in the GHG Reduction Plan Update-Project Consistency Checklist (Draft PEIR pages 4.8-32 and 4.8-46)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to greenhouse gas emissions, identified in the PEIR.

#### HAZARDS AND HAZARDOUS MATERIALS

**Impact HAZ-6: Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.**

The City of Fresno Emergency Operations Center (EOC) will serve as the coordination and communication between the City of Fresno and Fresno County Operational Area EOC, but a significant impact could occur if the EOC is under redevelopment or construction during an emergency.

##### **Mitigation Measure HAZ-6.1**

The City shall establish an alternative Emergency Operations Center in the event the current Emergency Operations Center is under redevelopment or inaccessible.

**Significance after Mitigation.** Implementation of Mitigation Measure HAZ-6.1 would reduce impacts related to adopted emergency response plan or emergency evacuation plan through the establishment an alternative Emergency Operations Center (Draft PEIR pages 4.9-30 and 4.9-31)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to an adopted emergency response plan or emergency evacuation plan, identified in the PEIR.

#### HYDROLOGY AND WATER QUALITY

**Impact HYD-2: Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.**

The continued implementation of the approved General Plan could result in significant impacts to groundwater levels within the Kings Subbasin if the increase in water demand is met through an increase of water supply from increased groundwater pumping.

### **Mitigation Measure HYD-2.1**

The City shall continue to be an active participant in the North Kings Groundwater Sustainability Agency and the implementation of the North Kings Groundwater Sustainability Plan in order to ensure that the Kings Subbasin has balanced levels of pumping and recharge.

***Significance after Mitigation.*** Implementation of Mitigation Measure HYD-2.1 would reduce impacts related to decreasing groundwater supplies or interfering with groundwater recharge by requiring active participation in the North Kings Groundwater Sustainability Agency in order to ensure that the Kings Subbasin has balanced levels of pumping and recharge (Draft PEIR pages 4.10-21 and 4.10-22)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to groundwater supplies or groundwater recharge, identified in the PEIR.

### **Impact HYD-3: Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.**

There are locations within the Planning Area where master planned storm drainage facilities are not fully available and runoff from the proposed developments would exceed the ability of existing storm drainage facilities to provide service to the developments. In addition, there may be cases where proposed development would result in a greater level of imperviousness than what was previously anticipated. As a result, stormwater runoff could exceed the ability of the existing storm drainage facilities to provide service to the developments.

### **Mitigation Measure HYD-3.1**

The City shall implement the following measures to reduce the impacts on the capacity of existing or planned SDFCMP collection systems:

- Coordinate with FMFCD to implement the existing Storm Drainage and Flood Control Master Plan (SDFCMP) for collection systems in drainage areas where the amount of imperviousness is unaffected by the change in land uses.
- Coordinate with FMFCD to update the SDFCMP in those drainage areas where the amount of imperviousness increased due to the change in land uses to determine the changes in the collection systems that would need to occur to provide adequate capacity for the stormwater runoff from the increased imperviousness.

- As development is proposed, implement current SDFCMP to provide stormwater collection systems that have sufficient capacity to convey the peak runoff rates from the areas of increased imperviousness.
- Require developments that increase site imperviousness to install, operate, and maintain FMFCD approved on-site detention systems to reduce the peak runoff rates resulting from the increased imperviousness to the peak runoff rates that will not exceed the capacity of the existing stormwater collection systems.

### **Mitigation Measure HYD-3.2**

The City shall implement the following measures to reduce the impacts on the capacity of existing or planned SDFCMP retention basins:

Prior to approval of development projects, coordinate with ~~FMFCD~~ ~~FCMFC~~ to analyze the impacts to existing and planned retention basins to determine remedial measures required to reduce the impact on retention basin capacity to less than significant. Remedial measures would include:

1. Increase the size of the retention basin through the purchase of more land or deepening the basin or a combination for planned retention basins.
- ~~2. Increase the size of the emergency relief pump capacity required to pump excess runoff volume out of the basin and into adjacent canal that convey the stormwater to a disposal facility for existing retention basins.~~
23. Require developments that increase runoff volume to install, operate, and maintain, Low Impact Development (LID) measures to reduce runoff volume to the runoff volume that will not exceed the capacity of the existing retention basins.

### **Mitigation Measure HYD-3.3**

The City shall implement the following measures to reduce the impacts on the capacity of existing or planned SDFCMP urban detention (stormwater quality) basins:

Prior to approval of development projects, coordinate with ~~FMFCD~~ ~~FCMFC~~ to determine the impacts to the urban detention basin weir overflow rates and determine remedial measures required to reduce the impact on the detention basin capacity to less than significant. Remedial measures would include:

1. Modify overflow weir to maintain the suspended solids removal rates adopted by the FMFCD Board of Directors.
2. Increase the size of the urban detention basin to increase residence time by purchasing more land. The existing detention basins are already at the adopted design depth.

3. Require developments that increase runoff volume to install, operate, and maintain, Low Impact Development (LID) measures to reduce peak runoff rates and runoff volume to the runoff rates and volumes that will not exceed the weir overflow rates of the existing urban detention basins.

#### **Mitigation Measure HYD-3.4**

The City shall implement the following measures to reduce the impacts on the capacity of existing or planned SDFCMP pump disposal systems:

1. Prior to approval of development projects, coordinate with FMFCDFCMFCD to determine the extent and degree to which the capacity of the existing pump system will be exceeded.
2. Require new developments to install, operate, and maintain on-site detention facilities, consistent with FMFCD design standards, to reduce peak stormwater runoff rates to existing planned peak runoff rates.
3. Provide additional pump system capacity to maximum allowed by existing permitting to increase the capacity to match or exceed the peak runoff rates determined by the SDFCMP.

#### **Mitigation Measure HYD-3.5**

The City shall coordinate with FMFCDFCMFCD to develop and adopt a storm drainage update to the SDFCMP for the Southeast Development Area that is designed to collect, convey and dispose of runoff rates and volumes based on the planned land uses of the approved General Plan.

***Significance after Mitigation.*** Implementation of Mitigation Measures HYD-3.1 through HYD-3.5 would reduce impacts related to stormwater drainage systems or polluted runoff through the implementation several measures that ensure sufficient capacity of stormwater collection systems, detention basins, and pump disposal systems. In addition, Mitigation Measure HYD-3.5 requires the development and adoption of a storm drainage update to the SDFCMP for the Southeast Development Area that to collect, convey and dispose of runoff rates and volumes. (Draft PEIR pages 4.10-26 and 4.10-31)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, identified in the PEIR.

## **NOISE**

### **Impact NOI-2: Generate excessive groundborne vibration or groundborne noise levels.**

If construction activities occur within 25 feet of existing structures, short-term construction impacts associated with groundborne vibration would be potentially significant.

#### **Mitigation Measure NOI-2**

Construction Vibration. The use of heavy construction equipment within 25 feet of existing structures shall be prohibited.

**Significance after Mitigation.** Implementation of Mitigation Measures NOI-2 would reduce impacts related to groundborne vibration or groundborne noise levels by restricting the uses of construction equipment within close proximity of existing structures. (Draft PEIR pages 4.13-23 and 4.13-24)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to groundbourne vibration and groundbourne noise levels, identified in the PEIR.

#### **PUBLIC SERVICES AND RECREATION**

##### **Impact PSR-1.1: Result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities.**

Continued implementation of the approved General Plan could potentially result in adverse physical impacts associated with the provision of new or altered fire protection facilities.

##### **Mitigation Measure PSR-1.1**

As future fire facilities are planned, environmental review of proposed facilities shall be completed to meet the requirements of CEQA. Typical impacts from fire facilities include air quality/greenhouse gas emissions, noise, traffic, and lighting.

**Significance after Mitigation.** Implementation of Mitigation Measures PSR-1.1 would reduce impacts related to fire protection facilities by requiring site-specific environmental reviews of new facilities. (Draft PEIR pages 4.15-24 and 4.13-25)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to adverse physical impacts associated with the provision of new or physically altered fire protection facilities, identified in the PEIR.

##### **Impact PSR-1.2: Result in substantial adverse physical impacts associated with the provision of new or physically altered police protection facilities.**

Continued implementation of the approved General Plan could potentially result in adverse physical impacts associated with the provision of new or altered police protection facilities.

##### **Mitigation Measure PSR-1.2**

As future police facilities are planned, environmental review of proposed facilities shall be completed to meet the requirements of CEQA. Typical impacts from police facilities include air quality/greenhouse gas emissions, noise, traffic, and lighting.

***Significance after Mitigation.*** Implementation of Mitigation Measures PSR-1.2 would reduce impacts related to police protection facilities by requiring site-specific environmental reviews of new facilities. (Draft PEIR pages 4.15-25 and 4.13-26)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to adverse physical impacts associated with the provision of new or physically altered police protection facilities, identified in the PEIR.

**Impact PSR-1.3: Result in substantial adverse physical impacts associated with the provision of new or physically altered park and recreational facilities.**

Continued implementation of the approved General Plan could potentially result in adverse physical impacts associated with the provision of new or physically altered park and recreational facilities.

**Mitigation Measure PSR-1.3**

As future parks and recreational facilities are planned, environmental review of proposed facilities shall be completed to meet the requirements of CEQA. Typical impacts from park and recreational facilities include air quality/greenhouse gas emissions, noise, traffic, and lighting.

***Significance after Mitigation.*** Implementation of Mitigation Measures PSR-1.3 would reduce impacts related to park and recreational facilities by requiring site-specific environmental reviews of new facilities. (Draft PEIR pages 4.15-27 and 4.13-28)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to adverse physical impacts associated with the provision of new or physically altered park and recreational facilities, identified in the PEIR.

**Impact PSR-1.4: Result in substantial adverse physical impacts associated with the provision of new or physically altered public facilities.**

Continued implementation of the approved General Plan could potentially result in adverse physical impacts associated with the provision of new or physically altered public facilities.

**Mitigation Measure PSR-1.4**

As future public facilities are planned by the City of Fresno (e.g., court, library, and hospital facilities), environmental review of the proposed facilities shall be completed to meet the requirements of CEQA. Typical impacts from public facilities include air quality/greenhouse gas emissions, noise, traffic, and lighting.

**Significance after Mitigation.** Implementation of Mitigation Measures PSR-1.4 would reduce impacts related to public facilities by requiring site-specific environmental reviews of new facilities. (Draft PEIR pages 4.15-27 and 4.13-28)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to adverse physical impacts associated with the provision of new or physically altered public facilities, identified in the PEIR.

## UTILITIES

### **Impact UTL-3: Would exceed wastewater treatment capacity.**

The existing wastewater treatment capacity at the Regional Wastewater Reclamation Facility and North Facility is not adequate to serve the future development anticipated under the approved General Plan. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures UTL-1.3.1 and UTL-1.3.2.

**Significance after Mitigation.** Implementation of Mitigation Measures UTL-1.3.1 and UTL-1.3.2 would reduce impacts related to wastewater treatment capacity by requiring the evaluation of wastewater systems prior to the approval of discretionary projects and by requiring expansions of wastewater treatment facilities to provide additional capacity for future development. (Draft PEIR pages 4.17-22 through 4.17-24)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts to wastewater treatment capacity, identified in the PEIR.

### **Impact UTL-4: Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.**

The remaining capacity and lifespan of landfills currently utilized by the City is limited and an increase in solid waste generated by development under the approved General Plan would exceed capacity of the landfills in the future.

#### **Mitigation Measure UTL-4.1**

The City shall evaluate additional landfill locations at the time discretionary projects are submitted, and shall not approve development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.

**Significance after Mitigation.** Implementation of Mitigation Measures UTL-4.1 would reduce impacts related to landfill capacity to accommodate future growth by requiring the evaluation of additional landfill locations prior to approval of discretionary projects. (Draft PEIR pages 4.17-30 and 4.17-31)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen impacts related to adverse physical impacts associated with available capacity at landfills utilized by the City, identified in the PEIR.

### **Findings Regarding Cumulative Impacts Mitigated to Less-than-Significant Levels**

The City hereby finds that feasible mitigation measures have been identified in the PEIR and these mitigation measures will avoid or substantially lessen the following potentially significant and significant cumulative impacts to a less-than-significant level. The potentially significant and significant impacts and the mitigation measures that will reduce them to a less-than-significant level are summarized below. Please refer to the PEIR for more detail.

#### ***Biological Resources***

##### **Impact BIO-7: Substantial adverse cumulative effect on state or federally protected wetlands.**

The conversion of grassland and undeveloped areas to cumulative development as a result of continued implementation of the approved General Plan would increase effects on protected wetland habitats. Cumulative development that encroaches into wetland habitat areas or indirectly impacts wetland habitat through the increase of upstream urban runoff could result in significant impacts. Since the development in accordance with the approved General Plan could increase impacts on wetland habitats, the project's contribution to potential impacts on wetland habitat is cumulatively considerable. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures BIO-1.1 through BIO-1.4, Mitigation Measures BIO-2.1 through BIO-2.3, and Mitigation Measures BIO-3.1 through BIO-3.2.

***Significance after Mitigation.*** Implementation of Mitigation Measures BIO-1.1 through BIO-1.4, Mitigation Measures BIO-2.1 through BIO-2.3, and Mitigation Measures BIO-3.1 through BIO-3.2 would reduce impacts to biological resources by requiring avoidance and minimization efforts, consultation with responsible agencies, compensatory mitigation and mitigation consistent with regulatory requirements. (Draft PEIR pages 4.4-33 through 4.4-35)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to state or federally protected wetlands, identified in the PEIR.

#### ***CULTURAL RESOURCES***

##### **Impact CUL-5: Result in cumulative impacts to cultural resources.**

Although current regulations to preserve cultural resources are expected to reduce potential impacts resulting from continued implementation of the approved General Plan, the project's contribution to impacts on historic resources, archaeological resources, and tribal cultural resources would be considered cumulative considerable. Potential impacts would be reduced to a less-than-

significant levels with implementation of Mitigation Measures CUL-1.1 and CUL-1.2, Mitigation Measure CUL-2, and Mitigation Measure CUL-3.

**Significance after Mitigation.** Implementation of Mitigation Measures CUL-1.1 and CUL-1.2, Mitigation Measure CUL-2, and Mitigation Measure CUL-3 would reduce impacts to historic resources, archaeological resources, and tribal cultural resources through the preparation of site-specific evaluations, field surveys and literature searches, regulatory compliance, and coordination with appropriate Native American representatives. (Draft PEIR pages 4.5-30 and 4.5-31)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measures, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to historic resources, archaeological resources, and tribal cultural resources, identified in the PEIR.

### **GEOLOGY AND SOILS**

#### **Impact GEO-7: Result in significant cumulative impacts with respect to paleontological resources.**

Continued implementation of the approved General Plan could result in the discovery paleontological/geological resources during excavation and/or construction activities within previously undisturbed soils. Although current regulations to preserve cultural resources are expected to reduce potential impacts resulting from continued implementation of the approved General Plan, the project’s contribution to impacts on historic resources, archaeological resources, and tribal cultural resources would be considered cumulative considerable. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measure GEO-6.1.

**Significance after Mitigation.** Implementation of Mitigation Measure GEO-6.1 would reduce impacts to paleontological resources through field surveys, literature searches, and site-specific recommendations made by a qualified paleontologist (if required). (Draft PEIR pages 4.7-28 through 4.7-30)

**Finding on Proposed Mitigation.** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to paleontological resources, identified in the PEIR.

### **GREENHOUSE GAS EMISSIONS**

#### **Impact GHG-3: Result in significant cumulative impacts with respect to greenhouse gas emissions.**

Development, in combination with past, present, and reasonably foreseeable projects that would occur through implementation of the approved General Plan would generate greenhouse gas emissions that could exceed emissions targets if measures consistent with the City’s Greenhouse Gas Reduction Plan Update are not implemented. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measure GHG-1.1.

***Significance after Mitigation.*** Implementation of Mitigation Measure GHG-1.1 would reduce impacts related to greenhouse gas emissions by requiring that development projects constructed during implementation of the approved General Plan must be consistent with the GHG Reduction Plan Update by implementing Project Consistency Checklist. (Draft PEIR pages 4.8-47 through 4.8-49)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of the above mitigation measure, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts to greenhouse gas emissions, identified in the PEIR.

#### HAZARDS AND HAZARDOUS MATERIALS

**Impact HAZ-8: Result in significant cumulative impacts with respect to implementation of adopted emergency response plan or emergency evacuation.**

The City of Fresno Emergency Operations Center (EOC) will serve as the coordination and communication between the City of Fresno and Fresno County Operational Area EOC, but a significant cumulative impact could occur if the EOC is under redevelopment or construction during an emergency. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measure HAZ-6.1.

***Significance after Mitigation.*** Implementation of Mitigation Measure HAZ-6.1 would reduce cumulative impacts related to an adopted emergency response plan or emergency evacuation plan through the establishment an alternative Emergency Operations Center. (Draft PEIR pages 4.9-32 through 4.9-34)

***Finding on Proposed Mitigation.*** The City finds that, with implementation of Mitigation Measure HAZ-6.1, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts with respect to implementation of an adopted emergency response plan or emergency evacuation, identified in the PEIR.

#### HYDROLOGY AND WATER QUALITY

**Impact HYD-5: Result in cumulative impacts to water supply and hydrology.**

Continued implementation of the approved General Plan in combination with other projects would occur in locations within the Planning Area where master planned storm drainage facilities are not fully available and runoff from the proposed developments would exceed the ability of existing storm drainage facilities to provide service to the developments. In addition, there may be cases where proposed development in combination with other project would result in a greater level of imperviousness than what was previously anticipated. As a result, stormwater runoff could exceed the ability of the existing storm drainage facilities to provide service to the developments. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures HYD-2.1, HYD-3.1, HYD-3.2, HYD-3.3, HYD-3.4, and HYD-3.5.

**Significance after Mitigation.** Implementation of Mitigation Measures HYD-2.1, HYD-3.1, HYD-3.2, HYD-3.3, and HYD-3.4 would reduce cumulative impacts related to stormwater drainage systems or polluted runoff through the implementation several measures that ensure sufficient capacity of stormwater collection systems, detention basins, and pump disposal systems. In addition, Mitigation Measure HYD-3.5 requires the development and adoption of a storm drainage update to the SDFCMP for the Southeast Development Area that to collect, convey and dispose of runoff rates and volumes. (Draft PEIR pages 4.10-35 and 4.10-36)

**Finding on Proposed Mitigation.** The City finds that, with implementation of Mitigation Measures HYD-2.1, HYD-3.1, HYD-3.2, HYD-3.3, HYD-3.4, and HYD-3.5, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts with respect to water supply and hydrology, identified in the PEIR.

### **PUBLIC SERVICES AND RECREATION**

#### **Impact PSR-2: Result in significant cumulative impacts with respect to fire protection, police protection, schools, parks and other public facilities.**

Continued implementation of the approved General Plan could potentially result in adverse physical impacts associated with the provision of new or altered fire protection facilities, police protection facilities, park and recreational facilities and other public facilities. Potential impacts would be reduced to a less-than-significant levels with implementation of Mitigation Measures PSR-1.1, PSR-1.2, PSR-1.3, and PSR-1.4.

**Significance after Mitigation.** Implementation of Mitigation Measures PSR-1.1 through PSR-1.4 would reduce cumulative impacts related to the provision of new or physically altered fire protection facilities, police protection facilities, park and recreational facilities and other public facilities by requiring site-specific environmental analyses prior to the approval of discretionary projects. (Draft PEIR pages 4.15-29 through 4.15-31)

**Finding on Proposed Mitigation.** The City finds that, with implementation of Mitigation Measures PSR-1.1, PSR-1.2, PSR-1.3, and PSR-1.4, changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen cumulative impacts with respect to public services, identified in the PEIR.

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

The following significant environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the environmental impacts to less-than-significant levels.

### **AESTHETICS**

#### **Impact AES-3: Continued implementation of the approved General Plan would substantially degrade the existing visual character or quality of public views of the site and its surroundings.**

Although the continued implementation of approved General Plan objectives and policies would reduce the potential impacts to visual character from locations within and outside the Planning

Area, the replacement of rural, agricultural, and open space uses with urban land uses would continue to result in a substantial alteration of the visual character of the Planning Area. Therefore, the proposed project would result in significant impacts with regard to the visual character of the Planning Area, as identified at the time the General Plan was adopted.

***Significance without Mitigation.*** No feasible mitigation measures are available to mitigate the impact to a less than significant level because the intent implementing the approved General Plan is to provide an orderly growth that would result in a change of land uses that would substantially alter the visual character of the Planning Area. (Draft PEIR 4.1-15 through 4.1-17)

***Finding.*** No feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, impacts related to visual character and public views are considered significant and unavoidable.

**Impact AES-4: Increase the amount of light and glare within the Planning Area.**

New development in accordance with the continued implementation of the approved General Plan would increase the amount of structures and buildings that could create new sources of glare both within the Planning Area and directly adjacent to the Planning Area.

**Mitigation Measure AES-4.1**

Lighting for Street and Parking Areas. Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences.

**Mitigation Measure AES-4.2**

Lighting for Public Facilities. Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.

**Mitigation Measure AES-4.3**

Lighting for Non-Residential Uses. Lighting systems for non-residential uses, not including public facilities, shall provide shields on the light fixtures and orient the lighting system away from adjacent properties. Low intensity light fixtures shall also be used if excessive spillover light onto adjacent properties will occur.

**Mitigation Measure AES-4.4**

Signage Lighting. Lighting systems for freestanding signs shall not exceed 100 foot Lamberts (FT-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal footcandles and shall not exceed 500 FT-L when adjacent to streets which have an average light intensity of 2.0 horizontal footcandles or greater.

### **Mitigation Measure AES-4.5**

Use of Non-Reflective Materials. Materials used on building facades shall be non-reflective.

**Significance after Mitigation.** Cumulative development is anticipated to contribute to the conversion of rural and agricultural uses to urban uses. This cumulative change is expected to result in a substantial alteration of the existing visual character of the area. Additionally, even with the mitigation identified above, the project’s contribution of the illumination of the night sky would remain cumulatively significant. Therefore, the project would result in a significant cumulative impact related to the existing visual character and illumination of the night sky. (Draft PEIR page 4.1-17 through 4.1-19)

**Finding on Proposed Mitigation.** The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from continued implementation of the approved General Plan would increase the amount of light and glare within the Planning Area. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

### *AGRICULTURE AND FORESTRY*

#### **Impact AG-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the FMMP of the California Resources Agency, to non-agricultural use.**

The continued implementation of the approved General Plan would result in the conversion of FMMP-designated farmland and other categories of farmland to non-agricultural uses.

#### **Mitigation Measure AG-1.1**

Consistent with Policy RC-9-c of the approved General Plan, the City, in coordination with regional partners or independently, shall establish a Farmland Preservation Program by 2025. The intent of the Farmland Preservation Program would be that, when Prime Farmland, Unique Farmland, or Farmland of Statewide Importance are proposed for development and converted to urban uses within the Sphere of Influence outside City limits, this program would require that the developer of such a project mitigate the loss of farmland consistent with the requirements of CEQA. The Farmland Preservation Program shall establish thresholds of significance and provide several mitigation options that may include, but are not limited to, the following:

- Restrictive Covenants or Deeds
- In Lieu Fees
- Mitigation Banks
- Fee Title Acquisition
- Conservation Easements

- Land Use Regulations

The Farmland Preservation Program may be modeled after some or all of the programs described by the California Council of Land Trusts.

Prior to the adoption of the Farmland Preservation Program, projects shall be required to comply with CEQA to address potential environmental impacts on an individual basis.

**Significance after Mitigation.** Implementation of Mitigation Measure AG-1.1 would require a program to be established to offset potential impacts from the loss of farmland, however, the loss would not be fully mitigated because the conversion of farmland to non-farmland uses is a permanent loss of such resources cannot likely be reversed. (Draft PEIR pages 4.2-12 through 4.2-14)

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

**Impact AG-2: Conflict with existing zoning for agricultural use or a Williamson Act contract.**

Continued implementation of the approved General Plan could conflict with existing Williamson Act contracts because non-agricultural uses would be allowed on land under a Williamson Act contract.

**Significance without Mitigation.** No feasible mitigation measures are available to mitigate the impact to a less than significant level because the intent of implementing the approved General Plan would convert farmland under a Williamson Act contract to non-agricultural uses. (Draft PEIR 4.2-14 and 4.2-15)

**Finding.** The City finds that the impact would remain significant and unavoidable because no feasible mitigation measures are available to mitigate this impact to a less-than-significant level.

**AIR QUALITY**

**Impact AIR-2: Result in a cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment under an applicable federal or State ambient air quality standards.**

Although the scale of individual project level emissions that would result under the continued implementation of the approved General Plan cannot yet been determined as those future projects are not proposed, the air quality impacts associated with future operation of individual projects that may occur with implementation of the approved General Plan, when measured against annual regional thresholds, are assumed to be potentially significant.

**Mitigation Measure AIR-2.1**

Prior to future discretionary project approval, development project applicants shall prepare and submit to the Director of the City Planning and Development Department, or designee, a technical assessment evaluating potential project construction phase-related air quality impacts. The evaluation shall be prepared in conformance with SJVAPCD methodology for assessing construction impacts. If construction related air pollutants are determined to have the potential to exceed the SJVAPCD adopted threshold of significance, the Planning and Development Department shall require that applicants for new development projects incorporate mitigation measures into construction plans to reduce air pollutant emissions during construction activities. The identified measures shall be included as part of the Project Conditions of Approval. Possible mitigation measures to reduce construction emissions include but are not limited to:

- Install temporary construction power supply meters on site and use these to provide power to electric power tools whenever feasible. If temporary electric power is available on site, forbid the use of portable gasoline- or diesel-fueled electric generators.
- Use of diesel oxidation catalysts and/or catalyzed diesel particulate traps on diesel equipment, as feasible.
- Maintain equipment according to manufacturers' specifications.
- Restrict idling of equipment and trucks to a maximum of 5 minutes (per California Air Resources Board [CARB] regulation).
- Phase grading operations to reduce disturbed areas and times of exposure.
- Avoid excavation and grading during wet weather.
- Limit on-site construction routes and stabilize construction entrance(s).
- Remove existing vegetation only when absolutely necessary.
- Sweep up spilled dry materials (e.g., cement, mortar, or dirt track-out) immediately. Never attempt to wash them away with water. Use only minimal water for dust control.
- Store stockpiled materials and wastes under a temporary roof or secured plastic sheeting or tarp.

### **Mitigation Measure AIR-2.2**

Prior to future discretionary project approval, development project applicants shall prepare and submit to the Director of the City Planning and Development Department, or designee, a technical assessment evaluating potential project operation-related air quality impacts. The evaluation shall be prepared in conformance with SJVAPCD methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the SJVAPCD-adopted thresholds of significance, the Planning and Development Department shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant

emissions during operational activities. The identified measures shall be included as part of the Project Conditions of Approval. Possible mitigation measures to reduce long-term emissions include but are not limited to:

- For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plugging in the anticipated number of refrigerated trailers to reduce idling time and emissions.
- Applicants for manufacturing and light industrial uses shall consider energy storage (i.e., battery) and combined heat and power (CHP, also known as cogeneration) in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.
- Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with CARB Rule 2845 (13 California Code of Regulations [CCR] Chapter 10, Section 2485).
- Require that 240-volt electrical outlets or Level 3 chargers be installed in parking lots that would enable charging of neighborhood electric vehicles (NEVs) and/or battery powered vehicles.
- Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on building roofs throughout the city to generate solar energy.
- Maximize the planting of trees in landscaping and parking lots.
- Use light-colored paving and roofing materials.
- Require use of electric or alternatively fueled street-sweepers with HEPA filters.
- Require use of electric lawn mowers and leaf blowers.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low volatile organic compound (VOC) cleaning products.

**Significance after Mitigation.** While Mitigation Measure AIR-2.1 and Mitigation Measure AIR-2.2 would significantly reduce criteria air pollutant emissions generated during construction and operational activities associated with the continued implementation of the approved General Plan, there is currently not enough information to quantify emissions of specific project development that may occur under the proposed project. Without quantification to guarantee a less than significant finding, future development projects may still exceed the SJVAPCD regional significance thresholds. Therefore, operational activities would be considered to remain significant and unavoidable. (Draft PEIR pages 4.3-47 through 4.3-57)

**Finding on Proposed Mitigation.** The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future

development projects may still exceed regional significance thresholds. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

**Impact AIR-3: Expose sensitive receptors to substantial pollutant concentrations.**

Future development associated with the continued implementation of the approved General Plan would increase pollutant concentrations. Information regarding operational characteristics of future specific development projects and the associated emissions cannot be determined at the time of this analysis; therefore, cumulative growth within the city could result in exposure of sensitive receptors to substantial pollutant concentrations, including potential TAC emissions.

**Mitigation Measure AIR-3.1**

Prior to future discretionary approval for projects that require environmental evaluation under CEQA, the City of Fresno shall evaluate new development proposals for new industrial or warehousing land uses that: (1) have the potential to generate 100 or more truck trips per day or have 40 or more trucks with operating diesel-powered transport refrigeration units, and (2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, or nursing homes), as measured from the property line of the project to the property line of the nearest sensitive use. Such projects shall submit a Health Risk Assessment (HRA) to the City Planning and Development Department. The HRA shall be prepared in accordance with policies and procedures of the most current State Office of Environmental Health Hazard Assessment (OEHHA) and the SJVAPCD. If the HRA shows that the incremental health risks exceed their respective thresholds, as established by the SJVAPCD at the time a project is considered, the Applicant will be required to identify and demonstrate that best available control technologies for toxics (T-BACTs), including appropriate enforcement mechanisms to reduce risks to an acceptable level. T-BACTs may include, but are not limited to:

- Restricting idling on site or electrifying warehousing docks to reduce diesel particulate matter;
- Requiring use of newer equipment and/or vehicles;
- Provide charging infrastructure for: electric forklifts, electric yard trucks, local drayage trucks, last mile delivery trucks, electric and fuel-cell heavy duty trucks; and/or
- Install solar panels, zero-emission backup electricity generators, and energy storage to minimize emissions associated with electricity generation at the project site.

T-BACTs identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.

**Mitigation Measure AIR-3.2**

Locate sensitive land uses (e.g., residences, schools, and daycare centers) to avoid incompatibilities with recommended buffer distances identified in the most current version of the CARB Air Quality

and Land Use Handbook: A Community Health Perspective (CARB Handbook). Sensitive land uses that are within the recommended buffer distances listed in the CARB Handbook shall provide enhanced filtration units or submit a Health Risk Assessment (HRA) to the City. If the HRA shows that the project would exceed the applicable SJVAPCD thresholds, mitigation measures capable of reducing potential impacts to an acceptable level must be identified and approved by the City.

***Significance after Mitigation.*** Implementation of Mitigation Measure AIR-3.1 and AIR 3.2 would serve to ensure that the impacts of the continued implementation of the approved General Plan are assessed to determine if they would expose sensitive receptors to potentially significant impacts from TAC emissions. However, at the time an individual project is proposed, an assessment may identify significant impacts or cumulative contributions of TAC emissions for which feasible mitigation measures are not available. Therefore, TAC impacts would remain significant.

***Finding on Proposed Mitigation.*** The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, future assessments for future projects may identify significant impacts or cumulative contributions of TAC emissions for which feasible mitigation measures are not available. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

## NOISE

**Impact NOI-1: Generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards.**

Through continued implementation of the approved General Plan, noise generated from roadways and stationary noise sources, such as industrial uses, commercial operations, agricultural production, school playgrounds, would result in substantial increases in noise within the Planning Area.

***Significance without Mitigation.*** Implementation of the Policy NS-1-a through Policy NS-1-p of the approved General Plan, which includes several structural design measures proven to reduce the effects of noise, would in most instances, reduce noise impacts to less than significant levels. However, these policies and the measures that they would implement are ultimately limited, as even advanced policies and measures are limited in what they can do to remediate or reduce the magnitude of noise effects on many existing noise-sensitive land uses in areas with current high noise exposures or where substantial noise increases are expected. Thus, the continuing exposure of existing noise-sensitive land uses to noise levels in excess of standards established by the City, or to substantial noise increases as a result of future growth associated with the continued implementation of the approved General Plan, would result in a significant unavoidable permanent increase in ambient noise levels in the project vicinity above levels existing without the project. In addition, even with incorporation of the best available noise control technology, noise emanating from some land uses can be substantial and exceed local noise standards. (Draft PEIR pages 4.13-18 through 4.13-23)

**Finding.** Beyond implementation of General Plan policies, no feasible mitigation measures are available to mitigate the impact to a less-than-significant level due to the magnitude of noise effects on many existing noise-sensitive land uses in areas with current high noise exposures, or where substantial noise increases are expected. Therefore, impacts are considered significant and unavoidable.

## TRANSPORTATION

**Impact TRA-1: Continued Implementation of the approved General Plan would increase vehicle traffic and would result in 12 roadway segments to exceed General Plan LOS standards, which is in conflict with LOS-related policies in the Mobility and Transportation Element of the approved General Plan.**

Full build out of the approved General Plan would create as many as 21 level of service (LOS) deficiencies under existing roadway configurations. Implementation of the Mobility and Transportation Element designation to the roadway system would result in 9 deficient roadways receiving additional capacity and operating at unacceptable LOS. In addition, 12 roadway segments are forecast to exceed the General Plan LOS standard even when the Mobility and Transportation Element is completed, thereby resulting in a significant impact.

**Significance without Mitigation.** Mitigation is not feasible to address the exceedance of General Plan LOS standards because the mitigation would be limited to re-designating the affected arterials to a higher classification, creating a new General Plan LOS goal, widening the roads, or identifying the infeasibility of acquiring the affected right-of-way and implementing road widening. As a result, there are no feasible mitigation measures to address the exceedance of General Plan LOS standards, and a significant and unavoidable impact would result.

**Finding on Proposed Mitigation.** No feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, impacts associated with are considered significant and unavoidable.

## UTILITIES

**Impact UTL-1.1: Require or result in the relocation or construction of new or expanded water conveyance facilities, the construction or relocation of which could cause significant environmental effects. Although mitigation measures are proposed to reduce impacts associated with the provision of water conveyance facilities, such mitigation would not reduce impacts to a less than significant level because project specifics are unknown at this time, and project-level environmental analysis has not occurred.**

Continued evaluation of available capacity and construction of additional facilities is required to ensure that implementation of the approved General Plan can occur. Construction and operation of identified improvements could result in project-specific impacts that are not currently known because the facilities have not yet been designed.

### Mitigation Measure UTL-1.1.1

The City shall evaluate the water conveyance system and, at the time that discretionary projects are submitted for approval by the City, the City shall not approve development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be evaluated for potential environmental impacts and constructed by the City by approximately 2025.

- Construct 65 new groundwater wells, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.
- Construct a 2.0 million gallon potable water reservoir (Reservoir T2) near the intersection of Clovis and California Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.
- Construct a 4.0 million gallon potable water reservoir (Reservoir T5) near the intersection of Ashlan and Chestnut Avenues, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.
- Construct a 4.0 million gallon potable water reservoir (Reservoir T6) near the intersection of Ashlan Avenue and Highway 99, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.
- Construct 50.3 miles of regional water transmission mains ranging in size from 24- inch to 48- inch, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.
- Construct 95.9 miles of 16-inch transmission grid mains, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.

Prior to initiating construction of any of the capacity improvement projects identified above, the City shall conduct appropriate environmental analyses for each project to determine whether environmental impacts would occur.

#### **Mitigation Measure UTL-1.1.2**

The City shall evaluate the water conveyance system at the time discretionary projects are submitted and shall not approve development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The following capacity improvements shall be evaluated for potential environmental impacts and constructed by the City after approximately the year 2035 and additional water conveyance facilities shall be provided prior to exceedance of capacity within the water conveyance facilities to accommodate full buildout of the approved General Plan.

- Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 1) within the northern part of the Southeast Development Area.
- Construct a 4.0 million gallon potable water reservoir (SEDA Reservoir 2) within the southern part of the Southeast Development Area.

**Significance after Mitigation.** Construction and operation of the identified improvements could result in project-specific impacts that are not currently known because the future facilities have not yet been designed. Prior to approval of each facility, the City shall conduct appropriate environmental analyses for each facility to determine whether environmental impacts would occur. Until environmental evaluations have occurred, potential impacts would be considered significant and unavoidable. (Draft PEIR 4.17-17 through 4.17-20)

**Finding on Proposed Mitigation.** The City finds that the impact would remain significant and unavoidable because additional environmental analyses on specific projects has not yet occurred.

**Impact UTL-1.2: Require or result in the relocation or construction of new or expanded surface water treatment facilities, the construction or relocation of which could cause significant environmental effects. Although mitigation is proposed to reduce impacts associated with the provision of water treatment facilities, such mitigation would not reduce impacts to a less than significant level because project specifics are unknown at this time, and project-level environmental analysis has not occurred.**

Continued evaluation of available capacity and construction of additional facilities is required to ensure that implementation of the approved General Plan can occur. Construction and operation of identified improvements could result in project-specific impacts that are not currently known because the facilities have not yet been designed.

#### **Mitigation Measure UTL-1.2.1**

The City shall evaluate the water supply system at the time discretionary projects are submitted and shall not approve development that would demand additional water until additional capacity is provided. By approximately the year 2025, the following capacity improvements shall be evaluated for potential environmental impacts and constructed by the City.

- Construct an approximately 30 mgd expansion of the existing northeast surface water treatment facility for a total capacity of 60 mgd, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.
- Construct an approximately 20 mgd surface water treatment facility in the southwest portion of the City, in accordance with Chapter 9 and Figure 9-1 of the 2014 Metro Plan Update.
- Construct a 25,000 AF/year recycled water facility as an expansion to the RWRF in accordance with the January 2014 City of Fresno Metropolitan Water Resources Management Plan. This improvement is required after the year 2025.

**Significance after Mitigation.** Construction and operation of the identified improvements could result in project-specific impacts that are not currently known because the facilities have not been designed. Prior to approval of each facility, the City shall conduct appropriate environmental analyses for each facility to determine whether environmental impacts would

occur. Until environmental evaluations have occurred, potential impacts would be considered significant and unavoidable. (Draft PEIR 4.17-20 through 4.17-22)

***Finding on Proposed Mitigation.*** The City finds that the impact would remain significant and unavoidable because additional environmental analyses on specific projects has not yet occurred.

**Impact UTL-1.3: Require construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects. Although mitigation measures are proposed to reduce impacts associated with the provision of wastewater treatment facilities, such mitigation would not reduce impacts to a less than significant level because project specifics are unknown at this time, and project-level environmental analysis has not occurred.**

The implementation of the approved General Plan will result in the need for the expansion and new wastewater treatment facilities to serve future land uses and population. Therefore, development in accordance with the approved General Plan would result in a significant impact on the existing wastewater treatment facilities.

#### **Mitigation Measures UTL-1.3.1**

The City shall evaluate the wastewater system at the time discretionary projects are submitted and shall not approve development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. By approximately the year 2025, the City shall evaluate the potential environmental impacts and construct the following improvements.

- Construct an approximately 70 mgd expansion of the Regional Wastewater Treatment Facility prior to flows reaching 80 percent of rated capacity, and obtain revised waste discharge permits as the generation of wastewater is increased.
- Construct an approximately 0.49 mgd expansion of the North Facility and obtain revised waste discharge permits as the generation of wastewater is increased.

#### **Mitigation Measures UTL-1.3.2**

The City shall evaluate the wastewater system at the time discretionary projects are submitted and shall not approve development that contributes wastewater to the wastewater treatment facility that could exceed capacity until additional capacity is provided. After approximately the year 2025, the City shall evaluate the potential environmental impacts of, and construct the following improvements.

- Construct an approximately 24 mgd Wastewater Treatment Facility within the Southeast Development Area and obtain revised waste discharge permits as the generation of wastewater is increased.

- Construct an approximately 9.6 mgd expansion of the Regional Wastewater Treatment Facility and obtain revised waste discharge permits as the generation of wastewater is increased.

**Significance after Mitigation.** Construction and operation of the identified improvements could result in project-specific impacts that are not currently known because the facilities have not yet been designed or reviewed for environmental impacts. Prior to approval of each facility, the City shall conduct appropriate environmental analyses for each facility to determine whether environmental impacts would occur. Until environmental evaluations have occurred, potential impacts would be considered significant and unavoidable.

**Finding on Proposed Mitigation.** The City finds that the impact would remain significant and unavoidable because additional environmental analyses on specific projects has not yet occurred.

**Impact UTL-1.4: Require or result in the relocation or construction of new or expanded wastewater collection system facilities, the construction or relocation of which could cause significant environmental effects. Although mitigation is proposed to reduce impacts associated with the provision of wastewater collection facilities, such mitigation would not reduce impacts to a less than significant level because project specifics are unknown at this time, and project-level environmental analysis has not occurred.**

Continued implementation of the approved General Plan could result in the development of specific projects that could exceed the capacity of specific wastewater collection system facilities.

**Mitigation Measure UTL-1.4.1**

Consistent with the Sewer System Management Plan, the City shall evaluate the wastewater collection system at the time discretionary projects are submitted, and shall not approve development that would generate additional wastewater and exceed the capacity of a facility until additional capacity is provided.

**Significance after Mitigation.** Construction and operation of the identified improvements could result in project-specific impacts that are not currently known because the facilities have not yet been designed. Prior to approval of each facility, the City shall conduct appropriate environmental analyses for each facility to determine whether environmental impacts would occur. Until environmental evaluations have occurred, potential impacts would be considered significant and unavoidable.

**Finding on Proposed Mitigation.** The City finds that the impact would remain significant and unavoidable because additional environmental analyses on specific projects has not yet occurred.

**Impact UTL-1.5: Require or result in the relocation or construction of new or expanded electric, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. Although mitigation is proposed to reduce impacts associated with the provision of electric, gas, and telecommunications facilities, such mitigation would not**

**reduce impacts to a less than significant level because project specifics are unknown at this time, and project-level environmental analysis has not occurred.**

Development consistent with the approved General Plan may require relocating or constructing electric, natural gas, or telecommunication facilities in order for future development to be provided service. As individual projects are proposed within the Planning Area, considerations for extending services will need to be taken into account, and most of the work would be completed in existing public rights-of-way or facilities.

#### **Mitigation Measure UTL-1.5.1**

At the time discretionary projects are submitted, the City shall require project-specific environmental evaluations for the expansion or relocation of electric, natural gas, or telecommunication facilities be completed prior to project approval.

***Significance after Mitigation.*** Construction and operation of electric, natural gas, or telecommunication facilities could result in project-specific impacts that are not currently known because the facilities have not yet been designed or evaluated. Prior to approval of each facility, the City shall conduct appropriate environmental analyses for each facility to determine whether environmental impacts would occur. Until environmental evaluations have occurred, potential impacts would be considered significant and unavoidable.

***Finding on Proposed Mitigation.*** The City finds that the impact would remain significant and unavoidable because additional environmental analyses on specific projects has not yet occurred.

#### **Findings Regarding Cumulative Impacts not Mitigated to Less-than-Significant Levels**

The following significant cumulative environmental impacts of the project are unavoidable and cannot be mitigated in a manner that would substantially lessen the cumulative environmental impact to less-than-significant levels.

#### **AESTHETICS**

**Impact AES-5: Would result in significant cumulative impacts with respect to existing visual character and illumination of the night sky.**

New development in accordance with the continued implementation of the approved General Plan and in combination with past, present, and reasonably foreseeable projects would increase the amount of structures and development, resulting in a significant cumulative impact with respect to new sources of glare within the Planning Area and directly adjacent to the Planning Area.

***Significance after Mitigation.*** Cumulative development is anticipated to contribute to the conversion of rural and agricultural uses to urban uses. This cumulative change is expected to result in a substantial alteration of the existing visual character of the area. Implementation of Mitigation Measures AES-4.1 through AES-4.5 would reduce impacts related to light and glare, however, the project's contribution of the illumination of the night sky would remain

cumulatively significant. Therefore, the project would result in a significant cumulative impact related to the existing visual character and illumination of the night sky. (Draft PEIR page 4.1-19 and 4.1-20)

***Finding on Proposed Mitigation.*** The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from continued implementation of the approved General Plan would increase the amount of light and glare within the Planning Area. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

### **AGRICULTURE AND FORESTRY**

#### **Impact AG-6: Result in significant cumulative impacts with respect to agricultural resources.**

New development in accordance with the continued implementation of the approved General Plan and in combination with past, present, and reasonably foreseeable projects would result in the conversion of FMMP-designated farmland and other categories of farmland to non-agricultural uses.

***Significance after Mitigation.*** Implementation of Mitigation Measure AG-1.1 would require a program to be established to offset potential impacts from the loss of farmland, however, the loss would not be fully mitigated because the conversion of farmland to non-farmland uses is a permanent loss of such resources cannot likely be reversed. (Draft PEIR pages 4.2-12 through 4.2-14)

***Finding on Proposed Mitigation.*** No feasible mitigation measures beyond the implementation of Mitigation AG-1.1 are available to mitigate this impact to a less-than-significant level.

### **AIR QUALITY**

#### **Impact AQ-5: Contribute to a significant cumulative impact related to air quality.**

Since the combination, number, and size of projects that could be under construction at any one time are unknown, even with implementation of mitigation measures, the proposed project would result in significant cumulative construction emissions from criteria pollutants. Additionally, even with implementation of mitigation, operational impacts from criteria pollutant emissions would contribute to an ozone exceedance, which could hinder the attainment of air quality standards. Further, cumulative growth within the city could result in potential TAC health risks exceeding applicable standards and cumulatively contributing to elevated health risks in the San Joaquin Valley Air Basin. Therefore, air quality emissions associated with future development that may occur under the continued implementation of the approved General Plan could result in cumulatively considerable impacts, even with implementation of mitigation.

***Significance after Mitigation.*** Implementation of Mitigation Measures AIR-2.1, AIR-2.2, AIR-3.1, AIR-3.2 and AIR-4.1 would significantly reduce criteria air pollutant emissions generated by continued implementation of the approved General Plan, there is currently not enough information to quantify emissions of specific project development that may occur under the proposed project. Without quantification to guarantee a less than significant finding, future

development projects may still exceed the SJVAPCD regional significance thresholds. Therefore, cumulative impacts to air quality would be considered to remain significant and unavoidable.

***Finding on Proposed Mitigation.*** The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from continued implementation of the approved General Plan would increase development and emissions. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

## NOISE

**Impact NOI-4: The proposed project, in combination with past, present, and reasonably foreseeable projects, would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or in other applicable local, state, or federal standards.**

Buildout of the Planning Area, along with construction of related projects in the Planning Area vicinity, would result in increased traffic volumes, thus incrementally increasing noise levels in some areas. In most instances, continued implementation of approved General Plan Policy NS-1-a through Policy NS-1-p would reduce noise impacts to less than significant levels. However, these proposed policies and the measures that they would implement are ultimately limited, as policies and measures are limited in what they can do to remediate or reduce the magnitude of noise effects on many existing noise-sensitive land uses in areas with current high noise exposures or where substantial noise increases are expected. Thus, the continuing exposure of existing noise-sensitive land uses to noise levels in excess of standards established by the City, or to substantial noise increases as a result of future growth according to the approved General Plan, would be considered a potentially significant impact. As a result, cumulative impacts associated with the long-term exceedance of standards established in the local general plan or noise ordinance or applicable standards of other agencies would potentially occur in the Planning Area vicinity.

***Significance after Mitigation.*** Implementation of the Policy NS-1-a through Policy NS-1-p of the approved General Plan, which includes several structural design measures proven to reduce the effects of noise, would in most instances, reduce noise impacts to less than significant levels. However, these policies and the measures that they would implement are ultimately limited, as even advanced policies and measures are limited in what they can do to remediate or reduce the magnitude of noise effects on many existing noise-sensitive land uses in areas with current high noise exposures or where substantial noise increases are expected. Thus, the continuing exposure of existing noise-sensitive land uses to noise levels in excess of standards established by the City, or to substantial noise increases as a result of future growth associated with the continued implementation of the approved General Plan, would result in a significant unavoidable permanent increase in ambient noise levels in the project vicinity above levels existing without the project. In addition, even with incorporation of the best available noise control technology, noise emanating from some land uses can be substantial and exceed local noise standards. (Draft PEIR pages 4.13-18 through 4.13-27)

***Finding on Proposed Mitigation.*** Beyond implementation of General Plan policies, no feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, impacts are considered significant and unavoidable.

## TRANSPORTATION

### **Impact TRA-5: Result in a cumulative impact related to an increase in vehicle traffic that would result in 12 roadway segments exceeding General Plan LOS standards, and thereby conflicting with LOS-related policies in the Mobility and Transportation Element of the approved General Plan**

New development in accordance with the continued implementation of the approved General Plan and in combination with past, present, and reasonably foreseeable projects would create as many as 21 level of service (LOS) deficiencies under existing roadway configurations. Implementation of the Mobility and Transportation Element designation to the roadway system would result in 9 deficient roadways receiving additional capacity and operating at acceptable LOS. In addition, 12 roadway segments are forecast to exceed the General Plan LOS standard even when the Mobility and Transportation Element is completed, resulting in a significant impact.

***Significance without Mitigation.*** Mitigation is not feasible to address the exceedance of General Plan LOS standards because the mitigation would be limited to re-designating the affected arterials to a higher classification, creating a new General Plan LOS goal, widening the roads, or identifying the infeasibility of acquiring the affected right-of-way and implementing road widening. As a result, there are no feasible mitigation measures to address the exceedance of General Plan LOS standards, and a significant and unavoidable cumulative impact would result.

***Finding on Proposed Mitigation.*** No feasible mitigation measures are available to mitigate the impact to a less-than-significant level. Therefore, cumulative impacts associated with increases in vehicular traffic are considered significant and unavoidable.

## UTILITIES

### **Impact UTL-6: Result in cumulative impacts to utilities and service systems. Although mitigation measures are proposed to reduce impacts associated with the provision of utilities and service systems, such mitigation would not reduce impacts to a less than significant level because project specifics are unknown at this time, and project-level environmental analysis has not occurred.**

Continued evaluation of available capacity and construction of additional facilities is required to ensure that implementation of the approved General Plan can occur. Construction and operation of identified improvements could result in project-specific impacts related to wastewater, stormwater, electric, natural gas and telecommunications that are not currently known because the facilities have not yet been designed.

***Significance after Mitigation.*** Implementation of Mitigation Measures UTL-1.1.1, UTL-1.1.2, UTL-1.2.1, UTL-1.3.1 UTL-1.3.2, UTL-1.4.1, UTL-1.5.1, UTL-3.1, and UTL-4.1 would serve to reduce potential impacts, however, without specific project plans to allow for a thorough evaluation of potential environmental impacts, cumulative impacts to utilities and service

systems resulting from continued implementation of the approved General Plan would be considered significant and unavoidable.

***Finding on Proposed Mitigation.*** The City finds that the impact would remain significant and unavoidable because even with implementation of the identified mitigation measures, the changes that would result from continued implementation of the approved General Plan would require additional information to determine the level of impacts. As a result, the mitigation measures identified would not fully reduce the potential impact to a less-than-significant level.

## 5.2 MITIGATION MONITORING

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

## 5.3 Significant Irreversible Environment Effects

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

CEQA requires that EIRs assess whether the proposed project would result in significant irreversible changes to the physical environment. The CEQA Guidelines discuss three categories of significant irreversible changes that should be considered. Each is addressed below.

As mandated by the CEQA Guidelines, an EIR must address any significant irreversible environmental change that would result from project implementation. According to Section 15126.2(d) of the CEQA Guidelines, such a change would occur if one of the following scenarios is involved:

- The project would involve a large commitment of nonrenewable resources;
- Irreversible damage would result from environmental accidents associated with the project; or
- The proposed consumption of resources is not justified (e.g., the project would result in the wasteful use of energy).

The environmental effects of the proposed project are thoroughly discussed in Section 4.0, Evaluation of Environmental Impacts, and summarized in the Executive Summary. Implementation of the project would require the long-term commitment of natural resources and land, as discussed below.

Approval and implementation of actions related to future development in accordance with continued implementation of the approved General Plan would result in an irretrievable commitment of nonrenewable resources such as energy and construction materials. As discussed in

Section 4.6, Energy, the approved General Plan includes an objective and policies to reduce the consumption of non-renewable energy resources by adhering to the California Energy Code, establishing standards and regulations to achieve energy conservation targets, and providing incentives and financing programs to reduce energy use.

The consumption of nonrenewable or slowly renewable resources would result from the implementation of future projects developed in accordance with the approved General Plan, and therefore would also occur with the proposed project. These resources include, but are not limited to, lumber and other forest products, sand and gravel, asphalt and concrete, steel, copper, lead, water, electricity, natural gas, and oil. (Draft PEIR page 5-3)

## **5.4 Growth Inducement**

The project would foster long-term buildout of the approved General Plan increasing the population of the Planning Area and expansions in infrastructure capacity and increased activity in the local and regional economy.

### **5.4.1 Elimination of Obstacles to Population Growth**

Eliminating physical or regulatory obstacles to growth can result in a growth-inducing impact because those obstacles are removed. An example of a physical obstacle to growth is the need for public service infrastructure (such as roadways, water mains, sewer lines etc.). Extending public service infrastructure into an area that lacks infrastructure would induce population growth because the infrastructure needed to serve the area would be available, and therefore, the area would then have the capacity to allow population growth. Also, the addition, deletion or alteration of a regulatory obstacle (such as a growth or development policy) could result in new growth because the regulatory obstacle would be altered such that new growth would subsequently not be hindered.

The policies of the approved General Plan provide for the expansion of transportation and utility infrastructure to accommodate new growth within the Planning Area in accordance with the approved General Plan. This new growth would accommodate approximately 921,000 people at buildout that is projected to be in the year 2056. The approved General Plan includes Policy LU-1-f, which states that the City's current Sphere of Influence boundary shall be maintained without expansion, except for uses associated with the future High Speed Rail (HSR) maintenance yard. This policy is intended to direct growth primarily to locations within the Planning Area.

In addition to population growth, the City would experience an increase in employment. As discussed in Section 4.14, Population and Housing, there are approximately 9,364 employees who resided in the Planning Area in 2015 who left the Planning Area for employment. In 2015, the resident employees to jobs ratio was 0.96. In the buildout year of 2056, approximately 11,747 employees are projected to reside in the Planning Area and leave the Planning Area for employment. In 2056, the resident employees to jobs ratio would be 0.97, which is closer to a balanced ratio of 1.0 employee who resides in the Planning Area to a job within the Planning Area. Therefore, growth in accordance with the approved General Plan would provide a beneficial effect on the resident employees to jobs ratio compared to the 2015 ratio. A greater balanced resident employee to jobs ratio would support the conclusion that the approved General Plan land uses

would not induce growth outside of the Planning Area to accommodate residents or employment within the Planning Area. Because the proposed project does not change the land uses or public service infrastructure of the approved General Plan, the proposed project would not induce growth outside of the Planning Area to accommodate residents or employment.

#### **5.4.2 Promotion of Economic Growth**

The promotion of economic growth is the extent to which a proposed project could cause increased activity in the local or regional economy. A “multiplier effect” is an economic phrase which pertains to the interrelationships between various sectors of the economy. The multiplier effect is a quantitative description and can be described as how an increase in some economic activity starts a chain reaction that generates more activity than the original increase. During the development of the approved General Plan, the City planned for residential development to accommodate the Fresno Council of Government’s population projections and extend the projections to accommodate future residential development planned within the Planning Area. To account for the planned residential growth within the Planning Area, the City identified a variety of non-residential designated areas to support the future residents. The non-residential areas are designated for commercial and employment uses such as office and industrial, mixed use, public facilities, and open space. These non-residential uses are intended to accommodate the economic growth anticipated to occur through buildout of the approved General Plan in 2056. Therefore, because the proposed project does not change the land uses of the approved General Plan, the implementation of the project would not result in further economic development beyond the development anticipated from buildout of the approved General Plan.

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## 6.0 PROJECT ALTERNATIVES

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

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

### Alternatives Considered in the PEIR

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

- Alternative 1: No Project Alternative would involve no text amendments to the policies of the Mobility and Transportation Element of the approved General Plan, including the addition of policy requiring the use of Vehicle Miles Travelled (VMT) as the criteria for evaluating transportation impacts. The alternative would also not include an update to the City’s Greenhouse Gas Reduction Plan.
- Alternative 2: Net Zero Energy Consumption Alternative assumes that all new development to occur under the approved General Plan would achieve net zero energy consumption in 2020.

### Alternative 1: No Project Alternative

Under Alternative 1: No Project Alternative development within the Planning Area would continue to be implemented in accordance with the approved General Plan; however, changes to the Mobility and Transportation Element and updates to the Greenhouse Gas Reduction Plan would not be implemented. The approved General Plan would not be updated to reflect conformance with SB 743, and no updates to the Greenhouse Gas Reduction Plan would occur. Despite the lack of an update under the No Project scenario, the distribution and location of projected growth would occur in a manner that is consistent with the City’s approved General Plan and zoning documents, as no changes to the proposed land uses are proposed. Buildout of the approved General Plan would result in a population of approximately 921,000 people in 2056.

### Alternative 2: Net Zero Energy Consumption Alternative

With Alternative 2 both residential and non-residential development would be required to achieve net zero energy consumption in 2020. The 2019 Title 24 standards require that all new residential development starting in 2020 consume net zero energy, and by 2030, all non-residential development would do the same. By achieving net zero energy consumption for non-residential development in 2020, the city would reduce overall GHG emissions. All other components of the

approved General Plan would remain in effect and would continue to be implemented, including the updated text of the approved General Plan related to assessing transportation impacts relative to VMT.

Alternative 2: Net Zero Energy Consumption Alternative would be the environmentally superior action alternative because it would result in fewer impacts related to energy and greenhouse gas emissions. In addition, the Alternative 2: Net Zero Energy Consumption Alternative would meet all of the objectives to the same degree as the approved General Plan and the proposed project.

### **Findings Regarding Alternatives**

Alternative 1 would meet all of the project objectives but to a lesser level than the proposed project. The analysis completed through the CEQA process determined that the No Project Alternative would be similar to the proposed project, as significant unavoidable impacts related to aesthetics, agricultural resources, air quality, noise, transportation, and utilities and service systems would continue to occur. The City rejects Alternative 1 as infeasible because it would result in similar impacts as the proposed project, but would not implement current State law.

Alternative 2 would meet all of the project objectives and would be the environmentally superior action alternative because it would result in fewer impacts related to energy and greenhouse gas emissions. The City rejects Alternative 2 as infeasible because it would not be feasible to require next zero energy consumption in 2020. (Draft PEIR page 6-6 and Table 6-1)

## 7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

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

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

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

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

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

- The project would update the text of the approved General Plan in order to reflect changes in applicable statutes and regulations related to Vehicle Miles Traveled (VMT). Compliance with updated State law and implementation of regulations related to VMT is required. Updating the text and applicable policies of the approved General Plan to acknowledge and incorporate these required statutes and regulations ensures that the continued implementation of the approved General Plan is consistent and in compliance with VMT requirements. In this way, the City will contribute to the local, regional, and statewide reduction of VMT, which promotes the reduction of greenhouse gas emissions and renders a clear environmental benefit;
- The project includes an update to the City's Greenhouse Gas Reduction Plan. Updating the City's Greenhouse Gas Reduction Plan ensures that the document itself, and its included planning tools, incorporate all current State legislation and executive orders so that future projects within

the Planning Area are developed consistent with the Greenhouse Gas Reduction Plan Update. This improves clarity in the continued implementation of the approved General Plan, and renders the clear environmental benefit of reducing greenhouse gas emissions in compliance with current requirements;

- The project supports the continuing implementation of the approved General Plan with updated environmental analysis, which provides the potential benefit of streamlined environmental review for projects proposed within the scope of the PEIR. This facilitates the implementation of the approved General Plan, with all of the associated environmental, social and economic benefits, which include planning for new business creation and business retention, job creation, job training, (Economic Development Element), complete neighborhoods, infill development, affordable housing, integration of transit and land use, mixed-use development along transit corridors, neighborhood preservation, infrastructure upgrades, downtown revitalization (Urban Form, Land Use and Design Element); complete streets, intensification of Bus Rapid Transit corridors, preservation of scenic corridors; bikeway, pedestrian and transit improvements; reduction of vehicle miles traveled (Mobility and Transportation Element); parks, open space, and recreational amenities, collaboration with educational institutions to improve recreational, learning and job training opportunities (Parks, Open Space and Schools Element); public safety, fire protection, efficient and sustainable wastewater and solid waste management, water conservation and reliable water supply (Public Utilities and Services Element); conservation of resources (water, energy and farmland), reduction of greenhouse gas emissions, waste reduction (Resource Conservation Element); the protection and preservation of historic and cultural resources (Historic and Cultural Resource Element); noise attenuation, flood control, hazardous substance control; airport safety, emergency response (Noise and Safety Element); access to healthy and affordable food; youth development (Healthy Communities Element); provision of adequate sites for housing; assistance in the provision of housing affordable to very low, low, and moderate income households; and the promotion of equal housing opportunity (Housing Element).

Based on the detailed findings made above, the City hereby finds that economic and social considerations outweigh the remaining environmental effects of approval and implementation of the project. The text updates to the approved General Plan would allow for continued implementation of the approved General Plan.