

Exhibit N-6

City of Fresno
Parc West Development Project

Facts, Findings, and Statement of Overriding Considerations
Regarding the Environmental Effects from the
Environmental Impact Report

State Clearinghouse # 2020039061

September 2020

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FACTS, FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.0 Introduction

The City Council of the City of Fresno (City), in approving the proposed Parc West Development Project (the Project), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report (EIR) (State Clearinghouse #2020039061) was prepared by the City acting as lead agency pursuant to the California Environmental Quality Act (CEQA). Hereafter, unless specifically identified, the Notice of Preparation (NOP), Notice of Availability & Completion (NOA/NOC), Draft Environmental Impact Report (EIR), Appendices, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR (in the Final EIR), and the Mitigation Monitoring and Reporting Program (MMRP) will be referred to collectively herein as the “EIR.” These Findings are based on the entire record before the City Council, including the EIR. The City Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by the City.

2.0 Project Summary

2.1 Project Description

The “Project” under CEQA is the construction of up to 844 single-family residential units, a 1.819-acre park and installation of a trail system that will connect to the City’s existing/future trail network in the area. The Project will be built out in phases, with Phase 1 generating 84 units. Most of the Project site is designated by the City of Fresno General Plan as Medium Density Residential (5.0 – 12 D.U./acre). There is an 10-acre portion of the site at the southeast corner of the lot that is zoned and designated Community Commercial, however, the Applicant is proposing to change this land use from commercial to residential (RS-5) to match the land use designation of the remainder of the 160 acres.

2.2 Project Location

The proposed Project is located on approximately 160 acres north of the W. Ashlan alignment and west of N. Grantland Avenue within the city limits of Fresno, CA (annexed in 2015). The site occupies Assessor’s Parcel Numbers 512-02-126 and 512-02-150S. Much of the land surrounding the Project site is in agricultural production or occupied by rural residential homes and ancillary

structures. The Central Unified School District Deran Koligian Education Center is located east of Grantland Avenue and south of Ashlan Avenue proximate to the proposed Project site. Large lot single family homes are located along West Rialto Avenue adjacent to, and north of, the Project site. The Project site has been historically used for agricultural purposes.

2.3 Project Objectives

In accordance with CEQA Guidelines Section 15124(b), the following are the City of Fresno’s Project objectives:

- To provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future demand for quality housing in the area.
- To provide a sense of community and walkability within the development through the use of street patterns, parks/open space areas, landscaping and other Project amenities.
- To create a successful and financially feasible Project by meeting the housing needs of the area.
- To provide a residential development that assists the City in meeting its General Plan and Housing Element requirements and objectives.

2.4 Actions Covered by the EIR

The City of Fresno is the Lead Agency for the proposed Project. The Parc West Development Project will be presented to the Planning Commission and City Council for comment, review and consideration for adoption. The City Council has the sole discretionary authority to approve and adopt the EIR for the Parc West Development Project. In order to approve the proposed Project, the City Council would consider the following actions:

- Certification of the Project EIR (State Clearinghouse #2020039061);
- Adoption of required CEQA findings for the above action including a statement of overriding considerations (i.e., this document);
- Adoption of a Mitigation Monitoring and Reporting Program;
- General Plan Amendment: Medium Density Residential land use designation (5.0 – 12.0 DU/acre), Traffic Circulation Plan, Parks, Open Space and Trail Network;
- Rezoning: A 10-acre section originally intended for commercial development will be rezoned RS-5 and will include removal of the previous Westlake Development Project conditions to be replaced with new conditions appropriate for the Parc West Development.

The remaining acreage will remain RS-5 and will not require land use designation or zoning changes;

- Tentative Tract Map to create “super-pads” for future subdivisions;
- Community Facilities District for maintenance of the public green spaces; and
- Grading and building permits.

As mandated by CEQA Guidelines Section 15124(d), this section contains a list of agencies that are expected to use the EIR in their decision-making, and a list of the approvals for which the EIR may be used. These lists include information that is known to the Lead Agency. A range of responsible and trustee agencies may utilize the EIR in the review of subsequent implementation activities over which that may have responsibility. A responsible agency is a public agency which has discretionary review approval power over a project (CEQA Guidelines Section 15381). A trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project which are held in trust for the people of the state (CEQA Guidelines Section 15386). These responsible and trustee agencies may include, but are not limited to, the following:

- City of Fresno Department of Public Utilities – Solid Waste
- Fresno Irrigation District
- Fresno Metropolitan Flood Control District
- City of Fresno Fire Department
- City of Fresno Public Works Department
- Central Unified School District
- Fresno County Environmental Health
- California Air Resources Board;
- California Department of Toxic Substances Control;
- California Department of Transportation (Caltrans);
- California State Water Resources Control Board;
- Central Valley Regional Water Quality Control Board;
- San Joaquin Valley Air Pollution Control District;
- Any Other Responsible or Trustee Agency.

3.0 Environmental Review Process Summary; Content of EIR and Record

3.1 Notice of Preparation

A Notice of Preparation (NOP) was prepared by the City for the Project. The NOP was properly noticed and circulated pursuant to CEQA Guidelines for public review from March 20, 2020 – April 21, 2020. The NOP was published in the *Fresno Bee* newspaper, and a scoping meeting was held on June 29, 2020.

3.2 Draft EIR

The Draft EIR was properly noticed and circulated for public review and comment for 45 days, from June 30, 2020 through August 14, 2020. The Notice of Availability was published in the *Fresno Bee* newspaper. The Draft EIR and Appendices were sent to the State Clearinghouse for distribution and notices were mailed to local/state agencies and other interested individuals. Hard copies of the Draft EIR and Appendices were made available at the City of Fresno Development and Resource Management Department (2600 Fresno Street, Fresno, CA 93721), the West Fresno Library (188 E. California, Fresno, CA 93706), and the Gillis Library (629 W. Dakota Avenue, Fresno, CA 93705). The City received four comment letters on the Draft EIR. These letters are reproduced in their entirety in Chapter Two of the Final EIR and responses are shown after each letter.

3.3 Content of the EIR

The EIR is comprised of the following materials:

- The FEIR including any attached appendices;
- The DEIR including attached appendices;
- The Notice of Preparation and comments received in response to the Notice of Preparation;
- The Mitigation Monitoring and Reporting Plan (“MMRP”);
- Additions and corrections to the remaining portions of the DEIR that have been made pursuant to public comments and DEIR review including all appendices attached thereto;
- Comments received on the DEIR with responses to each of the comments made;
- The Notice of Completion and Availability of the DEIR for public review; and
- Any other information added by the Lead Agency.

(All hereafter collectively referred to as the “EIR”).

Documents that shall accompany and be part of the EIR are:

- MMRP;
- Findings of Fact; and
- Statement of Overriding Considerations.

The EIR, is hereby incorporated by reference into these findings without limitation. This incorporation is intended to address 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 despite the potential for associated significant and unavoidable impacts.

3.4 Record of Proceedings

In accordance with CEQA Section 21167.6(e), the record of proceedings for the City's decision on the Project includes, without limitation, the following documents:

- The NOP (March 20, 2020) and all other public notices issued by the City in conjunction with the scoping period for the Project;
- All comments submitted by agencies or members of the public during the scoping comment period on the NOP;
- The Draft EIR for the Project;
- All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- Responses to agency comments on the Draft EIR (provided in the Final EIR);
- The Final EIR for the Project;
- Documents cited or referenced in the Draft and Final EIRs;
- The Mitigation Monitoring and Reporting Program (MMRP) for the Project;
- The Notice of Completion and Availability of the Draft EIR for public review;
- All findings and resolutions adopted by the City in connection with the Project and all documents cited or referred to therein, including these findings;
- All reports, studies, memoranda, diagrams, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the Project;

- All documents submitted to the City by other public agencies or members of the public in connection with the Project up through final consideration of Project approval;
- All minutes and/or verbatim transcripts, as available, of all public meetings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such public meetings, and any other information added by the City as Lead Agency;
- Any other materials required to be in the record of proceedings by Public Resources Code Section 21167.6(e).

The official custodian of the documents comprising the record of proceedings is the City of Fresno Development and Resource Management Department, located at 2600 Fresno Street, Fresno, CA 93721. All files have been available to the Department and the public for review in considering these findings and whether to approve the Project.

3.4 Public Hearings

A duly noticed Scoping Meeting was held on June 29, 2020 and a Public Hearing was held at the Planning Commission on **November 4, 2020 (date TBD)**.

4.0 Preliminary Findings

4.1 Lead Agency; Independent Judgment

The City of Fresno is the “Lead Agency” for the proposed Project, and evaluated the EIR. The City retained the independent consulting firm of Crawford & Bowen Planning, Inc. to prepare the EIR for the Project. Crawford & Bowen prepared the EIR under the supervision, direction, and review of the City. The City has received and reviewed the EIR prior to certifying the EIR and prior to making any decision to approve or disapprove the Project. The City finds it has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant. The City finds that the EIR was prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the EIR for the proposed Project, that the Draft EIR which was circulated for public review reflected its independent judgment, the Final EIR reflects the independent judgment of the City, and that the EIR reflects the independent judgment of the City.

4.2 Public Review Provided

The City Council finds that the EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the proposed Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period.

4.3 Purpose of Errata and Corrections; Clerical Errors

Textual clarifications are sometimes needed to describe refinements suggested as part of the public participation process. The changes and modifications made to an EIR after the Draft EIR was circulated for public review and comment can be made under Public Resources Code section 21092.1 or CEQA Guidelines section 15088.5. However, after review of the comments made on the Parc West Development Project EIR, there were no changes or edits made to the Draft EIR.

4.4 Clerical Errors

The City recognizes that the EIR may contain clerical errors. The City reviewed the entirety of the EIR and bases its determination on the substance of the information it contains.

4.5 Evaluation and Response to Comments

The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides an adequate, good-faith and reasoned response to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information regarding environmental impacts to the Draft EIR. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the EIR.

4.6 Recirculation of Final EIR Not Required

The Final EIR documents comments and responses to the Draft EIR. The Final EIR incorporates information obtained and produced after the Draft EIR was completed, and the Final EIR contains clarifications to the Draft EIR. The City has reviewed and considered the Final EIR and all of this information. The information added to the EIR does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation

measure or alternative considerably different from others previously analyzed that the Project sponsor declines to adopt and that would clearly lessen the significant environmental impacts of the Project. No information indicates that the Draft EIR was inadequate or conclusory or that the public was deprived of a meaningful opportunity to review and comment on the Draft EIR or the Project. Specifically, the City finds that the information was not “significant new information” as contemplated by CEQA Guidelines section 15088.5, and does not show:

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

Thus, recirculation of the Draft EIR is not required.

4.7 MMRP; Mitigation Measures

CEQA requires the Lead Agency approving a project to adopt a MMRP or the changes to the project which it has adopted or made a condition of project approval to ensure compliance with the mitigation measures during project implementation. The mitigation measures included in the EIR as certified by the City as adopted by the City serves that function. The MMRP includes all of the mitigation measures and Project design features adopted by the City in connection with the approval of the proposed Project and has been designed to ensure compliance with such measures during implementation of the proposed Project. In accordance with CEQA, the MMRP provides the means to ensure that the mitigation measures are fully enforceable.

Unless specifically stated to the contrary in these findings, it is this City Council’s intent to adopt all mitigation measures recommended by the EIR that are applicable to the Project. If a measure has, through error, been omitted from the Approvals or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Approvals repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be

equally effective in avoiding or lessening the identified environmental impact. In each instance, the Approvals contain the final wording for the mitigation measures.

In accordance with the requirements of Public Resources Section 21081.6, the City hereby adopts the MMRP. The mitigation measures identified for the proposed Project were included in the Draft EIR and Final EIR to mitigate or avoid significant effects on the environment and has been designed to ensure compliance during Project implementation. As revised, the final mitigation measures for the proposed Project are described in the MMRP. Each of the mitigation measures identified in the MMRP is incorporated into the proposed Project and made a condition of approval for permits, required by agreement, or other measures to ensure the MMRP is fully enforceable. The City finds that the impacts of the proposed Project have been mitigated to the extent feasible by the mitigation measures identified in the MMRP.

4.8 Substantial Evidence

The City finds and declares that substantial evidence for each and every finding made herein is contained in the EIR, which is incorporated herein by this reference, or is in the record of proceedings in the matter.

4.9 Entirety of Action

The City is certifying an EIR for, and is approving and adopting findings for, the entirety of the actions described in these Findings and in the EIR as comprising the proposed Project.

4.10 Effect of Public Comments

The City finds that none of the public comments to the Draft EIR or subsequent public comments or other evidence in the record, including any changes in the proposed Project in response to input from the community, include or constitute substantial evidence that would require recirculation of the EIR prior to certification of the EIR and that there is no substantial evidence elsewhere in the record of proceedings that would require substantial revision of the EIR prior to its certification, and that the EIR need not be recirculated prior to its certification.

4.11 Independent Review of Record

The City Council, after receiving a recommendation from the Planning Commission, certifies that the EIR has been completed in compliance with CEQA. The City Council has independently reviewed the record and the EIR prior to certifying the EIR and approving the Project. By adopting these Findings, the City Council on behalf of the City confirms, ratifies, and adopts the findings and

conclusions of the EIR as supplemented and modified by these Findings. The EIR and these Findings represent the independent judgment and analysis of the City and the City Council.

4.12 Adequacy of EIR to Support Approval of the Proposed Project

The City certifies that the EIR is adequate to support all actions in connection with the approval of the proposed Project. The City Council certifies that the EIR is adequate to support approval of the proposed Project described in the EIR, each component and phase of the proposed Project described in the EIR, any variant of the Project described in the EIR, any minor modifications to the proposed Project or variants described in the EIR, as well as all components of the proposed Project.

4.13 Project EIR Findings

In accordance with Public Resources Code section 21081 and CEQA Guidelines sections 15091 and 15092, the City makes the specific findings required by CEQA with respect to each area of potential environmental impact as further set forth in this Section of these Findings. These Findings do not repeat the full discussions of environmental impacts, mitigation measures, and related explanations contained in the EIR. The City ratifies, adopts, and incorporates, as though fully set forth, the analysis, explanation, findings, responses to comments and conclusions of the EIR. The City adopts the reasoning of the EIR, staff reports, and presentations provided by City staff and the independent consulting firm of Crawford & Bowen Planning, Inc., as may be modified by these Findings.

5.0 ENVIRONMENTAL IMPACTS AND FINDINGS

5.1 Introduction

City staff reports; the EIR; written and oral testimony at public meetings or hearings; these facts, findings, and statement of overriding considerations; and other information in the administrative record (as further defined above) serve as the basis for the City's environmental determination. Public Resources Code Section 21081 requires that the City Council make one of the following findings for each significant impact:

- Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effects identified in the EIR;
 - Those changes or alterations are within the purview and jurisdiction of another public agency, and such changes have been, or can and should be adopted by that other agency;
- or

- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.

The same requirements for adopting these findings are also contained in CEQA Guideline Section 15091(a). Public Resources Code Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, and environmental, social and technological factors." By this document, the City Council makes the findings required by Public Resources Code Section 21081 with regard to the proposed Project.

Additionally, Public Resources Code 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." It also states, "in the event 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 three available findings under Section 21081 and Guideline Section 15091(a) allow an approving agency to specify, as to particular significant environmental impacts, whether the agency is (a) adopting mitigation measures recommended in an EIR; (b) identifying measures that lay outside its control but should be, or have been, adopted by another agency; or (c) identifying measures that are infeasible. For projects with EIRs that include numerous mitigation measures that are either infeasible or outside the approving agency's control, findings may be very lengthy, as they must explain, for example, why some measures are rejected as being infeasible. In contrast, where the approving agency chooses to adopt each and every mitigation measure recommended in an EIR, there would seem to be little point in repeated invoking, over many dozens of pages, the finding that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR." Guideline Section 15091(a).

Where significant impacts are not avoided or significantly lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's benefits rendered acceptable its unavoidable adverse environmental effects. CEQA Guidelines §§15093, 15043(b).

The findings below are the City Council's best efforts to set forth the evidentiary and policy bases for its decision to approve the proposed Project in a manner consistent with the requirements of CEQA. These findings are not merely informational but, rather, constitute a binding set of obligations that

come into effect with the City Council’s approval of the proposed Project. The City Council adopts these findings for the entirety of the actions described in these findings and in the Final EIR.

Having received, reviewed, and considered the Final EIR and other information in the record of proceedings, based on the substantial evidence the City Council hereby adopts the following findings in compliance with CEQA and the CEQA Guidelines.

- Findings regarding the environmental review process and the contents of the Final EIR.
- Findings regarding the environmental impacts of the proposed Project and the mitigation measures (General Plan policies, etc.) for those impacts identified in the Final EIR and incorporated into the Project.
- Findings regarding alternatives and the reasons that such alternatives are rejected.
- Statement of Overriding Considerations determining that the benefits of implementing the proposed Project outweigh the significant and unavoidable environmental impacts that will result and therefore justify approval of the proposed Project despite such impacts.
- Findings regarding the Mitigation Monitoring and Reporting Program.

The City Council of the City of Fresno certifies that these findings are based on its full appraisal and consideration of all viewpoints expressed in written correspondence and testimony regarding the proposed Project, including all comments received up to the date of adoption of these findings, concerning the environmental issues identified and discussed in the Final EIR. The City Council adopts the findings and the statement of overriding considerations for the approvals that are set forth below.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Chapter 3, Environmental Setting, Impacts and Mitigation of the Draft EIR. Responses to comments on the Draft EIR, along with copies of the comments, are provided in Chapter Two of the Final EIR.

The EIR evaluated 20 major environmental categories for potential impacts as outlined in Appendix G of the *CEQA Guidelines*. Of these 20 major environmental categories, this City Council concurs with the conclusions in the EIR that the issues and sub issues discussed in Subsection 5.2, Subsection 5.3, and Subsection 5.4, below are either no impacts, less than significant without mitigation, or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Subsection 5.5, overriding considerations exist that make these potential impacts acceptable to this City Council.

5.2 No Environmental Impacts

The City Council hereby finds, based upon substantial evidence in the record including the EIR and as discussed below, that the following potential environmental areas result in no impacts by the Project.

Agriculture and Forest Resources

Impact 3.2-2: The Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

Facts and Findings: The Project site has been zoned for residential use by the City of Fresno and the City's General Plan has designated the site for urban development. There are no Williamson Act parcels on the site. Therefore, there are no impacts pertaining to agricultural zoning or Williamson Act contracts.

Impact 3.2-3: The 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)).

Facts and Findings: The Project site has historically been used for agricultural purposes and is currently zoned for residential and commercial development by the City of Fresno. There are no forest lands on or near the site and the Project will not result in any impacts to forest land or forest timberland.

Impact 3.2-4: The Project would not result in the loss of forest land or conversion of forest land to non-forest use.

Facts and Findings: The Project site has historically been used for agricultural purposes and is currently zoned for residential and commercial development by the City of Fresno. There are no forest lands on or near the site and the Project will not result in any impacts to forest land or forest timberland.

Impact 3.2-5: The 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.

Facts and Findings: The Project site is located on the western boundary of the City limits of Fresno and has been zoned for residential and commercial use by the City of Fresno and the City's General Plan has designated the site for urban development. Therefore, the Project will not result in conversion of agricultural or forest land that is not already designated for urban development.

Biological Resources

Impact 3.4-2: The Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Facts and Findings: The Proposed Project site is located in a highly disturbed agricultural area that is primarily surrounded by residential land, educational facilities and agriculture. The site is not located within an established fish or wildlife migratory corridor. Therefore, no impacts to 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 would occur as a result of this Project.

Impact 3.4-4: 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.

Facts and Findings: The Proposed Project site is located in a highly disturbed agricultural area that is primarily surrounded by residential land, educational facilities and agriculture. The site is not located within an established fish or wildlife migratory corridor. Therefore, no impacts to 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 would occur as a result of this Project.

Impact 3.4-6: 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.

Facts and Findings: There are no adopted habitat or natural community conservation plans applicable to the area. Thus, there is no impact.

Cultural Resources

Impact 3.5-1: The Project would not cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.

Facts and Findings: According to the cultural resources survey and technical report conducted on the site, there are no structures or historical resources on the Project site. Therefore, there are no impacts to historical resources.

Geology and Soils

Impact 3.7-5: The Project does not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

Facts and Findings: The Project does not include the construction, replacement, or disturbance of septic tanks or alternative wastewater disposal systems. The Project will be required to tie into existing sewer services (See Utilities section for more details). Therefore, there is no impact.

Hazards and Hazardous Materials

Impact 3.9-5: The Project is not 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 the Project would not result in a safety hazard or excessive noise for people residing or working in the Project area.

Facts and Findings: According to the Fresno County *Airport Land Use Compatibility Plan* (adopted December 2018), the proposed Project site is outside any airport land use plan. No impact would occur.

Impact 3.9-7: The Project would not expose people or structures either directly or indirectly to a significant risk of loss, injury or death involving wildland fires.

Facts and Findings: Implementation of the Project would not change the degree of exposure to wildfires because there are no wildlands in the Project vicinity, thus precluding the possibility of wildfires. Therefore, there is no impact.

Mineral Resources

Impact 3.12-1: The 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 or a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

Facts and Findings: There are no known mineral resources in the Project area. Thus, there is no impact.

Impact 3.12-2: The 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.

Facts and Findings: There are no known mineral resources in the Project area. Thus, there is no impact.

5.3 Less Than Significant Environmental Impacts

The City Council hereby finds, based on substantial evidence in the record including the EIR and as noted below, that the following potential environmental impacts of the Project are less than significant and therefore do not require the imposition of mitigation measures.

Aesthetics

Impact 3.1-1: The Project would not have a substantial adverse effect on a scenic vista.

Facts and Findings: There are no established scenic vistas in the area. Thus, the impact is less than significant and no mitigation is required.

Impact 3.1-2: The Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Facts and Findings: There are no established scenic resources such as rock outcroppings or scenic highways in the Project area. Thus, the impact is less than significant and no mitigation is required.

Impact 3.1-3: The Project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point). The Project is located in an area planned for urban uses and would not conflict with applicable zoning and regulations governing scenic quality.

Facts and Findings: The Project design is subject to the City’s Design Guidelines adopted for the City’s General Plan which apply to site layout, building design, landscaping, interior street design, lighting, parking and signage. Detailed architectural plans, color palettes and building materials as well as landscaping plans will be submitted by the Project developer to the City of Fresno Development and Resource Management Department. The plans shall be required prior to issuance of any building permits. Landscaping easements will run along the frontage of the development and additional landscaping design will accompany the aforementioned park space and bicycle/pedestrian use trail. The improvements such as those proposed by the Project are typical of large City urban areas and are generally expected from residents of the City. These improvements would not substantially degrade the visual character of the area and would not diminish the visual quality of the area, as they would be consistent with the existing visual setting and development patterns in the area. The Project itself is not visually imposing against the scale of the existing development and nature of the surrounding area.

Air Quality

Impact 3.3-1: The Project would not conflict with or obstruct implementation of the applicable air quality plan.

Facts and Findings: As discussed in Impact 3.2-2 herein, emissions of ROG, NO_x, PM₁₀, and PM_{2.5} associated with the construction and operation of the Project would not exceed the District’s significance thresholds. As shown in Impact 3.2-2, the Project would not result in CO hotspots that would violate CO standards. Therefore, the Project would not contribute to air quality violations.

Impact 3.3-2: The Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard.

Facts and Findings: As shown in Table 3.3-6 (Chapter 3 of the Draft EIR), the emissions are below the SJVAPCD significance thresholds prior to application of mitigation measures. The Project emissions include credit for compliance with regulations and Project design features that would reduce Project emissions. Since Project emissions would be below established thresholds established by the San Joaquin Valley Air Pollution Control District (SJVACPD), the Project would result in a less than significant impact.

Impact 3.3-3: The Project would not expose sensitive receptors to substantial pollutant concentrations.

Facts and Findings: In summary, the Project would not exceed SJVAPCD localized emission daily screening levels for any criteria pollutant. The Project is not a significant source of TAC emissions during construction or operation. The Project is not in an area with suitable habitat for Valley fever spores and is not in area known to have naturally occurring asbestos. Therefore, the Project would result in less than significant impacts to sensitive receptors.

Impact 3.3-4: The Project would not create objectionable odors affecting a substantial number of people.

Facts and Findings: Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The Project would not engage in any of these activities. Therefore, the Project would not be considered a generator of objectionable odors during operations. During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the Project’s site boundaries. The potential for diesel odor impacts would therefore be less than significant.

Biological Resources

Impact 3.4-3: The Project would not have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Facts and Findings: The United States Army Corps of Engineers (USACE) regulates the dredge and fill of “Waters of the U.S.” through Section 404 of the Clean Water Act (CWA). This proposed Project site is planted in almonds and there are no jurisdictional waters or wetlands on the site that would be impacted by the proposed Project. Although there are two irrigation canals on the Project site (Silvia Ditch and Minor Thornton Ditch), they are fed by a series of larger canal systems, do not connect to and are far removed from navigable waters that would be considered jurisdictional under Section 404 of the Clean Water Act. Fresno Irrigation District (FID) recommends that these canals be piped underground, with an easement preferably centered over each pipeline so that irrigation water can continue to be delivered to downstream users. The Project Developer will be required to work with FID to pipe these canals. These two canals terminate less than one mile downstream of the Project site in agricultural lands. No wetlands occur along or at the terminus of either canal, either on site or downstream of the Project site.

Therefore, no impacts would occur on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means as a result of this Proposed Project. As such, there would be less than significant impacts associated with the proposed improvements.

Impact 3.4-5: The Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

Facts and Findings: The City’s General Plan Parks, Open Space and Schools Element contains several objectives and policies pertaining to the protection of biological resources. Most of the policies pertain to general long-term protection and preservation of biological resources including providing buffers for natural areas, implementing habitat restoration where applicable, protection/enhancement of the San Joaquin River area, and other similar policies. Since the Project is located in a highly disturbed area with minimal biological resources and does not include significant impacts to protected plant or animal species, the Project does not conflict with any adopted policies pertaining to biological resources. Therefore, there is a less than significant impact.

Energy

Impact 3.6-1: The Project will not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation.

Facts and Findings: The Project would result in less than significant impacts on the wasteful, inefficient, or unnecessary use of energy due to Project design features that will comply with the City’s design guidelines and regulations that apply to the Project such as Title 24 Building Energy Efficiency Standards and the California Green Building Standards Code that apply to commercial and residential buildings. The installation of solar panels required by 2019 Title 24 standards is expected to offset most electricity used by Project residences. Furthermore, various federal and state regulations including the Low Carbon Fuel Standard, Pavley Clean Car Standards, and Low Emission Vehicle Program would serve to reduce the transportation fuel demand by the Project.

With the adherence to the increasingly stringent building and vehicle efficiency standards as well as implementation of the Project’s design features that would reduce energy consumption, the proposed Project would not contribute to a cumulative impact to the wasteful or inefficient use of energy. As such, the Project would not result in a significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation and any impacts would be less than significant.

Impact 3.6-2: The Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Facts and Findings: In addition to being in compliance with federal and state regulations, the City's General Plan provides policies that are designed specifically to reduce energy consumption or to reduce other types of pollutants that have the co-benefit of reducing energy consumption, as discussed in Impacts 3.6-1 and 3.8-1. Any impacts related to conflicting or obstructing a state or local plan for renewable energy or energy efficiency would be less than significant. Thus, the impact is less than significant and no mitigation is required.

Geology and Soils

Impact 3.7-4: The Project would not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Facts and Findings: As identified in the previous cultural studies performed for the Project site, there are no known paleontological resources on or near the site. Mitigation measures have been added that will protect unknown (buried) resources during construction, including paleontological resources. In addition, the site is substantially developed with the remainder a dirt lot that has been graded. There are no unique geological features on site or in the area. Therefore, there is a less than significant impact.

Greenhouse Gas Emissions

Impact 3.8-1: The Project would not generate direct and indirect greenhouse gas emissions.

Facts and Findings: The Project would achieve reductions of 17.6 percent beyond the ARB 2020 21.7 percent target and 9.6 percent beyond the SJVAPCD 29 percent reduction from business as usual (BAU) requirements from adopted regulations and on-site design features. No new thresholds have been adopted by the City for the SB 32 2030 target; however, the reductions from BAU by 2030 are 26.6 percent beyond the 21.7 percent required for the 2020 target. Based on this progress and the strong likelihood that the measures included in the 2017 Scoping Plan Update will be implemented, it is reasonable to conclude that the Project is consistent with the 2017 Scoping Plan and will contribute a reasonable fair-share contribution to achieving the 2030 target. In addition, compliance with the VMT targets adopted to comply with SB 375 and implemented through the RTP/SCS may be considered to adequately address GHG emissions from passenger cars and light-duty trucks. As shown in Table 3.8-6 of the Draft EIR, the State strategy relies on the Cap-and-Trade Program to make up any shortfalls that may occur from the other regulatory strategies. The costs of Cap-and-Trade emission reductions will ultimately be passed on to the consumers of fuels, electricity, and

products produced by regulated industries, which include future residents of development projects and other purchasers of products and services. Therefore, the impact would be less than significant.

Impact 3.8-2: The Project would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce the emissions of greenhouse gases.

Facts and Findings: The Project incorporates a number of features that would minimize GHG emissions. These features are consistent with project-level strategies identified by the ARB's Scoping Plan and the City of Fresno GHG Reduction Plan. As demonstrated in the impact analysis in Draft EIR Section 3.8-2, the Project would achieve a 39.3 percent reduction from the BAU inventory by 2025 and 48.3 percent from the BAU inventory by 2030; therefore, the Project would not significantly hinder or delay the State's ability to meet the reduction targets contained in AB 32 or SB 32 or conflict with implementation of the Scoping Plan. The Project promotes the goals of the Scoping Plan through implementation of design measures that reduce energy consumption, water consumption, and reduction in VMT. Therefore, the Project does not conflict with any plans to reduce GHG emissions. The impact would be less than significant.

Hazards and Hazardous Materials

Impact 3.9-1: The Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Facts and Findings: Construction of the Project would require the use and transport of hazardous materials, including fuels, oils, and other chemicals (e.g., paints, lead, adhesives, etc.) typically used during construction. It is likely that these hazardous materials and vehicles would be stored by the contractor(s) on-site during construction activities. Improper use and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. However, all materials used during construction would be contained, stored, and handled in compliance with applicable standards and regulations established by the Department of Toxic Substances Control (DTSC), the U.S. Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA). In addition, a Storm Water Pollution Prevention Plan (SWPPP) is required for the Project (see Mitigation Measure GEO – 2) and shall include emergency procedures for incidental hazardous materials releases. The SWPPP also includes Best Management Practices which includes requirements for hazardous materials storage. The use of hazardous materials would be confined to the Project construction period. The Project itself, once constructed, will not contain, use or produce any hazardous materials. Any impacts are less than significant.

Impact 3.9-2: The Project would not Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

Facts and Findings: Construction of the Project would require the use and transport of hazardous materials, including fuels, oils, and other chemicals (e.g., paints, lead, adhesives, etc.) typically used during construction. It is likely that these hazardous materials and vehicles would be stored by the contractor(s) on-site during construction activities. Improper use and transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. However, all materials used during construction would be contained, stored, and handled in compliance with applicable standards and regulations established by the Department of Toxic Substances Control (DTSC), the U.S. Environmental Protection Agency (EPA) and the Occupational Safety and Health Administration (OSHA). In addition, a Storm Water Pollution Prevention Plan (SWPPP) is required for the Project (see Mitigation Measure GEO – 2) and shall include emergency procedures for incidental hazardous materials releases. The SWPPP also includes Best Management Practices which includes requirements for hazardous materials storage. The use of hazardous materials would be confined to the Project construction period. The Project itself, once constructed, will not contain, use or produce any hazardous materials. Any impacts are less than significant.

Impact 3.9-3: 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.

Facts and Findings: The Project site is served by the Central Unified School District. The nearest schools to the Project site are Glacier Point Middle School and Harvest Elementary School, each located approximately 1,500 feet east of the Project’s eastern boundary. Based on the current Project description of a residential development, it is not reasonably foreseeable that the proposed Project will cause a significant impact by emitting hazardous waste or bringing hazardous materials within one-quarter mile of an existing or proposed school. Residential land uses do not generate, store, or dispose of significant quantities of hazardous materials. Such uses also do not normally involve dangerous activities that could expose persons onsite or in the surrounding areas to large quantities of hazardous materials. Therefore, the impact is less than significant.

Impact 3.9-6: The Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

Facts and Findings: The City has consulted with its police, fire and ambulance service providers to determine that the proposed Project provides adequate emergency access to the Project site and surrounding areas. The City will also provide specific construction schedules and pertinent Project information so that adequate access is maintained at all times. Therefore, the Project will have a less than significant impact.

Hydrology and Water Quality

Impact 3.10-4: The Project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation.

Facts and Findings: According to FEMA FIRM map number 06019C1545 H, the Project site is located in Zone X which corresponds to areas outside the 100-year floodplain, areas of 100-year sheet flow flooding where average depths are less than one foot, areas of 100-year stream flooding where the contributing drainage area is less than one square mile, or areas protected from the 100-year flood by levees.

In addition, there are no substantial bodies of water located in the Project area that could result in a tsunami or seiche. Thus, the proposed Project will have a *less than significant impact* with regard to placing housing or structures in a 100-year flood, tsunami or seiche zone.

Impact 3.10-5: The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Facts and Findings: The City of Fresno is part of the North Kings Groundwater Sustainability Agency (GSA) which is one of the seven GSA's within the Kings Groundwater Subbasin. The North Kings GSA submitted the Groundwater Sustainability Plan to the CA Department of Water Resources in January 2020 to begin a public comment period ending in April 2020. As the City of Fresno will provide water to the proposed Project (upon approval), and the City will be subject to the requirements of the GSA, the proposed Project does not conflict with any adopted water quality or sustainable groundwater management plan.

Land Use and Planning

Impact 3.11-1: The Project would not physically divide the community.

Facts and Findings: Much of the land surrounding the Project site is in agricultural production or occupied by rural residential homes and ancillary structures. The CUSD Deran Koligian Education

Center is located east of Grantland Avenue and south of Ashlan Avenue proximate to the proposed Project site. Large lot single family homes are located along West Rialto Avenue adjacent to, and north of, the Project site.

The western boundary of the Project site is the City limits of Fresno and there are no established communities in the area that would be divided as a result of the Project. Most of the surrounding areas of the site are vacant/agricultural lands that preclude the possibility of dividing an established community. Pedestrian, bicycle and vehicle access will be provided, creating continuous thoroughfares in between the neighborhoods. Therefore, there is a less than significant impact.

Impact 3.11-2: The 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.

Facts and Findings: Based on the consistency analysis in Section 3.11 of the Draft EIR, it is determined that the proposed Project is consistent with respective general plan objectives and policies and will not significantly conflict with applicable land use plans, policies or regulations of the City of Fresno. Furthermore, the proposed Project, including the design and improvement of the subject property, is found; (1) To be consistent with the goals, objectives and policies of the applicable Fresno General Plan; (2) To be suitable for the type and density of development; (3) To be safe from potential cause or introduction of serious public health problems; and, (4) To not conflict with any public interests in the subject property or adjacent lands.

Noise

Impact 3.13-2: The Project would not result in the generation of excessive groundborne vibration or groundborne noise levels.

Facts and Findings: The dominant sources of man-made vibration are sonic booms, blasting, pile driving, pavement breaking, demolition, diesel locomotives, and rail-car coupling. None of these sources are anticipated from the Project site. It is unlikely that vibration from construction activities could be detected at the closest sensitive land uses. After full Project build out, it is not expected that ongoing operational activities will result in any vibration impacts at nearby sensitive uses. Any impacts would be less than significant.

Impact 3.13-3: The Project is not located within the vicinity of a private airstrip or an airport land use plan. Where such plan has not been adopted, the Project is not within two miles of a public airport or public use airport, and would not expose people residing or working in the Project area to excessive noise levels.

Facts and Findings: There are no airports within the vicinity of the Project and the site is outside any airport land use plan boundaries. The nearest airport to the Project site is the Sierra Sky Park Airport located approximately 3 ¾ miles northeast of the Project site. Therefore, there is a less than significant impact.

Population and Housing

Impact 3.14-1: 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).

Facts and Findings: The proposed Project would result in the extension of urban infrastructure to an area that is currently not serviced. In particular, potable water and sewer service would be extended to the Project site from existing infrastructure in the area. However, this would not be considered removal of a barrier to growth, because the Project site is within the City limits and is designated for urban development by the General Plan. It is expected that the infrastructure extended to the Project site would be sized to serve the Project, and will not be “over-sized” to serve any additional development in the area. As such, the extension of this urban infrastructure is “growth accommodating” because it is intended to facilitate planned growth. This relatively small population will not affect any regional population, housing or employment projections anticipated by City policy documents. The environmental impacts of the growth of and residential areas associated with the Project are evaluated within the Draft EIR in other sections (e.g. air quality, traffic, noise, water use, biological impacts, etc.). Therefore, the Project will have a less than significant impact occurring from inducement of population. Thus, no mitigation is required.

Impact 3.14-2: The Project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

Facts and Findings: The site contains no housing units and people are not living on the site and thus the proposed Project would not displace existing housing or people. There is a less than significant impact.

Transportation

Impact 3.17-2: The Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Facts and Findings: The Project CEQA document(s) and traffic analysis were sent out for public review prior to July 1, 2020, which is the implementation date to analyze Vehicle Miles Travelled (VMT) within the context of CEQA. Pursuant to CEQA Guidelines Section 15007, amendments to the CEQA Guidelines (such as those associated with 15064.3 (b)) apply prospectively only. Section 15007 (c) includes the provision: “If a document meets the content requirements in effect when the document is set out for public review, the document shall not need to be revised to conform to any content requirements in guideline amendments taking effect before the document is finally approved.” Therefore, since the Parc West CEQA documents and traffic impact study were sent out for public review prior to implementation of CEQA Guidelines Section 15064.3 (b), there is a less than significant impact.

Impact 3.17-3: The 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).

Facts and Findings: Access to and from the Project site under buildout will be from three (3) points. In addition to the proposed full access points described under Phase I and Phase II, the Project proposes to have access to Garfield Avenue. Access to Garfield Avenue will be off the future Gettysburg Avenue extension between Garfield Avenue and Grantland Avenue and is proposed to be full access. The location of the proposed access points relative to the existing local roads and driveways in the Project’s vicinity was analyzed. A review of the Project driveway to be constructed under buildout indicates that it is located at a point that minimizes traffic operational impacts to the existing roadway network. The Project will be responsible for construction of internal roadways to City standards as well as for potential improvements to surrounding roadways to accommodate the Project.

No roadway design features associated with this proposed Project would result in an increase in hazards due to a design feature or be an incompatible use. The internal road system has been designed with traffic calming features such as curved roadways, cul-de-sacs and relatively short blocks of housing. There are no non-residential uses (such as farm equipment) associated with the Project. Therefore, there is a less than significant impact.

Impact 3.17-4: The Project would not result in inadequate emergency access.

Facts and Findings: As described in the “Facts and Findings” for Impact 3.17-3, the Project will provide adequate emergency access. The City has reviewed the site layout and determined that the Project provides adequate emergency access. Therefore, there is a less than significant impact.

Tribal Cultural Resources

Impact 3.18-1: The Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
- ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Facts and Findings: In accordance with Assembly Bill (AB) 52 and Senate Bill (SB) 18, potentially affected Tribes were formally notified of this Project on February 2, 2020 and were given the opportunity to request consultation on the Project. The City contacted the Native American Heritage Commission, requesting a contact list of applicable Native American Tribes, which was provided to the City. The City provided letters to the listed Tribes notifying them of the Project and requesting consultation, if desired. After 90 days had lapsed, the City did not receive any responses from the tribes contacted. Therefore, there is a less than significant impact.

Utilities and Service Systems

Impact 3.19-3: The Project would not result in a determination by the wastewater treatment provider which serves or may serve the Project that it has inadequate capacity to serve the Project’s projected demand in addition to the provider’s existing commitments.

Facts and Findings: The Project is estimated to produce approximately 602,824 gallons of wastewater per day, which would represent only 0.008% of the daily average contribution to the permitted capacity of 80,000,000 gallons per day at the City’s Reclamation Facility. The existing sewer mains near the Project site are sized to accommodate land uses planned in the City of Fresno’s General Plan. The Project area is served by the City’s Grantland trunk sewer line and the Project will be responsible for construction of smaller sewer lines to connect to the Project site and for its fair-share of payments for trunk fees; these fees will be collected pursuant to the City’s UGM policies. The Project is not anticipated to cause any violation of any existing

permit because of the "typical" content - B.O.D. and suspended solids - of the waste discharge associated with the Project. The proposed Project will be required to pay its fair share of wastewater fees. The City of Fresno Public Works Department has reviewed the Project and determined that it can accommodate the wastewater generated from the Project. Therefore, the impact is less than significant.

Impact 3.19-4: The Project would not 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.

Facts and Findings: The total Project solid waste generated by the Project is estimated to be approximately 5.16 tons per day. If the City's reported historic diversion rate of 56% is maintained, the Project contribution to the landfill will be $(.44 \times 5.16)$, 2.27 tons per day. The landfill has a maximum permitted disposal rate of 2,300 ton per day and a current disposal rate of 1,300 tons per day. Since the proposed Project's impact on solid waste would represent approximately 0.0005% of the daily intake, the impact is considered less than significant.

Impact 3.19-5: The Project will comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

Facts and Findings: As described in the "Facts and Findings" for Impact 3.19-4, the Project is not expected to generate significant solid waste that would exceed existing capacities. The Project will comply with all federal, state and local statutes and regulations related to solid waste. Therefore, there is a less than significant impact.

Wildfire

Impact 3.20-1: The Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Facts and Findings: To receive building permits, the proposed Project would be required to be in compliance with the adopted emergency response plan. As such, any wildfire risk to the Project structures or people would be less than significant.

Impact 3.20-2: Due to slope, prevailing winds, and other factors, the Project would not exacerbate wildfire risks, and thereby expose Project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

Facts and Findings: The Project site is located on irrigated land that is adjacent to roadways, agricultural lands, educational facilities, rural residential housing and scattered commercial properties. Due to the highly developed nature of the area, the lack of slopes and lack of conditions increase wildfire risk, the impact is determined to be less than significant.

Impact 3.20-3: The 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.

Facts and Findings: The Project site is located on irrigated land that is adjacent to roadways, agricultural lands, educational facilities, rural residential housing and scattered commercial properties. The installation of infrastructure associated with the Project is typical of residential developments and would not significantly increase fire risk. The infrastructure would be installed according to applicable fire safety regulations.

Impact 3.20-4: The 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?

Facts and Findings: The Project site is located on irrigated land that is adjacent to roadways, agricultural lands, educational facilities, rural residential housing and scattered commercial properties. Due to the highly developed nature of the area, the lack of slopes and lack of conditions increase wildfire risk, the impact is determined to be less than significant.

5.4 Less Than Significant Environmental Impacts With Mitigation

Public Resources Code Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed that identifies one or more significant effects unless the public agency makes one or more of the following findings:

- Changes or alternations have been required in, or incorporated into, the Project that mitigate or avoid the significant effects on the environment.
- Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
- Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The following issues from the environmental categories analyzed in the EIR were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. This City Council hereby finds, based on substantial evidence in the record including the EIR and as noted below, pursuant to Public Resources Code Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the MMRP adopted by this City Council. Specific findings of this City Council for each category of such impacts are set forth in detail, below.

Aesthetics

Impact 3.1-4: After mitigation, the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: General Plan MEIR Mitigation Measures AES – 1 (Shielded lighting systems), AES – 2 (Adequate lighting systems), AES – 3 (Non residential shielded lighting) and AES – 5 (Use of non-reflective materials).

Facts in Support of the Finding: The subject site currently has no on-site sources of lighting. The Project will introduce new lighting that will be typical of residential developments, such as streetlights, residential lights and vehicle lights. Additional night lighting sources on the Project site, especially any unshielded light, could result in spillover light that could impact surrounding adjacent residential uses. This would create new sources of light that could potentially have a significant impact on nighttime light levels in the area. During the entitlement process, staff will ensure that lights are located in areas that will minimize light sources to the neighboring properties. Further, Mitigation Measures AES-1 through AES-3 from the General Plan MEIR require lighting systems to be shielded to direct light to ground surfaces and orient light away from adjacent properties. In addition, AES – 5 requires use of non-reflective building materials to reduce glare impacts.

In addition, a condition of approval will require that lighting, where provided for public streets, shall be hooded and so arranged and controlled so as not to cause a nuisance either to traffic or to the living environment. The amount of light shall be provided according to the standards of the Department of Public Works. As a result, the Project will implement the necessary mitigation measures and will have a less than significant impact on aesthetics.

Biological Resources

Impact 3.4-1: After mitigation, the Project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the U.S. Fish and Wildlife Service.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measures BIO – 1 (Protection of burrowing owls); BIO – 2 (Protection of Swainson’s hawk); and BIO – 3 (Protection of kit fox). General Plan MEIR Mitigation Measure BIO – 4 (Protection of nesting birds).

Facts in Support of the Finding: Wildlife (or diagnostic signs of wildlife) that were observed on or near the site included red-tailed hawk (*Buteo jamaicensis*), northern harrier (*Circus cyaneus*), killdeer (*Charadrius vociferus*), American crow (*Corvus brachyrhynchos*), northern mockingbird (*Mimus polyglottos*), and California ground squirrel (*Spermophilus beecheyi*). Since that time however, the site has been graded and planted in almond trees and is subject to ongoing agricultural activities, thereby further reducing the likelihood of protected species occurrence.

The Project site may provide seasonal foraging and nesting habitat for a variety of migratory birds. Small mammal burrows were scattered along the edges of the access roads. Pocket gophers (*Thomomys bottae*) were observed at some of these burrows, but the house mouse (*Mus musculus*) and deer mouse (*Peromyscus maniculatus*) likely utilize them as well. California ground squirrel (*Spermophilus beecheyi*) burrows were also observed. Although no special status plant or animal species were observed, there are certain species that could potentially use or occupy the Project site. Six wildlife species have a possibility of occurring on or near the Project site—burrowing owl, Swainson’s hawk, California horned lark, northern harrier, San Joaquin kit fox and American Badger. Several mitigation measures are required to ensure that impacts remain less than significant. These include the provision for pre-construction surveys and additional protection measures.

Impacts to burrowing owl, Swainson’s hawk, California horned lark, northern harrier, San Joaquin kit fox and American Badger are potentially significant. As such, several mitigation measures (BIO – 1 through BIO – 3) are applicable which will reduce the impact to a less than significant level.

The Project site may also provide some foraging opportunities for a number of additional sensitive avian species including various species of raptors and migratory birds that are protected by the Migratory Bird Treaty Act. Although the loss of foraging habitat is not considered significant, measures will be required to protect species attracted to the foraging habitat. Both raptors and migratory birds and their nests are protected under the Migratory Bird Treaty Act 16 U.S.C. §§ 703–712 (MBTA). Species with some likelihood to occur (at least for foraging) at the Project site include,

but are not limited to, the following: red-tailed hawk (*Buteo jamaicensis*), sharp-shinned hawk (*Accipiter striatus*), Cooper's hawk (*Accipiter cooperii*), and American kestrel (*Falco sparverius*). While the life histories of these species vary, overlapping nesting and foraging similarities allow for their concurrent discussion. Impacts to nesting birds is potentially significant; however, implementation of Mitigation Measure BIO-4 from the General Plan MEIR would reduce this impact to a *less-than-significant* level. This mitigation measure consists of preconstruction surveys and timing of construction in relation to potential nesting birds in the Project area.

Cultural Resources

Impact 3.5-2: After mitigation, the Project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: General Plan Mitigation Measures CUL – 1 (Protection of undiscovered cultural resources) and CUL – 2 (Protection of undiscovered archaeological resources).

Facts in Support of the Finding: According to the previous cultural resources records search, field survey and technical report conducted on the site, there are no significant archaeological resources identified on the site or in the area. The Project site is highly disturbed, consisting of an almond orchard. There are no known or visible cultural or archaeological resources, paleontological resources, or human remains that exist on the surface of the Project area. Therefore, it is determined that the Project has low potential to impact any sensitive resources and no further cultural resources work is required unless Project plans change to include work not currently identified in the Project description.

Although no cultural or archaeological resources, paleontological resources or human remains have been identified in the Project area, the possibility exists that such resources or remains may be discovered during Project site preparation, excavation and/or grading activities. The General Plan MEIR contains mitigation measures CUL – 1 and CUL – 2 pertaining to protection of cultural resources if they are discovered during construction and will be implemented to ensure that Project will result in less than significant impacts with mitigation.

Impact 3.5-3: After mitigation, the Project would not disturb any human remains, including those interred outside of formal cemeteries.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: General Plan Mitigation Measures CUL – 1 (Protection of undiscovered cultural resources) and CUL – 2 (Protection of undiscovered archaeological resources).

Facts in Support of the Finding: Although no human remains have been identified in the Project area, the possibility exists that such remains may be discovered during Project site preparation, excavation and/or grading activities. The General Plan MEIR contains mitigation measures CUL – 1 and CUL – 2 pertaining to protection of human remains if they are discovered during construction and will be implemented to ensure that Project will result in less than significant impacts with mitigation.

Geology and Soils

Impact 3.7-1: After mitigation, the Project would not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

- i) 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 Division of Mines and Geology Special Publication 42.
- ii) Strong seismic ground shaking?
- iii) Seismic-related ground failure, including liquefaction?
- iv) Landslides?

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure GEO – 1 (Geotechnical Investigation).

Facts in Support of the Finding:

Fault Rupture

The Project site is not located within a currently designated Alquist-Priolo Earthquake Fault Zone. There are no known major or active faults crossing the site or in close proximity to the site.

Strong Ground Shaking

The Project site is located in the City of Fresno, which utilizes Seismic Design Categories C and D. The proposed Project would consist of occupancy groups in Category II - most buildings and

structures of ordinary occupancy (e.g., residential, commercial, and industrial buildings), thus requiring design in accord with Category C.

Although the City of Fresno is located in an area of low seismic activity, the faults and fault systems that lie along the eastern and western boundaries of Fresno County, as well as other regional faults, have the potential to produce high-magnitude earthquakes throughout the County. The City of Fresno is located on alluvial deposits, which tend to experience greater ground shaking intensities than areas located on hard rock. However, the distance to the faults that are the expected sources of the shaking would be sufficiently great that the effects should be minimal.

Mitigation Measure GEO-1 requires the applicant to prepare and submit a design-level geotechnical study that complies with all applicable seismic design standards of the California Building Standards Code. Seismic design standards account for peak ground acceleration, soil profile, and other site conditions and they establish corresponding design standards intended to protect public safety and minimize property damage. This measure would reduce potential ground shaking impacts to a level of less than significant.

Seismic Related Ground Failure (including Liquefaction)

The potential for seismic related ground failure (liquefaction, lateral spreading, and lurching) occurring on the Project site is minimal because of the absence of high groundwater levels and saturated loose granular soil on the Project site. In addition, the intensity of ground shaking from a large, distant earthquake is expected to be relatively low on the Project site and, therefore, would not be severe enough to induce liquefaction onsite. These characteristics indicate that the Project site has a low susceptibility to liquefaction and liquefaction-related phenomena. Regardless, Mitigation Measure GEO-1 requires the applicant to prepare and submit a design-level geotechnical study that complies with all seismic design standards of the California Building Standards Code. This measure provides certainty that the proposed Project would not be at risk of ground failure hazard. This measure would reduce any risk of significant impact from seismic related ground failure to less than significant.

Landsliding

There are no substantial slopes on or near the Project site. Therefore, the opportunity for slope failure in response to the long-term geologic cycle of uplift, mass wasting, and difference of slopes is unlikely. Mitigation Measure GEO-1 requires the applicant to prepare and submit a design-level geotechnical study that complies with all applicable seismic design standards of the California Building Standards Code; this would ensure that design features would not present a geological hazard. With implementation of this measure, impacts would be reduced to a less than significant level.

Impact 3.7-2: After mitigation, the Project would not result in substantial soil erosion or the loss of topsoil.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure GEO – 2 (Requirement to prepare a SWPPP).

Facts in Support of the Finding: Construction activities associated with the Project involves ground preparation work for the new housing development and associated improvements. These activities could expose barren soils to sources of wind or water, resulting in the potential for erosion and sedimentation on and off the Project site. During construction, nuisance flow caused by minor rain could flow off-site. The City and/or contractor would be required to employ appropriate sediment and erosion control BMPs as part of a Stormwater Pollution Prevention Plan (SWPPP) that would be required in the California National Pollution Discharge Elimination System (NPDES). In addition, soil erosion and loss of topsoil would be minimized through implementation of the SVJAPCD fugitive dust control measures (See Section III). Once construction is complete, the Project would not result in soil erosion or loss of topsoil. Mitigation Measure GEO – 2 (requirement to prepare a SWPPP) will ensure that impacts remain less than significant.

Impact 3.7-3: The Project is not 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.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure GEO – 1 (Geotechnical Investigation).

Facts in Support of the Finding: The site is not at significant risk from earthquakes, ground shaking, liquefaction, or landslide and is otherwise considered geologically stable. Subsidence is typically related to over-extraction of groundwater from certain types of geologic formations where the water is partly responsible for supporting the ground surface. However, the site may be subject to soil hazards including existing fills and settlement potential that could adversely impact proposed structures. Mitigation Measure GEO – 1 (requirement for a design level geotechnical analysis) will reduce impacts to a less than significant level.

Impact 3.7-4: The Project is not located on expansive soil, as defined in Table 18-1-B of the most recently adopted Uniform Building Code creating substantial risks to life or property.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure GEO – 1 (Geotechnical Investigation).

Facts in Support of the Finding: The site is not at significant risk from expansive soils and is otherwise considered geologically stable. However, the site may be subject to soil hazards including existing fills and settlement potential that could adversely impact proposed structures. Mitigation Measure GEO – 1 (requirement for a design level geotechnical analysis) will reduce impacts to a less than significant level.

Hazards and Hazardous Materials

Impact 3.9-4: After mitigation, the Project would not 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 it create a significant hazard to the public or the environment.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measures HAZ – 1 (Additional soils testing), HAZ – 2 (Abandonment of any agricultural wells that may be uncovered); and HAZ – 3 (Consultation with PG&E for power/gas lines).

Facts in Support of the Finding: The Phase I ESA identified several issues associated with past and present uses of the Project site that could potentially result in the exposure of persons and environment to hazardous materials: pesticides, abandoned wells, and ASTs. Each is discussed below:

Pesticides

The Project site was formerly used for agricultural production. There was a liquid fertilizer above ground storage tank and two empty liquid fertilizer above ground storage tanks were observed within the farm equipment storage yard located within the central portion of the Project site. While agricultural chemicals were not directly observed on the Project site during the site reconnaissance, their uses are assumed due to past agricultural practices. It is unknown how recently such chemicals were used onsite and in what quantities. Therefore, mitigation is proposed requiring the Project applicant to undertake Phase II soil testing of the Project site to determine whether residual concentrations of agricultural chemicals are present and, if so, whether these concentrations are within acceptable limits for residential and commercial developments. If the concentrations exceed acceptable limits, the mitigation measure requires the applicant to perform soil remediation activities prior to grading to ensure that human health and the environment are not exposed to

harmful concentrations of agricultural chemicals. With the implementation of this mitigation measure, impacts would be reduced to a level of less than significant.

Abandoned Wells

There were no wells or septic systems directly observed on the property. As such, it is assumed that, due to the presence of past agriculture on the Project site, there are agricultural wells onsite as well as domestic wells and possible septic systems for the rural residence that existed on-site, but were removed in 1976. As these wells and septic systems would not be used at a future date with the proposed Project, they should be abandoned in accordance with applicable local, state, and federal regulations. In particular, the closure of all onsite wells and septic systems should be required as a condition of approval for the proposed Project. This condition has been included as mitigation measure. The abandonment of the existing wells and septic systems in accordance with applicable laws would not pose a health risk. Therefore, with the implementation of mitigation, impacts would be less than significant for all well closure associated activities.

Aboveground Storage Tanks

In the 2007 reconnaissance by the consultant, two 10,000-gallon diesel fuel Aboveground Storage Tanks (ASTs) were noted at the site along the east central boundary and the north central portion of the site. At the time, de minimus surface staining was observed under one diesel tank. In the 2011, reconnaissance, only one 10,000 diesel AST was identified on the site. At that time, no evidence of surface staining or petroleum hydrocarbon odors was observed in association with the diesel fuel AST. The consultant found that the Diesel AST appears to have been located in the location for approximately four years. It was Kleinfelder's opinion at the time of the site reconnaissance that the diesel soil impacted conditions were considered a de minimis condition. However, given the proposed development of residential uses, a Phase II soil sampling is recommended. Mitigation is requiring additional soil sampling to determine if the diesel impacts exceed regulatory guidance and if so, to delineate the horizontal and vertical extent of the diesel impacts in order to implement a soil remediation program. Remediation will be conducted in accordance with Department of Toxic Substances Control guidelines. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

Southern Pacific Railroad Tracks

A wide variety of herbicides may have been applied to the soils at areas within the former railroad track alignment. The condition of soils at areas of the site adjacent to the railroad alignment did not exhibit obvious evidence of contamination and had seasonal vegetative growth. It was Kleinfelder's opinion that further assessment of site soils in close proximity to the former railroad track alignment is unlikely to reveal concentrations above regulatory agency levels requiring further assessment or

remedial action. However, given the proposed development of residential uses, a Phase II soil sampling is recommended. Mitigation is requiring soil sampling adjacent to the former rail alignment to ensure that concentrations do not exceed regulatory agency levels. Should the concentrations exceed regulatory agency levels, a remediation program will be conducted in accordance with Department of Toxic Substances Control guidelines. The implementation of this mitigation measure would reduce impacts to a level of less than significant.

Electric Power Lines and Natural Gas Transmission Lines

PG&E owns and operates an electric transmission pole and a high pressure gas transmission line within the Project's boundaries. Project construction may require the relocation of existing facilities and has the potential to damage underground natural gas transmission lines. This would be a potentially significant impact.

The California Public Utilities Commission (CPUC) has mandated clearance requirements between utility facilities and surrounding objects or construction activities. PG&E provided recommendations to ensure that the proposed Project does not adversely impact their facilities. These recommendations have been incorporated as mitigation and require that the locations of each wooden transmission pole be delineated on grading/development plans, provides PG&E the opportunity to review and approve plans, provides a minimum cover over the top of gas lines at final grade, and ensures future access to facilities. With the implementation of these mitigation measures, the impacts are reduced a less than significant level.

Government Code 65962.2

As mentioned previously, there are no known hazardous materials sites within the proposed Project site or vicinity. The databases, lists and or reports delineated previously were consulted in preparation of the Phase I Environmental Site Assessment in order to identify any recorded hazardous material and waste sites within the proposed Project area. No recorded sites were identified.

Hydrology and Water Quality

Impact 3.10-1: After mitigation, the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure HYD – 1 (Requirement to prepare a SWPPP).

Facts in Support of the Finding: In accordance with the NPDES Stormwater Program, and as described in the Initial Study Section 3.7 - Geology and Soils, the Project will be required to comply with existing regulatory requirements to prepare a SWPPP designed to control erosion and the loss of topsoil to the extent practicable using BMPs that the RWQCB has deemed effective in controlling erosion, sedimentation, runoff during construction activities. The specific controls are subject to the review and approval by the RWQCB and are an existing regulatory requirement. Implementation of Mitigation Measure HYD - 1 would ensure that the proposed Project would have a less than significant impact relative to this topic.

Once constructed and operational, the Project will be required to adhere to the City’s storm water management regulations and NPDES Stormwater Program (General Stormwater Permit). BMPs would be implemented to reduce the amount of pollution in stormwater discharged from the Project site. The management of water quality through the requirement to obtain a General Stormwater Permit and implement appropriate BMPs would ensure that water quality does not degrade to levels that would violate water quality standards. These are existing regulatory requirements.

In addition, the Project will generate typical wastewater (sewer) associated with residential developments and will connect to the City’s sewer system. See Draft EIR Section 3.19 – Utilities for a discussion regarding waste discharge requirements, wastewater characteristics and water quality standards pertaining to Project-related wastewater. The Project will not result in a violation of any water quality standards or waste discharge requirements. Therefore, with mitigation, impacts related to this specific resource result in a less than significant impact.

Impact 3.10-2: After mitigation, the Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure HYD – 2 (Water Conservation).

Facts in Support of the Finding: The proposed Project would add demand for water to the City of Fresno water system, which is reliant on a combination of surface water and groundwater to serve

its customers. The information herein is based on the Water Supply Assessment that was prepared for the Project and approved by the City of Fresno (Appendix C of the Draft EIR).

The proposed Project site is included in the land use / population area covered by the City's 2015 Urban Water Management Plan (UWMP), which estimated future water demands based on land-use demand factors. The proposed Project is anticipated to utilize City groundwater to support the residential development. The UWMP indicates that future demand can be met with continued groundwater pumping, surface water purchases and conservation measures. Since the site has been contemplated for urban development by the City of Fresno, the Project will not result in additional use of groundwater that was not already accounted for in the City's infrastructure planning documents (and subsequently analyzed in their respective CEQA documents).

The City has reviewed the Project and determined that it can accommodate the water needs from the Project subject to development impact fees. In addition to demonstrating adequate water supply, the Project is also subject to minimum water pressure requirements. The City of Fresno Municipal Code Section 6-501 states that estimated peak hour water demands shall be based on 2.12 gallons per minute for single-family residential units. The Fire Protection Water Demand shall be added to the overall Project water demands at 1,500 gallons per minute. The sum of the Peak Hour Water Demands and Fire Protection Demands (in gpm) shall establish the total instantaneous water supply flow required for the Project, inclusive of fire protection. The Project applicant will be required to adhere to these standards and maintain them in perpetuity.

The City's UWMP contains a detailed evaluation of existing sources of water supply, anticipated future water demand, extensive conservation measures, and the development of new water supplies (recycled water, increased recharge, surface water treatment, etc.). Measures contained in the UWMP as well as the City's General Plan are intended to reduce demands on groundwater resources by augmenting supply and introducing conservation measures and other mitigation strategies. In addition to payment of development fee impacts for water, the proposed Project will implement Mitigation Measure HYD – 2 which includes water use reduction measures. This will ensure that impacts from water use remain less than significant.

Impact 3.10-3: After mitigation, the Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i. result in substantial erosion or siltation on- or off—site; or
- ii. substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or offsite;

- iii. 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; or
- iv. impede or redirect flood flows.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure HYD – 3 (Preparation of Drainage / Grading Plan).

Facts in Support of the Finding: Development of the site will result in the addition of impervious surfaces in the form of foundations, buildings, roadways, and other paved surfaces. This will result in an increase in storm water runoff from the site, and will increase the potential for contaminated runoff to enter FMFCD drainage basins or for drainage basins to overflow and cause flooding. However, the proposed Project will be designed to FMFCD and City of Fresno standards to prevent drainage overflow and flooding and the potential for contaminated runoff. The Project site has been anticipated for urban use, primarily as residential development, by both the County of Fresno General Plan and the City of Fresno General Plan. As with all developments, existing policies and standards are required to be complied with, which are assessed during design and review of entitlements by the City and FMFCD to ensure that none of the water quality standards are violated and that waste discharge requirements are adhered to during construction and operation of the Project.

The site is crossed by two Fresno Irrigation District (FID) irrigation canals—the Thornton Ditch, which crosses the northwestern corner of the site, and the Silva Ditch, which enters the site at its northeastern corner, traverses the property in a southerly direction and exits the site at the central western boundary. Although there are two irrigation canals on the Project site, they are fed by a series of larger canal systems, do not connect to and are far removed from navigable waters that would be considered jurisdictional under Section 404 of the Clean Water Act. FID recommends that these canals be piped underground (where currently exposed), with an easement preferably centered over each pipeline so that irrigation water can continue to be delivered to downstream users. These two canals terminate less than one mile downstream of the Project site in agricultural lands. No wetlands occur along or at the terminus of either canal, either on site or downstream of the Project site.

The Project Applicant will be required to submit a grading and drainage plan to FID for approval which will show that the Project will not endanger the structural integrity of underground storm water conveyance pipelines, or result in drainage patterns that will adversely affect the FID or the proposed Project itself.

Mitigation Measure HYD – 3 requires the Project Applicant to prepare a drainage/grading plan subject to review and approval by the City Public Works Department. The Project would not otherwise degrade water quality and therefore the impact is less than significant with mitigation.

Noise

Impact 3.13-1: After mitigation, the Project will not result in generation of 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 applicable standards of other agencies.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measures NOI – 1 (Acoustical Study to determine final setbacks, sound wall height, etc.), NOI – 2 (Limitation of 2-story residences along Grantland Avenue), and NOI – 3 (Construction of sound wall).

Facts in Support of the Finding:

Construction Noise

The City of Fresno exempts noise generated by construction, site preparation, grading, repair, or remodeling work permitted by the City from the stationary noise limits of the Municipal Code (Section 10-102) provided such work occurs between the hours of 7 AM and 10 PM on weekdays and Saturdays.

The Project developer and construction contractor will be required to adhere to the City’s Municipal Code, which provides noise guidelines associated with construction. The ordinance limits building construction activities to between the hours of 7:00 AM and 10:00 PM on weekdays and Saturdays. Therefore, impacts from construction noise are less than significant and no mitigation is required.

Operational Noise

On-site Stationary Noise

Noise from the proposed Project (excluding noise from vehicles – see vehicle noise discussion herein) will be similar to existing conditions and will generally include noise typical of single family residential neighborhoods including air conditioner units, yard maintenance equipment (e.g. lawn mowers, blowers, etc.), amplified sounds, and other similar equipment. It is not expected that the proposed Project will result in a significant increase in noise to surrounding land uses from on-site stationary sources.

Operational Traffic Noise

Traffic noise depends primarily on the speed of traffic and the percentage of truck traffic. Conversely, traffic volume does not have a major influence on traffic noise levels. The primary source of noise from automobiles is high frequency tire noise, which increases with speed. In addition, trucks and older automobiles produce engine and exhaust noise, and trucks also generate wind noise. There are no truck trips associated with the Project.

The City of Fresno has established noise thresholds for sensitive receptors (i.e. schools, hospitals, residential areas, etc.). Based on this information, the Project would result in potentially significant noise impacts if ambient noise levels were increased by 5 dB(A).

According to the U.S. Department of Transportation, a doubling of sound energy results in a 3 dB(A) increase in sound, which means that a doubling of sound wave energy (e.g., doubling the volume of traffic on a roadway) would result in a barely perceptible change in sound level. Because the Project does not result in a doubling of traffic on the surrounding roadways (See Draft EIR Table 3.17-12 in Section 3.17 – Transportation/Traffic, which shows peak hour Project trips at full buildout compared to existing and projected future traffic trips), it is not anticipated that the Project will result in an increase of 5 dB(A) or greater. The Project, therefore, is not expected to result in an increase in ambient noise levels greater than the thresholds established by the City of Fresno.

However, the City’s General Plan has also established traffic noise contours for certain types of roadways that are applicable to the Project. The information shown below is based on buildout of the City’s General Plan. For the major roadways impacted by the Project, they are as follows:

Shaw Avenue (4-lane arterial in Project area):	69 dBA CNEL (50 ft. from centerline)
Ashlan Avenue (4-lane arterial in Project area):	69 dBA CNEL (50 ft. from centerline)
Grantland Avenue (4-lane super arterial in Project area):	68.7 dBA CNEL (50 ft. from centerline)

Under cumulative conditions (full buildout of the General Plan), these roadways would generate noise levels that would exceed the City’s overall 65 dBA CNEL standard for sensitive land uses. General Plan Policy NS-1-g, requires the implementation of noise reduction performance standards for new noise sensitive uses. Many of the noise reduction features provided in Policy NS-1-g are dependent on final Project design. In addition, to reduce traffic noise at outdoor living areas, typical noise mitigation would include the construction of a standalone sound wall, which reduces noise levels by approximately 5 to 10 dBA. Mitigation of outdoor noise exposure could be achieved either

by increasing building setbacks, by construction of sound walls or by a combination of setbacks and sound walls. Generally, a 6 foot-high sound wall will reduce traffic noise exposure at the first floor elevation by approximately 5 dB and an 8 foot-high wall will reduce traffic noise by approximately 7-8 dB. Outdoor activity areas located above the first floor elevation, such as decks or balconies, will not be effectively shielded by a sound wall of practical height. Because there are no specific development elevations or full site plans available for the Project site, future development within the Project site will be required to submit an acoustical analysis to demonstrate compliance with City standards either through the use of setbacks or of noise attenuation features. See Mitigation Measures NOI-1 through NOI-3. Therefore, there is a less than significant impact with mitigation.

Public Services

Impact 3.15-1: After mitigation, the Project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure PUB – 1 (Payment of public service impact fees).

Facts in Support of the Finding: As with other areas of the City, the Project will require fire and police protection services. The Project will also increase student enrollment in the Central Unified School District and will potentially increase the use of public parks. These topics are addressed individually below.

Police Protection

Protection services would be provided to the Project site from the existing Northwest Policing District, which is approximately four and a half miles (driving distance) from the Project site at 3074 West Shaw Avenue, Fresno. The Fresno Police Department provides a full range of police services including uniformed patrol response to calls for service, crime prevention, tactical crime and enforcement (including gang and violent crime suppression), and traffic enforcement/accident prevention. The Project site is located in an area currently served by the Police Department; the Department would not need to expand its existing service area or construct a new facility to serve the Project site. However, according to the City's stated goal of 1.5 police personnel per 1,000 people,

the Project would require the equivalent of 3.89 police personnel. This is based on median household size according to the City's Housing Element, which is 3.07 persons per unit. Using this ratio, the Project could accommodate approximately 2,591 people (844 units X 3.07 per unit). Based on this, the Project will be subject to development impact fees as determined by the City. See Public Facilities Mitigation Measures herein.

Fire Protection

The City of Fresno Fire Department (Fire Department) offers a full range of services including fire prevention, suppression, emergency medical care, hazardous materials, urban search, and rescue response, as well as emergency preparedness planning and public education coordination within the Fresno City limit, in addition to having mutual aid agreements with the Fresno County Fire Protection District, and the City of Clovis Fire Departments.

The City of Fresno Fire Department operates its facilities under the guidance set by the National Fire Protection Association in NFPA 1710, the Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operation to the Public by Career Fire Departments. NFPA 1710 sets standards for turnout time, travel time, and total response time for fire and emergency medical incidents, as well as other standards for operation and fire service. The Fire Department has established the objectives set forth in NFPA 1710 as department objectives to ensure the public health, safety, and welfare.

According to Fire Department, the proposed Project would be served by the current Fire Station 16, which is located at 2510 N. Polk Avenue, Fresno, approximately three miles southeast of the Project site.

The Fresno General Plan contains objectives and policies related to fire protection services. The proposed Project, as a condition of approval, will be required to comply with provisions set forth by the Fire Department. Additionally, the Project would be required to comply with all applicable fire and building safety codes (California Building Code and Uniform Fire Code) to ensure fire safety elements are incorporated into final Project design, including the providing minimum turning radii for fire equipment. Proposed interior streets will be required to provide appropriate widths and turning radii to safely accommodate emergency response and the transport of emergency/public safety vehicles. The Project will also be designed to meet Fire Department requirements regarding water pressure flow, water storage requirements, hydrant spacing, infrastructure sizing, and emergency access. As a result, appropriate fire safety considerations will be included as part of the final design of the Project. In addition, the Project will be subject to development impact fees as determined by the City. See Public Facilities Mitigation Measures herein.

Schools

Educational services for the proposed Project will be provided by the Central Unified School District (CUSD). Schools that serve the Project area include:

- Central High School
- Glacier Point Middle School
- Harvest Elementary School
- John Steinbeck Elementary School
- Roosevelt Elementary School

Funding for schools and school facilities impacts is outlined in Education Code Section 17620 and Government Code Section 65995 et. seq., which governs the amount of fees that can be levied against new development. These fees are used to construct new or expanded schools facilities. Payment of fees authorized by the statute is deemed “full and complete mitigation.” The proposed Project will be required to pay impact fees from new development based on the Developer Fee rates that are in place at the time payment is due. The payment amount is determined by the School District and the State Allocation Board (SAB) who sets the maximum per-square-foot Level 1 school impact fees every two (even) years at its January meeting. Payment of the applicable impact fees by the Project applicant would fund capital and labor costs associated with providing school services to the Project.

Parks

The proposed Project includes a 1.819-acre park and installation of a trail system that will connect to the City’s existing/future trail network in the area. The Project will be required to pay City park facility impact fees to meet the City’s open space requirements. See Response XVI, Recreation for additional information.

Other Public Facilities

Development of the Project will increase the demand for other public services, such as libraries. However, the relatively small increase in demand will not in and of itself require construction of additional facilities.

The City has determined that it can accommodate the Project. The Project Applicant will be required to pay development impact fees for fire protection, police protection, schools, parks or other public facilities as determined by the City to receive such services (Mitigation Measure PUB-1). Therefore, there is a less than significant impact with mitigation.

Recreation

Impact 3.16-1: After mitigation, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated nor does the Project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure REC – 1 (Creation of recreational space or participation in creation of offsite recreational facilities).

Facts in Support of the Finding: Policy F-1-f of the City's General Plan states that the City of Fresno will continue to pursue implementation of an open space standard of 3.0 acres of public park land for every 1,000 persons residing in the City's Planning Area. The proposed Project could have a total population of 2,591 persons at build-out (based on the City's Housing Element estimate of 3.07 persons per household estimate, multiplied by 844 units). This would equate to a need for approximately 7.78 acres of parkland based on the City's standard. Per policy F-2-a, the proposed Project will construct parkland and/or pay development impact fees for the acquisition and development of parks and recreation facilities to meet the Project's needs. The proposed Project would create a 1.819 acre park as well as additional land for connection to the City's trail system in the area. The acreage associated with the trail will also count toward the required 7.78 acres of parkland.

The City has established Park Facilities Fees. In order to implement the goals and objectives of the City's general plan, and to mitigate the impacts caused by future development in the City, park facilities must be constructed. The City Council has determined that a Park Facilities Fee is needed in order to finance these public facilities and to pay for each development's fair share of the construction and acquisition costs.

The impact would be potentially significant. To reduce the impact to a less than significant level, Mitigation Measure REC-1 requires the Project Applicant to create onsite (or participate in the creation of offsite) equivalent of 3 acres of park space per 1,000 persons, totaling approximately 7.78 acres. This acreage will include the lands associated with the proposed trail on site.

Transportation

Impact 3.17-1: After mitigation, the Project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measures TRA – 1 (Payment into applicable transportation fee programs) and TRA – 2 (Payment of fair share costs and/or construction of recommended transportation facility improvements).

Facts in Support of the Finding: The Project’s fair share percentage impact to study intersections projected to fall below their LOS threshold and which are not covered by an existing impact fee program is provided in Draft EIR Tables 3.17-13 and 3.17-13a. The Project’s fair share percentage impacts were calculated pursuant to the Caltrans Guide for the Preparation of Traffic Impact Studies. The Project’s pro-rata fair shares were calculated utilizing the Existing volumes, 2035 Project Only Trips and Cumulative Year 2035 plus Project volumes. Since the critical peak period for the study facilities was determined to be during the AM peak, the AM peak volumes are utilized to determine the Project’s pro-rata fair share. The recommended improvements are as follows:

- Grantland Avenue / Barstow Avenue
 - Add an eastbound left-turn lane;
 - Modify the eastbound left-through-right lane to a through-right lane;
 - Add a westbound left-turn lane;
 - Modify the westbound left-through-right lane to a through-right lane;
 - Signalize the intersection with protective left-turn phasing on all approaches; and
 - Modify the intersection to accommodate the added lanes.
- Grantland Avenue / Shaw Avenue
 - Modify the westbound through-right lane to a through lane;
 - Add a westbound trap right-turn lane;
 - Add a second southbound left-turn lane with a receiving lane east of Grantland Avenue;

- Modify the traffic signal to implement overlap phasing of the westbound right-turn with the southbound left-turn phase;
- Prohibit southbound to northbound U-turn movements; and
- Modify the traffic signal to accommodate the added lanes.
- Veterans Boulevard / Shaw Avenue
 - Modify the eastbound through-right lane to a through lane;
 - Add a second eastbound through lane with a receiving lane east of Veterans Boulevard;
 - Add an eastbound right-turn lane;
 - Modify the westbound through-right lane to a through lane;
 - Add a second westbound through lane with a receiving lane west of Veterans Boulevard;
 - Add a westbound right-turn lane;
 - Modify the northbound through-right lane to a through lane;
 - Add a third northbound through lane with a receiving lane north of Shaw Avenue;
 - Add a northbound right-turn lane;
 - Add a second southbound left-turn lane;
 - Add a third southbound through lane with a receiving lane south of Shaw Avenue;
 - Modify the traffic signal to implement overlap phasing of the westbound right-turn with the southbound left-turn phase;
 - Prohibit southbound to northbound U-turn movements; and
 - Modify the traffic signal to accommodate the added lanes.
- Bryan Avenue / Shaw Avenue
 - Modify the eastbound through-right lane to a through lane;
 - Add a second eastbound through lane with a receiving lane east of Bryan Avenue;
 - Add an eastbound right-turn lane;
 - Add a second westbound through lane with a receiving lane west of Bryan Avenue;

- Signalize the intersection with protective left-turn phasing on all approaches; and
- Modify the intersection to accommodate the added lanes.
- Hayes Avenue / Shaw Avenue
 - Add a westbound left-turn lane;
 - Modify the westbound left-through lane to a through lane;
 - Modify the northbound left-right lane to a left-turn lane;
 - Add a northbound right-turn lane;
 - Signalize the intersection with protective left-turn phasing on all approaches; and
 - Modify the intersection to accommodate the added lanes.
- Grantland Avenue / Gettysburg Avenue
 - Add a westbound left-turn lane;
 - Modify the westbound left-through-right lane to a through-right lane;
 - Add second and third northbound through lanes with receiving lanes north of Gettysburg Avenue;
 - Add a southbound left-turn lane;
 - Modify the southbound left-through-right lane to a through lane;
 - Add a second southbound through lane with a receiving lane south of Gettysburg Avenue;
 - Add a southbound right-turn lane;
 - Signalize the intersection with protective left-turn phasing on all approaches; and
 - Modify the intersection to accommodate the added lanes.
- Veterans Boulevard / Gettysburg Avenue
 - Modify the eastbound through-right lane to a through lane;
 - Add an eastbound right-turn lane;
 - Modify the westbound through-right lane to a through lane;

- Add a westbound right-turn lane;
- Add second and third northbound through lanes with receiving lanes north of Gettysburg Avenue;
- Add a second southbound through lane with a receiving lane south of Gettysburg Avenue;
- Implement overlap phasing of the westbound right-turn with the southbound left-turn phase; and
- Modify the traffic signal to accommodate the added lanes.
- Bryan Avenue and Gettysburg Avenue
 - Modify the westbound through-right lane to a through lane;
 - Add a westbound right-turn lane;
 - Modify the northbound through-right lane to a through lane;
 - Add a northbound right-turn lane;
 - Modify the southbound through-right lane to a through lane;
 - Add a southbound right-turn lane;
 - Signalize the intersection with protective left-turn phasing on all approaches; and
 - Modify the intersection to accommodate the added lanes.
- Grantland Avenue / Ashlan Avenue
 - Modify the northbound through-right lane to a right-turn lane;
 - Modify the southbound right-turn lane to a through-right lane with a receiving lane south of Ashlan Avenue;
 - Signalize the intersection with protective left-turn phasing on all approaches; and
 - Modify the intersection to accommodate the added lanes.
- Bryan Avenue / Ashlan Avenue
 - Modify the westbound through-right lane to a through lane;

- Add a westbound right-turn lane;
- Signalize the intersection with protective left-turn phasing on all approaches; and
- Modify the intersection to accommodate the added lane.
- Polk Avenue / Ashlan Avenue
 - Modify the westbound through-right lane to a through lane;
 - Add a westbound right-turn lane;
 - Modify the northbound through-right lane to a through lane;
 - Add a northbound right-turn lane;
 - Modify the southbound through-right lane to a through lane;
 - Add a southbound right-turn lane;
 - Signalize the intersection with protective left-turn phasing on all approaches; and
 - Modify the intersection to accommodate the added lanes.
- Grantland Avenue / Dakota Avenue
 - Modify the northbound right-turn lane to a through-right lane with a receiving lane north of Dakota Avenue;
 - Add a second southbound through lane with a receiving lane south of Dakota Avenue;
 - Signalize the intersection with protective left-turn phasing on all approaches; and
 - Modify the intersection to accommodate the added lanes.
- Grantland Avenue / Shields Avenue
 - Add an eastbound left-turn lane;
 - Modify the eastbound left-through-right lane to a through-right lane;
 - Add a westbound left-turn lane;
 - Modify the westbound left-through-right lane to a through lane;
 - Add a westbound right-turn lane;

- Add a northbound left-turn lane;
- Modify the northbound left-through-right lane to a through lane;
- Add a northbound through-right lane with a receiving lane north of Shields Avenue;
- Add a southbound left-turn lane;
- Modify the southbound left-through-right lane to a through lane;
- Add a second southbound through lane with a receiving lane south of Shields Avenue;
- Add a southbound right-turn lane;
- Signalize the intersection with protective left-turn phasing on all approaches; and
- Modify the intersection to accommodate the added lanes.
- Polk Avenue and Shaw Avenue
 - Add a second westbound through lane with a receiving lane west of Polk Avenue;
 - Modify the westbound trap right-turn lane to a standard right-turn lane (see Queuing Analysis for recommended storage capacity);
 - Modify the northbound through-right lane to a through lane;
 - Add a northbound right-turn lane;
 - Prohibit westbound to eastbound U-turn movements; and
 - Modify the traffic signal to implement overlap phasing of the northbound right-turn with the westbound left-turn phase and accommodate the added lanes.
- State Route 99 Southbound Ramps and Shaw Avenue
 - Add a second eastbound through lane with a receiving lane east of State Route 99 Southbound Ramps;
 - Modify the eastbound trap right-turn lane to a standard right-turn lane (see Queuing Analysis for recommended storage capacity);
 - Add a second westbound left-turn lane with a receiving lane south of Shaw Avenue; and
 - Modify the traffic signal to accommodate the added lanes.

- State Route 99 Northbound Ramps and Shaw Avenue
 - Add a second eastbound through lane with a receiving lane east of State Route 99 Northbound Ramps; and
 - Modify the traffic signal to accommodate the added lanes.
- State Route 99 Northbound Ramps and Ashlan Avenue
 - Add a second northbound left-turn lane;
 - Modify the northbound left-through-right lane to a through-right lane; and
 - Modify the traffic signal to implement protective left-turn phasing in all directions and overlap phasing of the southbound right-turn with the eastbound left-turn phase and accommodate the added lanes.
 - It is worth noting that improvements to the State Route 99 Northbound Off-Ramp and Ashlan Avenue may not be necessary if the State Route 99 and Shaw Avenue Interchange is upgraded. However, if improvements to the State Route 99 and Shaw Avenue Interchange are not implemented, the detailed recommended improvements presented under this scenario may be necessary in order to improve the LOS. Therefore, it is recommended that the City and Caltrans monitor the State Route 99 Northbound Off-Ramp to Ashlan Avenue.

Under this scenario, the segments of Shaw Avenue between Veterans Boulevard and Hayes Avenue and the segments of Grantland Avenue between Veterans Boulevard and Shields Avenue are projected to operate at an unacceptable LOS. To improve the LOS of these segments, it is recommended that the following improvements be implemented.

- Shaw Avenue between Veterans Boulevard and Bryan Avenue
 - Modify Shaw Avenue to accommodate two lanes in each direction
- Shaw Avenue between Bryan Avenue and Hayes Avenue
 - Modify Shaw Avenue to accommodate two lanes in each direction
- Grantland Avenue between Veterans Boulevard and Gettysburg Avenue (WL)
 - Modify Grantland Avenue to accommodate two lanes in each direction
- Grantland Avenue between Gettysburg Avenue (WL) and Ashlan Avenue

- Modify Grantland Avenue to accommodate two lanes in each direction
- Grantland Avenue between Ashlan Avenue and Dakota Avenue
 - Modify Grantland Avenue to accommodate two lanes in each direction
- Grantland Avenue between Dakota Avenue and Shields Avenue
 - Modify Grantland Avenue to accommodate two lanes in each direction

The Project will contribute its equitable fair share as listed in Draft EIR Tables 3.17-13 and 3.17-13a for the future improvements necessary to maintain an acceptable LOS. However, fair share contributions should only be made for those facilities, or portion thereof, currently not funded by the responsible agencies roadway impact fee program(s) or grant funded projects, as appropriate. For those improvements not presently covered by local and regional roadway impact fee programs or grant funding, it is recommended that the Project contribute its equitable fair share. Payment of the Project’s equitable fair share in addition to the local and regional impact fee programs would satisfy the Project’s traffic mitigation measures. Therefore, with implementation of the required mitigation, the impact is less than significant.

Utilities and Service Systems

Impact 3.19-1: The Project will require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities. However, after mitigation, the Project will not result in significant environmental impacts resulting from the construction or relocation of these facilities.

Finding: Implementation of the following mitigation measures will reduce potential impacts to a less than significant level.

Mitigation Measures: The mitigation measures throughout the Draft EIR are also applicable to the on-site improvements associated with installation of adequate utilities. Please refer to the mitigation monitoring and reporting program for the full list of applicable mitigation.

Facts in Support of the Finding: The Project will require that utilities be extended to serve the proposed development, including water, wastewater, stormwater, electric power, natural gas and telecommunications facilities. Extension of utilities will be the responsibility of the Project Developer. The Project will be subject to water and sewer modeling to determine any needed improvements to or additions to the City’s existing infrastructure. The improvements required to tie into existing utilities are included in the Project Description, the environmental impacts of extending

these utilities are analyzed within this EIR under the various CEQA Appendix G topics. Numerous mitigation measures have been included throughout this document which are applicable to these activities. In addition, the Project will be subject to various development impact fees as determined by the City in order to construct any necessary on- or off-site improvements required in order to provide adequate utilities.

Impact 3.19-2: After mitigation, the Project would have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry and multiple dry years.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure HYD – 2 (Water Conservation) and PUB – 1 (Payment of public service impact fees).

Facts in Support of the Finding: The proposed Project would add demand for water to the City of Fresno water system, which is reliant on a combination of surface water and groundwater to serve its customers. The information herein is based on the Water Supply Assessment that was prepared for the Project and approved by the City of Fresno (Appendix C of the Draft EIR).

The proposed Project site is included in the land use / population area covered by the City's 2015 Urban Water Management Plan (UWMP), which estimated future water demands based on land-use demand factors. The proposed Project is anticipated to utilize City groundwater to support the residential development. The UWMP indicates that future demand can be met with continued groundwater pumping, surface water purchases and conservation measures. Since the site has been contemplated for urban development by the City of Fresno, the Project will not result in additional use of groundwater that was not already accounted for in the City's infrastructure planning documents (and subsequently analyzed in their respective CEQA documents).

The City has reviewed the Project and determined that it can accommodate the water needs from the Project subject to development impact fees. In addition to demonstrating adequate water supply, the Project is also subject to minimum water pressure requirements. The City of Fresno Municipal Code Section 6-501 states that estimated peak hour water demands shall be based on 2.12 gallons per minute for single-family residential units. The Fire Protection Water Demand shall be added to the overall Project water demands at 1,500 gallons per minute. The sum of the Peak Hour Water Demands and Fire Protection Demands (in gpm) shall establish the total instantaneous water supply flow required for the Project, inclusive of fire protection. The Project applicant will be required to adhere to these standards and maintain them in perpetuity.

The City's UWMP contains a detailed evaluation of existing sources of water supply, anticipated future water demand, extensive conservation measures, and the development of new water supplies (recycled water, increased recharge, surface water treatment, etc.). Measures contained in the UWMP as well as the City's General Plan are intended to reduce demands on groundwater resources by augmenting supply and introducing conservation measures and other mitigation strategies. In addition to payment of development fee impacts for water, the proposed Project will implement Mitigation Measure HYD – 2 which includes water use reduction measures. This will ensure that impacts from water use remain less than significant.

Impact 3.19-3: After mitigation, the Project would result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments.

Finding: Implementation of the following mitigation measure will reduce potential impacts to a less than significant level.

Mitigation Measures: Project Specific Mitigation Measure PUB – 1 (Payment of public service impact fees).

Facts in Support of the Finding: The Project will result in wastewater from residential units that will be discharged into the City's existing wastewater treatment system. The wastewater will be typical of other urban/residential developments consisting of bathrooms, kitchen drains and other similar features. The Project will not discharge any unusual or atypical wastewater that would violate the City's waste discharge requirements.

The Project is estimated to produce approximately 602,824 gallons of wastewater per day, which would represent only 0.008% of the daily average contribution to the permitted capacity of 80,000,000 gallons per day at the Reclamation Facility. The existing sewer mains near the Project site are sized to accommodate land uses planned in the City of Fresno's General Plan. The Project area is served by the City's Grantland trunk sewer line and the Project will be responsible for construction of smaller sewer lines to connect to the Project site and for its fair-share of payments for trunk fees; these fees will be collected pursuant to the City's UGM policies. The Project is not anticipated to cause any violation of any existing permit because of the "typical" content - B.O.D. and suspended solids - of the waste discharge associated with the Project. The proposed Project will be required to pay its fair share of wastewater fees. The City of Fresno Public Works Department has reviewed the Project and determined that it can accommodate the wastewater generated from the Project. Therefore, the impact is less than significant.

5.5 Environmental Impacts Not Fully Mitigated to a Less Than Significant Level

The City Council finds, based on substantial evidence in the record including the EIR and as noted below, the following environmental impacts identified in the EIR remain significant even after application of all feasible mitigation measures, as set forth below. The City also finds that any alternative discussed in the EIR that may reduce the significance of these impacts is rejected as infeasible for the reasons given in the EIR and this Section of these Findings. In accordance with CEQA Guidelines Section 1092(b)(2), the City Council of the City of Fresno cannot approve the Project unless it first finds (1) under Public Resources Code Section 21081(a)(3), and CEQA Guidelines Section 15091(a)(3), that specific economic, legal, social, technological, or other considerations, including provisions of employment opportunities make infeasible the mitigation measures or project alternatives identified in the EIR; and (2) under CEQA Guidelines Section 15092(b), that the remaining significant effects are acceptable due to overriding concerns described in the CEQA Guidelines Section 15093 and, therefore, a statement of overriding considerations is included herein. Each potential unavoidable significant impact is overridden as set forth below in the Statement of Overriding Considerations as described further in Section 5.8, and the City finds that specific overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

Agricultural and Forestry Resources

Impact 3.2-1: The Project would potentially convert Prime Farmland, Unique Farmland, or Farmland of statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

Facts and Findings: The Project will result in the loss of approximately 160 acres of almond orchard that will be converted to residential housing. However, the site has been zoned for residential and commercial use by the City of Fresno and the City's General Plan has designated the site for urban development. There are no Williamson Act parcels on the site. According to the California Department of Conservation, Division of Land Resource Protection's Farmland Mapping and Monitoring Program, Farmland of Statewide Importance and Unique Farmland occupy the proposed Project site.

The EIR for the City of Fresno General Plan (State Clearinghouse #2012111015) found the conversion of applicable agricultural land, including the Project site, to urban uses to be a significant and unavoidable impact. As part of adopting the City General Plan, the Fresno City Council adopted findings of fact and a statement of overriding considerations that indicated urban development was of greater benefit to the community than preserving agricultural land within city limits. Although conversion of the Project area to urban uses would reflect the land use assumptions contained in the City of Fresno General Plan, farmland is an important resource to the region. As such, Mitigation

Measure AG – 1 is included to reduce potential conflicts between urban and agricultural uses (See Project Specific Mitigation Measure Monitoring Checklist). This measure includes a Right-to-Farm Covenant and will help ensure that agricultural operations in the area can be maintained.

In addition, the Project site was evaluated for loss of agricultural lands under the Westlake Development Project EIR (State Clearinghouse #2007121033). That EIR also found the conversion of the applicable agricultural land to be significant and unavoidable and a Statement of Overriding Considerations was adopted. Since the proposed Project-related lands have previously been evaluated for loss of agricultural lands, and because the Project site has been annexed into the City (and the land use designations support residential and commercial uses), the proposed Project does not result in any impacts beyond what has already been analyzed in previous documents pertaining to loss of agricultural lands associated with the proposed Project. Therefore, the Project has no additional impact on agricultural resources. However, mitigation measure AG-1 is being implemented to reduce conflicts between urban and agricultural uses. After mitigation, the loss of Prime Farmland is still considered a significant and unavoidable impact.

Mitigation Measures: Project Specific Mitigation Measure AG – 1 (Right to farm).

5.6 Alternatives

CEQA Guidelines Section 15126.6 requires the consideration of a range of reasonable alternatives to the proposed Project that could feasibly attain most of the objectives of the proposed Project. The Draft EIR analyzed four alternatives as follows:

- No Project (site remains vacant and unoccupied)
- No Project (site is developed according to existing Land Use and Zoning designations)
- Increased Project Density (reduced footprint)
- Reduced (50%) Project (same footprint)

The following alternatives are described and evaluated in the Draft EIR and are summarized below.

No Project Alternative (site remains vacant and unoccupied)

CEQA Section 15126.6(e) requires the discussion of the No Project Alternative “to allow decision makers to compare the impacts of approving the proposed Project with the impacts of not approving the proposed Project.” The No Project scenario in this case consists of retaining the property in its original configuration, with no construction or operation of any development (other than for agricultural purposes) on the proposed site. Under this alternative, the site remains vacant and/or in agricultural operations and no new development would occur on the site.

Description

This alternative would avoid both the adverse and beneficial effects of the Project. This alternative would avoid site-disturbance and construction-related impacts associated with construction of the proposed Project. The No Project Alternative would avoid the generation of any environmental impacts.

Environmental Considerations

Continuation of the site as vacant and unoccupied, or in agricultural production would result in all environmental impacts being less than the proposed Project. There would be no changes to any of the existing conditions and there would be no impact to each of the 20 CEQA Checklist evaluation topics. The No-Project Alternative by definition would not meet the objectives of the proposed Project that were discussed earlier in this document.

No Project Alternative (site is developed according to existing Land Use and Zoning designations)

The No Project scenario in this case consists of retaining the property in its existing configuration, with development occurring under existing General Plan and Zoning designations. Under this alternative, the following changes would not occur:

- General Plan Amendment: Medium Density Residential land use designation (5.0 – 12.0 DU/acre), Traffic Circulation Plan, Parks, Open Space and Trail Network.
- Rezoning: A 10-acre section originally intended for commercial development will be re-zoned RS-5 and will include removal of the previous Westlake Development Project conditions to be replaced with new conditions appropriate for the Parc West Development. The remaining acreage will remain RS-5 and will not require land use designation or zoning changes.

The site would remain primarily Medium Density Residential (5.0 – 12 D.U./acre) with a 10-acre portion of the site at the southeast corner remaining as Community Commercial. Under these designations, the land could be developed with between 700 – 1,680 total dwelling units, along with up to 10 acres of Community Commercial.

Description

This alternative would not avoid site-disturbance and construction-related impacts associated with construction of the proposed Project. Construction and operation under existing Land Use and Zoning Designations would result in environmental impacts that are likely equal to or in some cases greater than the proposed Project. The majority, if not all of Project impacts are likely to occur under these conditions.

Environmental Considerations

Most of the environmental issues associated with this alternative would be similar to those of the proposed Project. However, this alternative does likely increase impacts to the following areas:

- **Air Quality:** The site could potentially be developed with between 700 – 1,680 total dwelling units, along with an additional 10 acres of Community Commercial. Compared to the proposed Parc West development of 844 dwelling units, with no commercial component, it is likely that this alternative would result in a larger number of vehicle trips, and thus greater air quality impacts.
- **Hydrology:** The site could potentially be developed with between 700 – 1,680 total dwelling units, along with an additional 10 acres of Community Commercial. Compared to the proposed Parc West development of 844 dwelling units, with no commercial component, it is likely that this alternative would result in a larger demand for water.
- **Noise:** The site could potentially be developed with between 700 – 1,680 total dwelling units, along with an additional 10 acres of Community Commercial. Compared to the proposed Parc West development of 844 dwelling units, with no commercial component, it is likely that this alternative would result in a larger number of vehicle trips, and thus greater noise impacts. The commercial development could also potentially produce noise impacts.
- **Public Services:** The site could potentially be developed with between 700 – 1,680 total dwelling units, along with an additional 10 acres of Community Commercial. Compared to the proposed Parc West development of 844 dwelling units, with no commercial component, it is likely that this alternative would result in a larger increase in population, as well as increased activity in the area associated with the commercial development. This would result in greater public services impacts to: police, fire, schools and other public services.
- **Traffic:** The site could potentially be developed with between 700 – 1,680 total dwelling units, along with an additional 10 acres of Community Commercial. Compared to the proposed Parc West development of 844 dwelling units, with no commercial

component, it is likely that this alternative would result in a larger increase in population, as well as an increase in vehicle trips associated with the commercial development. This would result in a larger number of overall vehicle trips.

Increased Project Density (reduced project footprint)

Description

This alternative would keep the same general overall unit count / population, but would decrease the footprint of the Project by 50%. This would likely require additional General Plan land use and Zoning designation changes to accommodate an increase in allowable density per acre. However, with the reduction in footprint, there may be a decrease in certain environmental impacts as discussed below.

Environmental Considerations

Most of the environmental issues associated with this alternative would be similar to those of the proposed Project. However, this alternative does likely reduce impacts to the following areas:

- **Aesthetics:** The reduced Project footprint would likely reduce overall visual impacts to/from surrounding areas. The amount of lighting would also be reduced. Impacts associated with this alternative would be less than the proposed Project.
- **Agricultural Resources:** The reduced Project footprint would reduce the amount of land that would be removed from agricultural operations. Impacts associated with this alternative would be less than the proposed Project.
- **Biological Resources:** Although no significant biological resource impacts would occur as a result of the proposed Project, a reduced Project footprint would reduce the amount of land that would be developed. This would reduce potential impacts to protected plant and animal species. Impacts associated with this alternative would be less than the proposed Project.
- **Cultural Resources:** Although no significant cultural resource impacts would occur as a result of the proposed Project, a reduced Project footprint would reduce the amount of land that would be developed. This would reduce potential impacts to protected plant

and animal species. Impacts associated with this alternative would be less than the proposed Project.

- **Geology/Soils:** The reduced Project footprint would reduce the amount of land that would be developed. This would reduce the amount of new impervious surfaces introduced to the area and would result in less land modification than the proposed Project. Impacts associated with this alternative would be less than the proposed Project.

Reduced (50%) Project Density (same footprint)

A reduction of 50% in the Project is a reasonable amount to illustrate what impact such an alternative would have on the significant effects of the proposed Project.

Description

This alternative would keep the same acreage, but would reduce the number of units from 844 to 422. All other Project components, including overall acreage would remain (parks, etc.).

Environmental Considerations

Most of the environmental issues associated with this alternative would be similar to those of the proposed Project. However, this alternative does likely reduce impacts to the following areas:

- **Air Quality:** According to the Air Quality Impact Analysis and Greenhouse Gas Study (See Appendix B of this document) prepared for the Project, the proposed Project will have annual air pollutant emission rates which are less than the applicable San Joaquin Valley Air Pollution Control District thresholds of significance. Even though the proposed Project is below existing thresholds of significance, this alternative would have lower annual emission rates than the proposed Project for the following criteria pollutants: CO, NOx, VOC, Sox, PM10 and PM2.5. Air pollutant emission rates associated with this alternative are thus lower than the proposed Project.
- **Hydrology:** According to Section 3.10, the Project will be required to mitigate its impacts on potable water use. However, the impact was determined to be less than significant. Even though the proposed Project is below existing thresholds (with mitigation), a

reduced Project would decrease potable water impacts generated by the Project. Therefore, hydrologic impacts are lower than the proposed Project.

- **Noise:** According to Section 3.13, the Project will cause increased ambient noise levels along the roadways associated with the increase of Project-related vehicles. However, this increase is not considered significant. Even though the proposed Project is below existing thresholds, a reduced Project would decrease noise impacts generated by the Project. Therefore, noise impacts are lower than the proposed Project.
- **Public Services:** As described in Section 3.15, the Project will result in the need for additional police and fire staff to cover the potential increase in public safety calls associated with the Project. A reduced Project is likely to result in less public safety calls because of the reduced number of residential units and a reduced population. Thus, Public Service impacts are less than the proposed Project.
- **Traffic:** According to the Traffic Study prepared for the Project (Appendix D and D1), the Project will generate traffic impacts that could potentially cause significant impacts, which require mitigation. It is likely that a reduced Project would result in less mitigation being required than the proposed Project. Thus, traffic impacts are lower than the proposed Project.

Environmentally Superior Alternative

Based on a review of the alternatives evaluated in this chapter, the No Project (no development) Alternative would result in the fewest impacts on the environment. However, the No Project Alternative would not meet the City's objectives, as identified in this chapter.

Apart from the No Project Alternative, the Alternative Reduced (50%) Project would be the Environmentally Superior alternative because it would result in less adverse physical impacts to the environment with regard to air, water, noise, public services, population/housing, utilities and traffic. However, the Reduced (50%) Project does not meet all of the Project objectives, particularly with regard to financial feasibility.

Summary and Determination

Only the No Project and Reduced Project Alternatives could potentially result in fewer impacts than the proposed Project's impacts. These Alternatives however, would not meet the objectives of the proposed Project. After this full, substantial, and deliberate analysis, the proposed Project remains the preferred alternative.

5.7 Growth Inducing Impacts

Section 15126.2(d) of the CEQA Guidelines requires that at EIR evaluate the growth-inducing impacts of a proposed action. A growth-inducing impacts is defined by the CEQA Guidelines as:

The way in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth... it is not assumed that growth in an area is necessarily beneficial, detrimental, or of little significance to the environment.

Based on the State CEQA Guidelines, growth inducement is any growth that exceeds planned growth of an area and results in new development that would not have taken place without implementation of the Project. A project can have direct and/or indirect growth inducement potential. Direct growth inducement would result if a project, for example, involved construction of new housing. A project would have indirect growth inducement potential if it established substantial new permanent employment opportunities or if it would involve a construction effort with substantial short-term employment opportunities that would indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. A project providing an increased water supply in an area where water service historically limited growth could be considered growth-inducing.

The State Guidelines further explain that the environmental effects of induced growth are considered indirect impacts of the proposed action. These indirect impacts or secondary effects of growth include increased demand on other community and public services and infrastructure, increased traffic and noise, and adverse environmental impacts such as degradation of air and water quality, degradation or loss of plant and animal habitat, and conversion of agricultural and open space land to developed uses.

Growth inducement may constitute an adverse impact if the growth is not consistent with or accommodated by the land use plans and growth management plans and policies for the area affected. Local land use plans provide for land use development patterns and growth policies that allow for the orderly expansion of urban development supported by adequate urban public services, such as water supply, roadway infrastructure, sewer service, and solid waste service.

The proposed Project is the establishment of a residential development that is being proposed in response to the demand for housing in the area. Upon approval, the Project would be consistent with the City of Fresno's General Plan and will connect to all existing City utility services. The proposed Project would create a relatively minor amount of new (temporary) employment opportunities during construction; however, those positions would likely be readily filled by the existing employment base. There are no new businesses associated with the Project, as the existing commercial designation is proposed to be changed to residential uses. There are no other aspects of the Project (such as creation of oversized utility lines, zone changes, etc.) that would induce further growth in the area. The Project incorporates mitigation measures to reduce potential environmental impacts to a less than significant level. Thus, the proposed Project would not result in significant growth-inducing impacts.

5.8 Statement of Overriding Considerations

Public Resources Code Section 21081 mandates that no public agency shall approve or carry out a project for which an environmental impact report has been certified that identifies one or more significant effects on the environment that would occur if the Project is approved or carried out unless both of the following occur:

- The public agency makes one or more of the following findings with respect to each significant impact:
 - Changes or alternatives have been required in, or incorporated into, the Project that mitigate or avoid the significant impacts on the environment.
 - Those changes or alternatives are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
 - Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR.
- With respect to the third point, the public agency finds that specific overriding economic, legal, social and technological, or other benefits of the Project outweigh the significant impact on the environment.

As discussed in Subsection 5.4, significant impacts were identified, but mitigation measures have been incorporated into the Project that mitigate or avoid the significant impacts on the environment. Additionally, as discussed in Subsection 5.5, there were significant and unavoidable impacts that could not be mitigated to a less than significant level.

Accordingly, the Fresno City Council adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically, the loss of Prime Farmland (Impact 3.2-1).

The City Council hereby declares that, pursuant to State CEQA Guidelines Section 15093, the City Council has balanced the benefits of the Project against any significant and unavoidable environmental impacts in determining whether to approve the Project. If the benefits of the Project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable.”

The City Council hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Subsection 5.5, herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not to be incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council further finds that except for the Project, all other alternatives set forth in the EIR are infeasible because they may not substantially reduce environmental impacts associated with the Project, and would prohibit the realization of the Project objectives and/or specific economic, social, or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project and having weighted the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic, and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based on the following considerations:

- The Project reflects the stated vision, goals and objectives of the City of Fresno.
- The Project will ensure orderly development patterns to accommodate projected increases in population through buildout of the General Plan by providing strategic land use designations that avoid or minimize land use conflicts.

- The Project will provide a variety of housing opportunities with a range of densities, styles, sizes and values that will be designed to satisfy existing and future demand for quality housing in the area.
- The Project will maximize and broaden the City's sales tax base by providing local and regional tax-generating uses.
- The Project will improve and maximize economic viability of the Project site and area by providing strategic land use designations.
- The Project will provide a residential development that assists the City in meetings its General Plan and Housing Element requirements and objectives.

As the CEQA Lead Agency for the proposed action, the City of Fresno has carefully reviewed the Project and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this City Council finds that all potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR and public testimony. This City Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section 5.6, above, and finds that approval of the Project is appropriate.

In Section 5.8, the City Council has identified economic and social benefits and important policy objectives that will result from implementing the Project. The City Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this City Council finds that these specific overriding benefits of the Project outweigh the significant impact on the environment.

Public Resource Code 21002 provides, "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002(c) provides, "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency".

Finally, California Administrative Code, Title 4, 15093(a) states, "If the benefits of a Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweigh the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of

the Project benefits outweighs the unavoidable adverse environmental impacts identified in the EIR, and finds those impacts to be acceptable.

6.0 Certification of the Final Environmental Impact Report

6.1 Findings

The City Council finds that it has reviewed and considered the EIR in evaluating the Project, that the EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines, and that the EIR reflects the independent judgment of the City Council. The City Council declares that no new significant information as defined by State CEQA Guidelines Section 15088.5 has been received by the City Council after the circulation of the Draft EIR that would require recirculation. All of the information added to the Final EIR merely clarifies, amplifies, or makes insignificant modifications to an already adequate Draft EIR pursuant to State CEQA Guidelines Section 15088.5(b). The City Council hereby certifies the EIR based on the following findings and conclusions.

CEQA Compliance

As the decision-making body for the Project, the City Council has reviewed and considered the information contained in the Findings and supporting documentation. The City Council determines that the Findings contain a complete and accurate reporting of the environmental impacts and mitigation measures associated with the Project, as well as complete and accurate reporting of the unavoidable impacts and benefits of the Project as detailed in the Statement of Overriding Considerations. The City Council finds that the EIR was prepared in compliance with CEQA and that the City Council complied with CEQA's procedural and substantive requirements.

Significant Unavoidable Impacts / Statement of Overriding Considerations

The Project will have significant adverse impacts even following adoption of all feasible mitigation measures which are required by the City Council. As set forth in Section 5.5 of these Findings, the following significant environmental impacts have been identified in the Final EIR and no feasible mitigation measures are available to reduce these impacts to a level of insignificance: loss of agricultural land. The City Council has eliminated or substantially reduced environmental impacts where feasible as described in the Findings, and the City Council determines that the remaining unavoidable significant adverse impacts are acceptable due to the reasons set forth in the preceding Statement of Overriding Considerations.

Conclusions

All potentially significant environmental impacts from implementation of the Project have been identified in the Final EIR and, with the implementation of the mitigation measures defined herein and set forth in the MMRP, will be mitigated to a less than significant level, except for the impacts identified in Section 5.5, above. Other reasonable alternatives to the Project that could feasibly achieve the basic objectives of the Project have been considered and rejected in favor of the Project. Environmental, economic, social, and other considerations and benefits derived from the development of the Project override and make infeasible any alternatives to the Project or further mitigation measures beyond those incorporated into the Project.

7.0 Adoption of Mitigation Monitoring and Reporting Program

Pursuant to Public Resources Code Section 21081.6, the City Council hereby adopts, as conditions of approval of the Project, the MMRP. In the event of any inconsistencies between the mitigation measures as set forth herein and the MMRP, the MMRP shall control except to the extent that a mitigation measure contained herein is inadvertently omitted from the MMRP, in which case such mitigation measure shall be deemed as if it were included in the MMRP.