

Exhibit Q  
Findings of Fact and Statement of Overriding Considerations

DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE

# Fresno South Central Specific Plan

STATE CLEARINGHOUSE No.: 2019079022



Prepared for:  
**City of Fresno**

November 2024

DRAFT FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS  
FOR THE  
**Fresno South Central Specific Plan**  
STATE CLEARINGHOUSE No.: 2019079022

Prepared for:

**City of Fresno**

Planning and Development Department  
2600 Fresno Street, Room 3065  
Fresno, CA 93721

Contact:

**Sophia Pagoulatos**  
Planning Manager  
559.907.5221

Prepared by:



**Ascent Environmental**

455 Capitol Mall, Suite 300  
Sacramento, CA 95814

Contact:

**Kathie Washington**  
Project Manager  
619.717.8655

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# 1 INTRODUCTION

## 1.1 PURPOSE

These Findings of Fact (Findings) and Statement of Overriding Considerations address the environmental effects associated with the South Central Specific Plan (proposed plan or SCSP). The Plan Area encompasses 5,567 acres located just south and southeast of Downtown Fresno. The Plan Area is generally located south of California Avenue, north of American Avenue, and between Fig and Peach Avenues. The area has a range of property types including industrial, warehouse, commercial, residential, religious, educational, and public.

These Findings are made pursuant to Sections 21081, 21081.5, and 21081.6 of the California Environmental Quality Act (CEQA, Public Resources Code (PRC) Section 21000 et seq.), and Sections 15091 and 15093 of the State CEQA Guidelines (Title 14, California Code of Regulations Section 15000 et seq.). The potentially significant impacts were identified in both the Draft Environmental Impact Report (EIR) and the Final EIR, as well as additional facts found in the complete record of proceedings.

PRC Section 21081 and State CEQA Guidelines Section 15091 require the lead agency to prepare written findings for identified significant impacts, accompanied by a brief explanation for the rationale for each finding. The City of Fresno is the lead agency responsible for preparation of the EIR in compliance with CEQA and the State CEQA Guidelines. Section 15091 of the State CEQA Guidelines states, in part, that:

- a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - 1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
  - 2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
  - 3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with PRC Section 21081 and Section 15093 of the State CEQA Guidelines, whenever significant impacts cannot be mitigated to below a level of significance, the decision-making agency is required to consider the benefits of the project in the context of its adverse environmental effects when rendering its decision and must express its reasoning in writing. Specifically, Section 15093 of the State CEQA Guidelines state that:

- a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
- b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

- c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR for the project identified potentially significant effects that could result from project implementation. However, the City of Fresno finds that the inclusion of certain mitigation measures as part of the project approval will reduce most, but not all, of those effects to less-than-significant levels. Those impacts that are not reduced to less-than-significant levels are identified and overridden due to specific project benefits in a Statement of Overriding Considerations.

In accordance with CEQA and the State CEQA Guidelines, the City of Fresno adopts these Findings as part of its certification of the Final EIR for the South Central Specific Plan. Pursuant to PRC Section 21082.1(c)(3), the City of Fresno also finds that the Final EIR reflects the City's independent judgment as the lead agency for the project. As required by CEQA, the City of Fresno, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the proposed plan. The City of Fresno finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of PRC Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the proposed plan.

## 1.2 ORGANIZATION AND FORMAT OF FINDINGS

Chapter 1 contains a summary description of the South Central Specific Plan and background facts relative to the environmental review process.

Chapter 2 discusses the CEQA findings of independent judgment. Section 2.1 describes the environmental effects determined at the outset not to be significant (e.g., issues or topics that are clearly not implicated by the project) and therefore not discussed in the EIR. Section 2.2 identifies the potential environmental effects that were determined to be less than significant and, therefore, do not require mitigation measures (e.g., issues that theoretically could be affected by the project but for which the project was determined to have no impact). Section 2.3 identifies the potentially significant effects of the project that would be mitigated to a less-than-significant level with implementation of the identified mitigation measures. Section 2.4 identifies the significant impacts of the proposed plan that cannot be mitigated to a less-than-significant level, even though all feasible mitigation measures have been identified.

Chapter 3 discusses the findings regarding the feasibility of the project alternatives that were studied in the EIR.

Chapter 4 discusses findings with respect to mitigation of significant adverse impacts, certification of the Final EIR, and adoption of the MMRP.

Chapter 5 contains the Statement of Overriding Considerations providing the City of Fresno's views on the balance between the project's significant environmental effects and the merits and objectives of the project.

## 1.3 SUMMARY OF PROJECT DESCRIPTION

The City of Fresno is proposing to adopt the SCSP. The proposed plan would facilitate opportunities for economic growth and job creation and promote development of underutilized lands within the planning area. The purpose of the proposed plan is to serve as a policy and regulatory document that seeks to balance economic benefit, environmental impacts, and quality of life. Buildout of the SCSP would result in approximately 18.5 million square feet of industrial uses (less than would be accommodated by the existing General Plan), 10 million square feet of commercial/office uses, and 1.2 million square feet of retail uses and public facilities.

The SCSP proposes land use designation changes for certain areas, requiring a General Plan amendment and rezone of those properties. The changes are proposed primarily to 1) reconcile land use designations with existing conditions, 2) to buffer sensitive uses (e.g., residential areas, Orange Center School) with less intensive uses (e.g., business park instead of industrial), and 3) to provide more opportunities for neighborhood-serving general commercial uses near residential areas. The SCSP would result in substantial reductions in acreage of Heavy Industrial land uses and a

modest decrease in Regional Business Park, with corresponding increases in acreage of Business Park, Single-Family Residential, Public, Light Industrial, and General Commercial uses.

The Plan Area currently supports nearly 19.6 million square feet of nonresidential development and approximately 400 residential units. It is conservatively estimated that an additional 12 million square feet of nonresidential uses and 91 dwelling units would be constructed by 2040 (Table 1-1). Growth in the Plan Area would be primarily industrial, with smaller amounts of office and retail uses. Other land uses would be permitted in accordance with General Plan land use designations but are not the focus of the SCSP.

**Table 1-1 Assumed Development for the Proposed Plan Compared to Existing Conditions**

Land Use Designation	Existing (square footage)	Proposed Plan (square footage) 2022-2040
Retail	0	866,676
Office	10,912	578,790
Industrial	19,624,154	10,576,278
Total Non-residential	19,635,066 <sup>1</sup>	12,021,744
Residential Units	400 dwelling units	91 dwelling units

<sup>1</sup> Existing development only reflects the employment land use categories within the Specific Plan Area.

Source: Ascent 2023.

## 1.4 PROJECT OBJECTIVES

The overarching vision of the SCSP is to improve the City's overall economic competitiveness, support employment opportunities for residents, and maintain and improve community livability. The objectives that would help realize this vision are as follows:

- ▶ **Stimulate economic development.** Promote inclusive and sustainable economic growth and attract development that focuses on emerging markets and new technologies.
- ▶ **Provide diverse employment.** Create diverse employment opportunities, including an accessible and resilient employment zone.
- ▶ **Minimize environmental and neighborhood impacts.** Consider project-specific environmental effects (e.g., truck traffic, air emissions, noise and vibration) on existing and potential future sensitive receptors and impose measures to minimize such impacts.
- ▶ **Preserve existing operations:** Preserve the viability of existing industrial and manufacturing operations in the Plan Area.
- ▶ **Protect against incompatible uses.** Protect existing and future development from adverse impacts associated with incompatible uses.
- ▶ **Implement infrastructure improvement:** Improve Plan Area infrastructure (e.g., transportation, sewer, water) to expand the supply of "shovel-ready" sites.
- ▶ **Be a good neighbor.** Participate in "good neighbor" policies to provide residents with clear and transparent access to information regarding community development and assist in addressing disputes and concerns.
- ▶ **State Routes 99 and 41 as Gateways.** Transform State Routes 99 and 41 as gateways into the City. Utilize landscaping and architectural design to improve the visual quality when entering the Plan Area.



## 1.5 ENVIRONMENTAL REVIEW PROCESS

### 1.5.1 Notice of Preparation

In accordance with CEQA (PRC Section 21092) and the State CEQA Guidelines (14 CCR Section 15082), the City of Fresno issued an NOP was initially distributed on July 8, 2019. The City circulated the NOP to responsible and trustee agencies, organizations, and interested individuals to solicit comments on the proposed plan. The City followed required procedures with regard to distribution of the appropriate notices and environmental documents to the State Clearinghouse. The NOP was received by the State Clearinghouse (State Clearinghouse No. 2019079022) and was available at the City of Fresno offices, Fresno County Library, and online at <https://www.fresno.gov/cityclerk/notices-publications>. A public scoping meeting was held on July 8, 2019, from 5:30 to 7:30 p.m. at the City Council Chambers, 2600 Fresno Street.

A revised NOP was circulated on April 14, 2021, to reflect revisions to the South Central Specific Plan, formerly referred to as the South Industrial Priority Area Specific Plan. Again, the NOP was made available to responsible agencies and interested parties, organizations, and individuals, and an additional scoping meeting was held virtually on April 6, 2021, from 6 to 8 p.m. The revised NOP is consistent with the project description in Chapter 3 of the Draft EIR.

The purpose of the NOPs was to provide notification that an EIR for the South Central Specific Plan was being prepared and to solicit input on the scope and content of the document. Numerous responses were received, offering meaningful guidance to the City on the scope and content of the EIR, expressing environmental and other concerns, presenting opinions on the merits of the project, and suggesting revisions to the land use plan.

### 1.5.2 Draft Environmental Impact Report

In accordance with CEQA (PRC Sections 21000-21177) and the State CEQA Guidelines (14 CCR Sections 15000-15387), City of Fresno prepared a Draft EIR to address the potential significant environmental effects associated with the proposed plan. The Draft EIR addresses the following potentially significant environmental issues:

- ▶ aesthetics;
- ▶ agriculture and forestry resources;
- ▶ air quality;
- ▶ biological resources;
- ▶ cultural and tribal cultural resources;
- ▶ energy;
- ▶ geology, soils, and mineral resources;
- ▶ greenhouse gas emissions and climate change;
- ▶ hazards and hazardous materials;
- ▶ hydrology and water quality;
- ▶ land use and planning;
- ▶ noise;
- ▶ population and housing;
- ▶ public services and recreation;
- ▶ transportation and circulation; and
- ▶ utilities and service systems.

On May 31, 2024, the City released the Draft EIR for a 60-day public review and comment period, 15 days longer than required by CEQA. The Draft EIR was submitted to the State Clearinghouse for distribution to reviewing agencies; posted on the City's website (<https://www.fresno.gov/planning/plans-projects-under-review/#south-central-specific-plan-scsp>); and made available at the City's Planning and Development Department, Fresno County Public Library, Mosqueda Branch Library, and West Fresno Branch Library. A notice of availability of the Draft EIR was published in the Fresno Bee and distributed by the City to a project-specific mailing list. On July 11, 2024, the City held an open house for the SCSP and the Draft EIR to ensure the public had the opportunity to ask questions about the Plan and the EIR process.

During the Draft EIR public review period, City of Fresno received a total of 32 letters: three from state agencies, four from local agencies, and 25 letters from organizations and individuals. All comment letters received in response to

the Draft EIR were reviewed and included in the Final EIR, and responses to significant environmental points raised in the review were addressed in the Final EIR in compliance with the CEQA Guidelines (Sections 15088, 15132). None of the comments received, or the responses provided, constitute “significant new information” as defined in the CEQA Guidelines (State CEQA Guidelines CCR Section 15088.5).

### 1.5.3 Final Environmental Impact Report

Section 15088 of the State CEQA Guidelines requires that the Lead Agency responsible for the preparation of an EIR evaluate comments on environmental issues and prepare written responses addressing each of the comments. The intent of the Final EIR is to provide a forum to address comments pertaining to the information and analysis contained within the Draft EIR, and to provide an opportunity for clarifications, corrections, or revisions to the Draft EIR as needed and as appropriate.

The Final EIR assembles in one document all the environmental information and analysis prepared for the proposed project, including comments on the Draft EIR and lead agency responses to those comments.

In compliance with State CEQA Guidelines Section 15132, the Final EIR for the proposed project consists of: (i) the Draft EIR; (ii) a list of the persons, organizations, and public agencies commenting on the Draft EIR; (iii) comments received on the Draft EIR and written responses to significant environmental issues raised during the public review and comment period and related supporting materials; and, (iv) revisions to the Draft EIR with additions shown in underline and deletions shown in strikethrough.

The Final EIR was released on November 13, 2024 and was made available for review by commenting agencies, in accordance with CEQA requirements, at least 10 days prior to certifying the EIR. The Final EIR was also made available to the public online at [www.fresno.gov/scsp](http://www.fresno.gov/scsp).

## 2 CEQA FINDINGS OF INDEPENDENT JUDGMENT

### 2.1 EFFECTS DETERMINED NOT TO BE SIGNIFICANT

Section 15128 of the State CEQA Guidelines requires an EIR to contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were, therefore, not discussed in detail in the EIR. This information is addressed under the heading “Issues Not Discussed Further” in each resource section of the EIR. Based on these discussions, implementation of the proposed plan was determined to result in no potentially significant impacts related to the following issues, which were therefore, not discussed in detail in the EIR:

- ▶ Forestland and Timberland Production Zones (4.2, Agriculture and Forestry Resources)
- ▶ Septic Tanks and Alternative Wastewater Disposal Systems (4.7, Geology, Soils, and Mineral Resources)
- ▶ Mineral Resources (4.7, Geology, Soils, and Mineral Resources)
- ▶ Airport Hazards (4.9, Hazards and Hazardous Materials)
- ▶ Wildland Fires (4.9, Hazards and Hazardous Materials)
- ▶ Tsunami or Seiche (4.10, Hydrology and Water Quality)
- ▶ Private Airstrip or Airport Land Use Plan (4.12, Noise)
- ▶ New or Physically Altered School Facilities (4.14, Public Services and Recreation)

## 2.2 NO IMPACT

The City of Fresno finds that, based upon substantial evidence in the record, including information in the Final EIR, the following impact has been determined to have no impact and no mitigation is required pursuant to PRC Section 21081(a) and State CEQA Guidelines Section 15091(a):

- ▶ Damage Scenic Resources within a State Scenic Highway (4.1, Aesthetics)

## 2.3 LESS-THAN-SIGNIFICANT IMPACTS

The City of Fresno finds that, based upon substantial evidence in the record, including information in the Final EIR, the following impacts have been determined be less than significant and no mitigation is required pursuant to PRC Section 21081(a) and State CEQA Guidelines Section 15091(a):

### Aesthetics

An evaluation of the project's visual resources impacts is found in Section 4.1, "Aesthetics," of the Final EIR. The following impact was identified as less than significant:

#### **Impact 4.1-1: Result in a Substantial Adverse Effect on a Scenic Vista**

Implementation of the proposed plan would result in additional industrial, commercial, and to a lesser degree, residential development and supporting infrastructure in the Plan Area. New development would be visually consistent with existing uses in the Plan Area. As noted above, there are no designated scenic vistas in the Plan Area so no adverse effect would result. Therefore, this impact would be less than significant.

#### **Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to scenic vistas and damage to scenic resources within a state scenic highway and no mitigation measures are required.

### Agriculture and Forestry Resources

An evaluation of the project's agriculture and forestry resources impacts is found in Section 4.2, "Agriculture and Forestry Resources," of the Final EIR. The following impact was identified as less than significant.

#### **Impact 4.2-3: Involve Other Changes in the Existing Environment That Would Lead to the Abandonment of Agricultural Operations and Conversion of Farmland or Forest Land to Non-Agricultural or Non-Forest Land Use**

The proposed plan would result in the conversion of farmland and designated agricultural land into non-agricultural use. However, the proposed plan would not result in other changes in the existing environment other than those discussed under Impacts 4.2-1 and 4.2-2. Therefore, impacts would be considered less than significant.

#### **Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to potential abandonment of agricultural operations and conversion of farmland or forest land to non-agricultural or non-forest land use and no mitigation measures are required.

### Air Quality

An evaluation of the project's air quality impacts is found in Section 4.3, "Air Quality," of the Final EIR. The following impact was identified as less than significant:

#### **Impact 4.3-4: Result in Other Emissions (Such as Those Leading to Odors) Adversely Affecting a Substantial Number of People**

Future development implemented under the proposed plan would introduce construction-related sources of odors; however, these sources would be intermittent and would disperse rapidly from the source. The proposed land uses under the proposed plan could support odor-generating processes; however, these sources would be subject to SJVAPCD's Rule 4102 which would reduce the potential for receptors to be exposed to odors. This impact would be less than significant.

#### **Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to odors that would adversely affect a substantial number of people and no mitigation measures are required.

## **Biological Resources**

An evaluation of the project's biological resources impacts is found in Section 4.4, "Biological Resources," of the Final EIR. The following impacts were identified as less than significant:

#### **Impact 4.4-4: Result in Substantial Interference 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**

The majority of the Plan Area is urban and agricultural land cover types, with limited areas of natural vegetation. No known wildlife movement corridors or native wildlife nurseries occur within the Plan Area. Project activities under the proposed plan are not likely to substantially interfere with wildlife movement or impede the use of nursery sites. This would be a less-than-significant impact.

#### **Impact 4.4-5: Conflict with Any Local Policies or Ordinances Protecting Biological Resources, Such as a Tree Preservation Policy or Ordinance**

The City of Fresno Municipal Code, Chapter 13, Article 3, Streets Trees and Parkways, applies to trees in the Plan Area. Future project activities under the proposed plan associated with the proposed plan would comply with the Municipal Code Section 13-305, Tree Preservation, and Section 13-306, Special Tree List. Compliance with Article 3 of Chapter 13 of the City of Fresno Municipal Code would reduce any impacts related to conflicts with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Therefore, potential impacts to local policies and ordinances protecting biological resources, including the City's public tree ordinance would be less than significant.

#### **Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to substantial interference 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, conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, and conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan and no mitigation measures are required.

#### **Impact 4.4-6: Conflict with the Provisions of an Adopted Habitat Conservation Plan, Natural Community Conservation Plan, or Other Approved Local, Regional, or State Habitat Conservation Plan**

The Plan Area is not located within the boundaries of any approved or draft Habitat Conservation Plan (HCP), Natural Community Conservation Plan (NCCP), or other adopted local, regional or state HCP that applies to projects covered under the proposed plan. Therefore, the impact related to conflict with the provisions of an adopted HCP or NCCP would be less than significant.

## Cultural and Tribal Cultural Resources

An evaluation of the project's cultural and tribal cultural resources impacts is found in Section 4.5, "Cultural and Tribal Cultural Resources," of the Final EIR. The following impact was identified as less than significant:

### **Impact 4.5-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource**

Pursuant to AB 52, the City sent letters inviting tribal consultation to the tribal contacts identified by NAHC. Table Mountain Rancheria responded. Although no tribal cultural resources, defined by CEQA Section 21074, have been identified within the Plan Area, it is possible that tribal cultural resources could be identified during analysis of subsequent projects. Compliance with CEQA Section 21080.3.2 and Section 21084.3(a) would render this impact less than significant.

### **Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to its potential to cause a substantial adverse change in the significance of a tribal cultural resource, and no mitigation measures are required.

## Energy

An evaluation of the project's energy impacts is found in Section 4.6, "Energy," of the Final EIR. Implementation of the SCSP is not projected to result in any significant impacts related to contribution to cumulative energy impacts (Cumulative Impact 5.4.6).

### **Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to its potential contribution to cumulative energy impacts, and no mitigation measures are required.

## Geology, Soils, and Mineral Resources

An evaluation of the project's geology, soils, and mineral resources impacts is found in Section 4.7, "Geology and Soils," of the Final EIR. The following impacts were identified as less than significant:

### **Impact 4.7-1: Directly or Indirectly Cause Potential Substantial Adverse Effects Involving Fault Rupture, Strong Seismic Ground Shaking, or Seismic Related Ground Failure**

The Plan Area is not susceptible to surface fault rupture and landslides. Development under the proposed plan would be required to comply with CBC and the City of Fresno's Municipal Code requirements, which include preparing and incorporating the recommendations of site-specific geotechnical and engineering reports. Compliance with the CBC and the City of Fresno's Municipal Code would minimize hazards from seismic ground shaking and seismic-related ground failure. Therefore, the impact related to the potential to expose people or structures to substantial adverse impacts from seismic ground-shaking or related ground failure would be less than significant.

### **Impact 4.7-2: Result in Substantial Soil Erosion or the Loss of Topsoil**

Development associated with implementation of the proposed plan could result in soil erosion. For any construction activities that disturb greater than one acre of soil, project proponents would be required to prepare a SWPPP and implement BMPs designed to control stormwater runoff and reduce erosion from construction sites. In addition, construction activities would be subject to SJVAPCD rules regarding dust control, which would reduce the potential for erosion and sedimentation. Further, individual projects meeting specific criteria would be required to incorporate post-construction stormwater management strategies to reduce the potential for erosion from new development and redevelopment. Therefore, the impact related to substantial soil erosion or the loss of topsoil would be less than significant.

**Impact 4.7-3: Be Located on a Geologic Unit or Soil That Is Unstable, or That Would Become Unstable as a Result of Specific Plan Development Resulting in Landslide, Lateral Spreading, Subsidence, Liquefaction, or Collapse**

Based on its topography and soil characteristics, the Plan Area is not susceptible to landslides, lateral spreading, subsidence, or collapse. Development under the proposed plan would be required to comply with CBC and the City of Fresno's Municipal Code requirements, which include preparing and incorporating the recommendations of site-specific geotechnical and engineering reports. Compliance with the CBC and the City of Fresno's Municipal Code, enforced through the City's building permit process, would minimize potential hazards related to liquefaction. Therefore, the impact related to the potential for these hazards would be less than significant.

**Impact 4.7-4: Be Located on Expansive Soil, Creating Substantial Direct or Indirect Risks to Life or Property**

Based on source materials reviewed, there is no evidence that the Plan Area contains soils with moderately high to high expansion potential. Regardless, future development implemented in accordance with the proposed plan would comply with CBC and the City of Fresno's Municipal Code requirements, which include preparing and incorporating the recommendations of a site-specific geotechnical and engineering report. Compliance with the CBC and the City of Fresno's Municipal Code, enforced through the City's building permit process, would minimize hazards related to expansive soils, if found to be present. Therefore, the potential to create substantial direct or indirect risks to life or property from locating project facilities on expansive soils would be less than significant.

**Cumulative Impact 5.4.7: Contribution to cumulative geology, soils, and mineral resources impacts**

Implementation of the SCSP is not projected to result in any significant impacts related to contribution to cumulative geology, soils, and mineral resources impacts.

**Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to directly or indirectly cause potential substantial adverse effects involving fault rupture, strong seismic ground shaking, or seismic related ground failure, result in substantial soil erosion or the loss of topsoil, be located on a geologic unit or soil that is unstable, or that would become unstable as a result of specific plan development resulting in landslide, lateral spreading, subsidence, liquefaction, or collapse, or be located on expansive soil, creating substantial direct or indirect risks to life or property and no mitigation measures are required.

## Hazards and Hazardous Materials

An evaluation of the project's impacts related to hazards and hazardous materials is found in Section 4.9, "Hazards and Hazardous Materials," of the Final EIR. Implementation of the SCSP would not contribute to cumulative impacts related to hazards and hazardous materials (**Cumulative Impact 5.4.9**).

**Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to contribution to cumulative impacts related to hazards and hazardous materials, and no mitigation measures are required.

## Hydrology and Water Quality

An evaluation of the project's hydrology and water quality impacts is found in Section 4.10, "Hydrology and Water Quality," of the Final EIR. The following impacts were identified as less than significant:

**Impact 4.10-1: Violate Any Water Quality Standards or Waste Discharge Requirements or Otherwise Substantially Degrade Surface or Ground Water Quality**

Construction activities associated with future development under the proposed plan could degrade the quality of stormwater flows and potentially degrade downstream surface water quality. Further, contaminants generated by urban development within the Plan Area could be carried in stormwater runoff and could reach surface waters and degrade water quality. Development under the proposed plan would be required to comply with applicable requirements related

to water quality, including on-site stormwater detention/retention and materials handling, during construction and operation. Compliance with these regulations would reduce the potential for construction and operation of development associated with the proposed plan to violate water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. Therefore, the proposed plan would have a less-than-significant impact related to water quality.

**Impact 4.10-2: Substantially Decrease Groundwater Supplies or Interfere Substantially with Groundwater Recharge Such That the Project May Impede Sustainable Groundwater Management of the Basin**

The City overlays the Kings Subbasin, a high-priority and critically overdrafted basin managed by NKGSA. A GSP for the Kings Subbasin was adopted in 2023 and contains projects and management actions that would bring the subbasin into sustainability by 2040. Future development in the Plan Area would not impede implementation of projects or management actions included in the NKGSA GSP. Additionally, land uses included in the proposed plan would demand less water supply, including groundwater, than the land uses assumed in the 2014 General Plan, which was used to develop assumptions included within the NKGSA GSP. Therefore, this impact would be less than significant.

**Impact 4.10-3: Substantially Alter the Existing Drainage Pattern in a Manner Which Would Result in Substantial Erosion or Siltation On- or Off-Site, Substantially Increase the Rate or Amount of Surface Runoff in a Manner Which Would Result in Flooding On- or Off-Site, Create or Contribute Runoff that would Exceed Capacity of Storm Drainage Systems, or Impede or Redirect Flood Flows**

Implementation of development under the proposed plan would increase impervious surfaces in the Plan Area, which could subsequently increase stormwater runoff volumes and velocities, exceed capacity of existing drainageways, and create downstream flooding. The protective General Plan policies and MS4 permit conditions would require any future development in the Plan Area to implement stormwater management measures to reduce stormwater runoff such that peak runoff flow rates are reduced; stormwater runoff is infiltrated, evapotranspired, and/or captured and used on-site to reduce site runoff for smaller storm events into municipal systems; and increases in volumetric runoff would be retained to prevent increased downstream flooding. Additionally, the SCSP storm drain system would be designed to accommodate buildout conditions, so that new development would not generate runoff that could exceed the capacity of the system. Therefore, future development under the proposed plan would not result in substantial erosion, siltation, flooding, polluted runoff, or redirect flood flows. This impact would be less than significant.

**Impact 4.10-4: Release Pollutants Due to Plan Area Inundation by Flood Hazard**

The Plan Area contains flood hazard and dam inundation areas. However, compliance with the Fresno Flood Plain Ordinance, General Plan policies, and existing safety regulations would be required for the implementation of development under the proposed plan, resulting in low-risk release of pollutants due to inundation. This impact would be less than significant.

**Impact 4.10-5: Conflict with or Obstruct Implementation of a Water Quality Control Plan or Sustainable Groundwater Management Plan**

Future development under the proposed plan would be required to comply with the Basin Plan (Water Quality Control Plan for the Tulare Lake Basin) groundwater sustainability plans, and stormwater best management practices. The proposed plan is also not anticipated to exceed the City's water supply. Therefore, this impact would be less than significant.

**Cumulative Impact 5.4.10: Contribution to cumulative impacts on hydrology and water quality**

Implementation of the SCSP is not projected to result in any significant impacts related to contribution to cumulative hydrology and water quality impacts.

**Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to hydrology and water quality, and no mitigation measures are required.

## Land Use and Planning

An evaluation of the project's land use and planning impacts is found in Section 4.11, "Land Use and Planning," of the Final EIR. The following impacts were identified as less than significant:

### **Impact 4.11-1: Physically Divide an Established Community**

Development under the proposed plan would not physically divide an established community. Approximately 5 percent of the Plan Area is occupied by residential uses, and the residences are located primarily in pockets of development along the outer edges of the area. The locations and extent of residences in the Plan Area would not change substantially under the proposed plan. No major roadways or any other development that could divide a community is proposed under the plan. In addition, the network of bicycle paths and trails and the network of sidewalks would be expanded under the plan, providing greater connectivity throughout the Plan Area. This impact would be less than significant.

### **Impact 4.11-2: 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**

Implementing the proposed plan would require a general plan amendment to allow for the proposed land use changes, as some of the proposed land uses differ from the general plan. With the approval of the amendment, the SCSP would be consistent with the City of Fresno General Plan. Also, the proposed plan includes policies, development regulations, and use regulations to reduce potential impacts on sensitive uses located adjacent to industrial areas. In addition, the SCSP would not conflict with a habitat conservation plan or natural community conservation plan. This impact would be less than significant.

### **Cumulative Impact 5.4.11: Contribution to cumulative land use impacts**

Implementation of the SCSP is not projected to result in any significant impacts related to contribution to cumulative land use impacts.

### **Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to land use and planning, and no mitigation measures are required.

## Population, Employment, and Housing

An evaluation of the project's population, employment, and housing impacts is found in Section 4.13, "Population, Employment, and Housing," of the Final EIR. The following impacts were identified as less than significant:

### **Impact 4.13-1: Directly or Indirectly Induce Substantial Unplanned Population Growth and Housing Demand**

The proposed plan has the potential to generate future development of approximately 12,021,744 square feet (sf) of non-residential uses (including industrial, retail, and office) and 91 new residential dwelling units. Resulting in a minimal population increase of approximately 313 net new persons by 2040. Consistent with the General Plan, the purpose of the proposed plan is to create jobs for the City. The City is projected to add nearly 70,000 employees between 2022 and 2040. Therefore, implementation of the proposed plan will create jobs for the City's projected growth in population and employment. The proposed plan would not induce substantial unplanned population growth, either directly (i.e., by proposed new unplanned homes) or indirectly (i.e., by the extension of roads or other infrastructure). Therefore, this impact would be less than significant.

### **Impact 4.13-2: Displace Substantial Numbers of People or Existing Housing**

Although some existing housing may be demolished and/or renovated as a result of the proposed plan, the addition of 91 new dwelling units would offset the potential loss of existing housing. Additionally, the proposed plan does not involve any actions that would permanently displace substantial numbers of people. Therefore, implementing the proposed plan would not displace substantial numbers of people or housing. As a result, there would be no new significant effect, and the impact would not be more severe than the impact identified in the General Plan EIR. This impact would be less than significant.



**Cumulative Impact 5.4.13: Contribution to cumulative impacts to population and housing**

Implementation of the SCSP is not projected to result in any significant impacts related to contribution to cumulative population and housing impacts.

**Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to population, employment, and housing; and no mitigation measures are required.

**Public Services and Recreation**

An evaluation of the project's public services and recreation impacts is found in Section 4.14, "Public Services and Recreation," of the Final EIR. The following impacts were identified as less than significant.

**Impact 4.14-1: Result in Substantial Adverse Physical Impacts Associated with the Provision of New or Physically Altered Fire Facilities**

Under the proposed plan, development would be intensified within the Plan Area and may increase demand for fire protection services that could require new or expanded facilities. Expansion of an existing fire station or construction of a new facility would involve minor land clearing, grading, installation of utilities, and building construction, generally on a modest-sized lot (approximately 2.5 acres). Construction activities and duration would be typical of such facilities and would be required to comply with applicable City policies and regulatory requirements to reduce adverse environmental effects. For these reasons, there is no evidence to suggest that such construction would result in unmitigable, adverse effects on the environment. Therefore, this impact would be less than significant.

**Impact 4.14-2: Result in Substantial Adverse Physical Impacts Associated with the Provision of New or Physically Altered Police Facilities**

Development under the SCSP (e.g., industrial, retail, office uses), would result in an increased demand for law enforcement services. A new centralized police headquarters and communications center building, two new police substations, and a new 911 emergency operations dispatch center are proposed in the city, but it is not clear if these would be sufficient to meet the demand for law enforcement services associated with the proposed plan. If new or physically altered police facilities are required to adequately serve development within the Plan Area, expansion of an existing police station or construction of a new facility could involve minor land clearing, grading, installation of utilities, and building construction, generally on a modest-sized parcel. Construction activities and duration would be typical of such facilities and would be required to comply with applicable City policies and regulatory requirements to reduce adverse environmental effects. For these reasons, there is no evidence to suggest that such construction would result in unmitigable, adverse effects on the environment. Therefore, this impact would be less than significant.

**Cumulative Impact 5.4.14: Contribution to cumulative impacts to public services and recreation**

Implementation of the SCSP is not projected to result in any significant impacts related to contribution to cumulative public services and recreation impacts.

**Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to public services and recreation; and no mitigation measures are required.

## Transportation and Circulation

An evaluation of the project's transportation and circulation impacts is found in Section 4.15, "Transportation and Circulation," of the Final EIR. The following impacts were identified as less than significant:

### **Impact 4.15-1: Conflict with a Program, Plan, Ordinance, or Policy Addressing the Circulation System, Including Transit, Roadway, Bicycle, and Pedestrian Facilities**

The proposed plan is estimated to result in the future development of approximately 12 million square feet (sf) of non-residential (industrial, retail, and office) uses and approximately 91 new residential dwelling units by 2040. While no specific developments are currently proposed, individual projects would be reviewed for consistency with the City's General Plan, ATP, and Municipal Code, and requirements established within those regulatory documents would be implemented, as applicable. Proposed SCSP policies would encourage the construction of bicycle and pedestrian safety improvements and transportation demand management strategies for employees to support the use of alternative modes of transportation. There is no evidence to suggest that the SCSP or future development under the plan would conflict with any applicable program, plan, ordinance, or policy addressing the circulation system. The impact would be less than significant.

### **Impact 4.15-2: Conflict or Be Inconsistent with CEQA Guidelines Section 15064.3, Subdivision (b) Regarding Vehicle Miles Traveled**

The proposed plan would substantially increase industrial uses within the Plan Area and some commercial and minor residential development. The industrial and commercial uses would increase employment opportunities, likely improving proximity between new jobs within the Plan Area and surrounding housing by reducing commute distances between them. The SCSP TIA found that under horizon year with project conditions, the proposed plan would result in a VMT per service population of 29.87 as compared to 44.88 VMT per service population under existing conditions. Because the proposed plan would result in a 33 percent decrease in VMT, the proposed plan would not conflict or be inconsistent with CEQA Guidelines Section 15064.3. The impact would be less than significant.

### **Impact 4.15-3: Substantially Increase Hazards Due to a Geometric Design Feature (e.g., Sharp Curves or Dangerous Intersections) or Incompatible Uses (e.g., Farm Equipment)**

Although the nature and location of specific development projects under the proposed plan cannot be known, the plan would substantially increase industrial uses in the Plan Area and implement commercial and minor residential development. Thus, the industrial and other uses would substantially increase traffic, including truck traffic, in the Plan Area. Subsequent projects under the plan would be required to comply with all applicable design standards and would be subject to review by City staff to ensure these requirements are met. Individual project contractors would be required to develop and implement a TCP in accordance with policy 210.01 ("Traffic Control Policies and Procedures") of the City of Fresno Public Works Department Policies and Procedures to minimize hazards during construction. Chapter 5 of the SCSP identifies development standards with which individual projects would be required to comply. These include provisions for truck routing, parking, and internal project site signage and wayfinding. Finally, the City is engaged in a truck reroute study for the portion of Fresno subject to AB 617, which includes the Plan Area. The study is designed to address, among other things, truck transportation conflicts, accidents, and residential and school impacts. With implementation of existing requirements, there is no evidence to suggest that implementation of the proposed plan would substantially increase transportation hazards from design features or incompatible uses. While the truck reroute study is not yet complete, it is anticipated that its recommendations will be implemented by the City and would further reduce the potential for such hazards. This impact would be less than significant.

### **Impact 4.15-4: Result in Inadequate Emergency Access**

Subsequent projects and transportation improvements that would be developed under the proposed plan would be required to meet State and local standards pertaining to emergency access including design and safety regulations provided in the 2022 California Fire Code and City Municipal Code. Additionally, individual projects associated with the proposed plan would be subject to review by City and responsible emergency service staff ensuring all standards

are met during construction and operations. There is no evidence to suggest that development under the proposed plan would result in inadequate emergency access. This impact would be less than significant.

**Cumulative Impact 5.4.15: Contribution to cumulative transportation impacts**

Implementation of the SCSIP is not projected to result in any significant impacts related to contribution to cumulative transportation and circulation impacts.

**Finding**

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to conflicts with transportation and circulation, and no mitigation measures are required.

## Utilities and Service Systems

An evaluation of the project's utilities and service systems impacts is found in Section 4.16, "Utilities and Service Systems," of the Final EIR. The following impacts were identified as less than significant:

**Impact 4.16-1: 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, the Construction or Relocation of Which Could Cause Significant Environmental Effects**

Implementation of the proposed plan would require relocation or construction of new or expanded water, wastewater treatment, stormwater drainage, electric power, natural gas, and telecommunications facilities. New infrastructure would generally be constructed within existing roadways or would consist of short connections to existing pipelines and would be developed as part of buildout of the proposed plan. The impacts associated with such infrastructure connections would be typical of such construction and would result in are generally assessed as part of the proposed development under the SCSIP (e.g., construction-related air, noise, GHG, and transportation effects), within the context of this EIR, and there is no evidence to suggest that such construction would result in additional significant environmental effects. This impact would be less than significant.

**Impact 4.16-2: Have Insufficient Water Supplies Available to Serve the Project and Reasonably Foreseeable Future Development During Normal, Dry, and Multiple Dry Years**

As discussed in the Water Supply Assessment (Appendix E) prepared for the proposed plan, the City's 2020 UWMP relied upon the City's General Plan to project future water supply and demand and indicates that there would be surplus water during normal, dry, and multiple dry years through 2045. Future development of the proposed plan would demand less water than the currently approved General Plan land uses within the Plan Area. As such, there would be a greater surplus of water supply for the City during normal, dry, and multiple-dry years through 2045 with implementation of the proposed plan compared with the existing approved land uses considered in the 2020 UWMP. Thus, this impact would be less than significant.

**Impact 4.16-3: Result in a Determination by the Wastewater Treatment Provider That 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**

Wastewater generation from development anticipated under the proposed plan would be approximately 11.6 mgd average annual flows (AAF), 13.4 mgd peak day dry weather flows, and 15.1 mgd for peak month wet weather flows. The RWRF, which has a remaining capacity of 23.5 mgd, would be able to accommodate these wastewater flow rates in addition to existing commitments. Furthermore, wastewater flows from the Plan Area would be less than those estimated for the currently approved land uses under the General Plan, which would contribute 12.8 mgd for AAF, 14.7 mgd for peak day dry weather flows, and 16.6 mgd for peak month wet weather flows. Thus, this impact would be less than significant.

**Cumulative Impact 5.4.16: Contribution to cumulative utilities and service systems impacts**

Implementation of the SCSIP is not projected to result in any significant impacts related to contribution to cumulative utilities and service systems impacts.

## Finding

The City of Fresno finds that, based upon substantial evidence in the record, the project would have less-than-significant effects related to construction of new, relocated, or expanded water, wastewater, storm water drainage, electric power, natural gas, or telecommunications facilities; water supplies needed to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years; or wastewater treatment capacity. No mitigation measures are required.

## 2.4 POTENTIALLY SIGNIFICANT AND SIGNIFICANT IMPACTS THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

Pursuant to PRC Section 21081(a) and State CEQA Guidelines Section 15091(a)(1), the City of Fresno finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the proposed project which mitigate or avoid the identified significant effects on the environment to less-than-significant levels. These findings are explained below and are supported by substantial evidence in the record of proceedings.

## Aesthetics

An evaluation of the potential aesthetics impacts associated with implementation of the SCSP is provided in Section 4.1, "Aesthetics," of the Final EIR. The following impacts were identified and mitigation measures to avoid or reduce the environmental effects of the project on light and glare are adopted by the lead agency.

### **Impact 4.1-4: Create a New Source of Substantial Light or Glare Which Would Adversely Affect Day or Nighttime Views**

The proposed plan would facilitate future development and would introduce new sources of light and glare associated with new buildings and facilities. Although residential development is limited in the Plan Area and the SCSP proposes relatively little residential development that could be affected by additional light and glare, such lighting could nonetheless contribute to indirect lighting/glare on adjacent land uses that could adversely affect daytime or nighttime views and result in additional skyglow. This impact would be significant.

## Mitigation Measures

### **Mitigation Measure 4.1-1: Use Nonreflective Materials**

To reduce the potential for glare from new and redeveloped buildings and structures within the Plan Area, the Preliminary and Final Design Review plan(s) for all future projects in the Plan Area shall show that the use of reflective building materials that have the potential to result in glare that would be visible from sensitive receptors located in the vicinity of the project sites is prohibited. The City of Fresno Planning and Development Department shall ensure that the approved project uses appropriate building materials with low reflectivity to minimize potential glare nuisance to off-site receptors. These requirements shall be included in future project improvement plans, subject to review and approval by the City of Fresno.

### **Mitigation Measure 4.1-2: Prepare a Lighting Plan**

A lighting plan for all future projects in the Plan Area subject to section 15-2508 and section 15-2015 of the City of Fresno Municipal Code shall be prepared prior to approval of each project. The lighting plan shall demonstrate that the lighting systems and other exterior lighting throughout the project area have been designed to minimize light spillage onto adjacent properties to the greatest extent feasible, consistent with section 15-2508, Lighting and Glare and section 15-2015, Outdoor Lighting and Illumination of the City of Fresno Municipal Code. Use of LED lighting or other proven energy efficient lighting shall be required for facilities to be dedicated to the City of Fresno for maintenance. These requirements shall be included in future project improvement plans, subject to review and approval by the City of Fresno.

## Finding

Implementation of Mitigation Measures 4.1-1 and 4.1-2 will reduce the impacts related to light and glare to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effects as identified in the EIR.

## Air Quality

An evaluation of the potential air quality impacts associated with implementation of the SCSP is provided in Section 4.3, "Air Quality," of the Final EIR. Implementation of the SCSP would result in the following impacts and mitigation measures to avoid or reduce the environmental effects of the project on air quality are adopted by the lead agency.

### **Impact 4.3-1: Conflict with or Obstruct Implementation of the Applicable Air Quality Plan**

Development under the proposed plan would introduce new operational sources of emissions that would exceed SJVAPCD's mass emissions thresholds of significance which would, in turn, interfere with SJVAPCD's long-term regional air quality planning. This impact would be significant.

### **Impact 4.3-2: Result in a Cumulatively Considerable Net Increase in Any Criteria Pollutant for Which the Project Region Is in Nonattainment under an Applicable Federal or State Ambient Air Quality Standard**

In accordance with SJVAPCD guidance, annual and daily construction and operational emissions were quantified for the assumed level of development that would occur under the proposed plan over the planning period (through 2040) based on the high-level understanding of allowable development within the proposed plan. Modeling indicates that development under the proposed plan would not generate construction emissions of criteria air pollutants and ozone precursors exceeding SJVAPCD's annual mass emissions thresholds; however, daily emissions would exceed SJVAPCD's daily mass emissions screening criteria. SJVAPCD's annual thresholds are used for CEQA determinations, and these thresholds are inherently tied to long-term regional air quality planning (i.e., SJVAPCD's air quality management plans) which demonstrates that the proposed plan would not conflict with the applicable air quality plans. Nevertheless, the proposed plan, which comprises many future individual development projects, would generate operational emissions of criteria air pollutants and ozone precursors exceeding SJVAPCD's annual mass emissions thresholds of significance and daily screening criteria. Operation-related emissions of ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> would exceed SJVAPCD's annual mass emissions thresholds of significance. This impact would be significant.

## Mitigation Measures

### **Mitigation Measure 4.3-1a: Prepare an Ambient Air Quality Analysis and Mitigation Plan or Voluntary Emissions Reduction Agreement**

Prior to future individual discretionary project approval, and once all feasible on-site reduction measures have been incorporated, development project applicants shall prepare and submit to the Director of the Fresno Planning and Development Department, or designee, an air quality assessment to determine whether any SJVAPCD annual mass emissions thresholds are exceeded or if a future project's emissions may result in the violation of an AAQS. If no thresholds are exceeded, no further action is necessary. If one or more thresholds are exceeded, future individual development projects will engage in a voluntary emissions reduction agreement (VERA) prior to applying for project-level approval from the City with SJVAPCD to reduce emissions to below SJVAPCD's annual mass emissions thresholds for any pollutant that exceeds the respective threshold. The project applicant shall engage in a discussion with SJVAPCD prior to the adoption of the VERA to ensure that feasible mitigation has been identified to reduce emissions to a less-than-significant level consistent with the direction given in SJVAPCD's GAMAQI. The project applicant shall be provided the opportunity to perform an additional quantification of the project's operational emissions to estimate the type of reduction needed to reduce emissions to below SJVAPCD's annual significance thresholds. Engagement in the VERA shall be monitored by SJAPCD in perpetuity with oversight by the City.

### **Mitigation Measure 4.3-1b: Use Clean Fleets during Construction**

Prior to issuance of future construction contracts, to reduce impacts from construction-related diesel exhaust emissions resulting from development under the SCSP, construction contractors for individual development projects within the SCSP shall demonstrate that they shall use the cleanest available fleet of heavy-duty equipment. This can be accomplished through submitting Construction Clean Fleet paperwork to SJVAPCD in accordance with the requirements of Rule 9510. All on-site yard trucks and forklifts shall be powered by electricity where such equipment is readily available in the marketplace as reasonably determined by the City. Electric forklifts will continue to become more available as the requirements of CARB's proposed Zero-Emissions Forklifts Regulation stimulate the production of these forklifts over time. For any on-site equipment that cannot be electric-powered, and diesel-powered equipment is the only available option, construction contractors shall use equipment that either uses only high-performance renewable diesel (R100 or a similar diesel blend) or meets EPA Tier 4 Final emissions standards.

### **Mitigation Measure 4.3-1c: Prohibit Portable Diesel Engines**

To reduce diesel exhaust emissions, portable diesel engines shall be prohibited during construction of plan-related development where access to alternative sources of power (e.g., electricity) are available. The applicability of this measure is contingent upon the infrastructure available to support electric-powered diesel engines as well as the availability of such equipment at the time of development application review. This measure shall be enforced through City conditions of approval prior to issuance of construction/building permits for individual development applications.

### **Mitigation Measure 4.3-1d: Implement Dust Control Measures**

To reduce impacts from construction-related fugitive dust emissions resulting from plan-related development, construction contractors shall be required to implement the following dust control measures in accordance with SJVAPCD's Regulation VIII including additional dust reducing measures:

- ▶ All soil being actively excavated or graded shall be sufficiently watered to prevent excessive dust. Watering shall occur as needed with complete coverage of disturbed soil areas. Watering shall take place a minimum of three times daily on disturbed soil areas with active construction activities operations unless dust is otherwise controlled by rainfall or use of a dust suppressant.
- ▶ After active construction activities, soil shall be stabilized with a non-toxic soil stabilizer or soil weighting agent, or alternative soil stabilizing methods.
- ▶ All unpaved construction and operation/maintenance site roads, as they are being constructed, shall be stabilized with a non-toxic soil stabilizer, water, or soil weighting agent.
- ▶ All clearing, grading, earth moving, and excavation activities shall cease during periods of winds greater than 20 miles per hour (averaged over one hour), or when dust plumes of 20 percent or greater opacity impact public roads, occupied structures, or neighboring property or as identified in a plan approved by the SJVACD.
- ▶ All trucks leaving construction sites will cover all loads of soils, sands, and other loose materials, or be thoroughly wetted with a minimum freeboard height of six inches.
- ▶ Areas disturbed by clearing, earth moving, or excavation activities shall be minimized at all times.
- ▶ Stockpiles of soil or other fine loose material shall be stabilized by watering or other appropriate method to prevent wind-blown fugitive dust.
- ▶ All soil storage piles and disturbed areas that remain inactive for longer than 10 days shall be covered or shall be treated with appropriate dust suppressant compounds.
- ▶ Prior to construction, wind breaks (such as chain-link fencing including a wind barrier) shall be installed where appropriate.
- ▶ Where applicable,, mowing will be utilized to clear construction areas instead of disking or grading.
- ▶ The proponents/operators of future projects shall use GPS or lasers to level posts, generally avoiding grading except when elevation changes exceed design requirements.

- ▶ When grading is unavoidable, grading is to be phased and done with the application of a non-toxic soil stabilizer or soil weighting agent, or alternative soil stabilizing methods.
- ▶ Where feasible, plant roots shall be left in place where possible to stabilize the soil.
- ▶ Reduce and/or phase the amount of the disturbed area (e.g., grading, excavation) where possible.

After active clearing, grading, and earth moving is completed within any portion of the site, the following dust control practices shall be implemented:

- ▶ Dust suppressant should be used on the same day or day immediately following the cessation of activity for a particular area where further activity is not planned.
- ▶ All unpaved road areas shall be treated with a dust suppressant or graveled to prevent excessive dust.
- ▶ The proponents/operators of future projects shall use dust suppression measures during road surface preparation activities, including grading and compaction.

During all phases of construction, the following vehicular control measures shall be implemented:

- ▶ On-site vehicle speed shall be limited to 15 miles per hour on unpaved areas within individual project sites. Vehicles may travel up to 25 miles per hour on paved roads.
- ▶ Visible speed limit signs shall be posted at main ingress point(s) on site.
- ▶ Streets used by projects during construction shall be kept clean, and project-related accumulated silt shall be removed a minimum of once daily, or as necessary to prevent substantial off-site fugitive dust releases. The use of dry rotary brushes (unless prior wetting) and blower devices is prohibited.
- ▶ If site soils cling to the wheels of the vehicles, then a track out control device, or other such device shall be used on the road exiting the project site, immediately prior to the pavement, to remove most of the soil material from vehicle tires.

This shall be enforced by the City in the form of a Dust Control Plan with verification by SJVAPCD.

#### **Mitigation Measure 4.3-1e: Implement Exhaust Control Measures**

To reduce impacts from construction-related exhaust emissions, for all construction activities occurring from projects under the proposed plan, construction contractors shall implement the following measures, as recommended by the Sacramento Metropolitan Air Quality Management District, among other air districts:

- ▶ Minimize idling time either by shutting equipment off when not in use or reducing the time of idling to 3 minutes, as enforced by an identified compliance officer within the construction crew. Idling restrictions shall be enforced by highly visible posting at the site entry, posting at other on-site locations frequented by truck drivers, conspicuous inclusion in employee training and guidance material and owner, operator or tenant direct action as required.
- ▶ Maintain construction equipment and provide current certificate(s) of compliance for CARB's In-Use Off-Road Diesel-Fueled Fleets Regulation [CCR Title 13, Sections 2449 and 2449.1] to SJVAPCD.
- ▶ Maintain all construction equipment in proper working condition according to manufacturer's specifications. The equipment must be checked by a certified mechanic and determined to be running in proper condition before it is operated. Documentation of a certified mechanic's inspection and determinations shall be maintained by the Construction Manager and available for City inspection upon reasonable request.

This shall be enforced by the City.

#### **Mitigation Measure 4.3-1f: Reduce Emissions from Architectural Coatings**

During construction, to reduce impacts from construction-related ROG emissions leading to ozone formation, for all construction activities occurring from development under the proposed plan, construction contractors shall use low-

VOC (i.e., ROG) coatings (no greater than 10 grams per liter) beyond SJVAPCD's mandatory requirement (i.e., Regulation VIII, Rule 3, "Architectural Coatings"). This shall be enforced by the City with verification by SJVAPCD.

#### **Mitigation Measure 4.3-1g: Incorporate Cool Communities Strategies**

Prior to future discretionary project approval, development under the proposed plan shall demonstrate that it has incorporated strategies to cool the urban heat island effect, reduce energy use and ozone formation, and maximize air quality benefits by requiring new development to implement four key strategies: plant trees, selective use of vegetation for landscaping, install cool roofing (i.e., high-albedo), and install cool (i.e., high-albedo) pavements.

#### **Mitigation Measure 4.3-1h: Use Low- or Zero-Emission Heavy-Duty Trucks and Equipment**

Future tenants of new and redeveloped commercial and industrial land uses (those over which the City will have discretionary approval) shall ensure that all heavy-duty trucks (Class 7 and 8) domiciled on the project site are model year 2014 or later from start of operations and shall expedite a transition to zero-emission vehicles, with the fleet fully zero-emission by December 31, 2026, or when commercially available for the intended application (as determined by the City based on substantial evidence), whichever date is later. For industrial uses or uses that would require deliveries to/from the site (i.e., at loading docks), all heavy-duty truck fleets associated with operational activities must utilize the cleanest available heavy-duty trucks, including zero and near-zero that meet 0.02 gram per brake horsepower-hour NOx technologies. For industrial uses or any other use that requires operational on-site equipment (cargo handling, yard hostlers, forklifts, pallet jacks), zero-emissions technologies shall be used. "Domiciled at the project site" shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70 percent of the calendar year or (ii) dedicated to the project site (defined as more than 70 percent of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere). Zero-emission, heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.

Future tenants of commercial and industrial land uses shall ensure that adequate electrical infrastructure is provided to allow for the transition to electric heavy-duty trucks.

Owners, operators, or tenants shall prohibit the use of diesel generators, except in emergency situations, in which case such generators shall have Best Available Control Technology (BACT) that meets ARB Tier 4 emission standards, or the most current and strict BACT available prior to the issuance of an Authority to Construct, as determined by SJVAPCD.

This shall be enforced through oversight by the City and shall be included as part of contractual lease agreement language to ensure the tenants/lessees are informed of all ongoing operational responsibilities.

#### **Mitigation Measure 4.3-1i: Use Low- or Zero-Emission Vehicles**

Future tenants of new and redeveloped commercial and industrial land uses within the plan area (those over which the City will have discretionary approval) shall ensure use of a "clean fleet" of vehicles/delivery vans/trucks (Class 2 through 6) as part of business operations as follows: For any vehicle (Class 2 through 6) domiciled at the project site, the following "clean fleet" requirements apply: (i) 33 percent of the fleet shall be zero emission vehicles at start of operations, (ii) 65 percent of the fleet shall be zero emission vehicles by December 31, 2027, (iii) 80 percent of the fleet shall be zero emission vehicles by December 31, 2029, and (iv) 100 percent of the fleet will be zero emission vehicles by December 31, 2031. "Domiciled at the project site" shall mean the vehicle is either (i) parked or kept overnight at the project site more than 70 percent of the calendar year or (ii) dedicated to the project site (defined as more than 70 percent of the truck routes (during the calendar year) that start at the project site even if parked or kept elsewhere). Zero-emission, heavy-duty trucks which require service can be temporarily replaced with model year 2014 or later trucks. Replacement trucks shall be used for only the minimum time required for servicing fleet trucks.

Zero-emission vehicles which require service can be temporarily replaced with alternate vehicles. Replacement vehicles shall be used for only the minimum time required for servicing fleet vehicles. The property owner/tenant/lessee shall not be responsible to meet "clean fleet" requirements for vehicles used by common carriers operating under their own authority that provide delivery services to or from the project site. This shall be enforced



through oversight by the City and shall be included as part of contractual lease agreement language to ensure the tenants/lessees are informed of all ongoing operational responsibilities.

#### **Mitigation Measure 4.3-1j: Decarbonize New Residential and Commercial Buildings**

To reduce criteria air pollution and greenhouse gas (GHG) emissions and provide savings for project residents, the proposed plan will integrate special energy conservation and production features. All new residential, commercial, and other non-residential structures that do not include unique uses or processes where nonrenewable energy is required based on technological or availability limitation shall be all electric, with natural gas infrastructure extended only to industrial uses. Fully electric development shall be demonstrated to the City prior to the issuance of building permits to construct and shall be subject to City approval.

#### **Mitigation Measure 4.3-1k: Decarbonize New Industrial Use Buildings**

For industrial uses that do not include major manufacturing or processing equipment requiring natural gas for processing purposes (e.g., logistics, warehouses, distribution, some research and development), no natural gas infrastructure shall be permitted. Consistency with this measure shall be determined at the development application stage, based on a site-specific feasibility study submitted to the City for approval.

#### **Mitigation Measure 4.3-1l: Reduce Areawide Source Emissions**

The use of gasoline-powered landscape equipment within the Plan Area shall be prohibited. This shall be enforced through verification through the City through a development agreement made between future project applicants and the City.

#### **Mitigation Measure 4.3-1m: Reduce Off-Site Emissions**

Once all on-site reduction measures (i.e., Mitigation Measure 4.3-1a through 4.3-1i) have been exhausted or for uses where further on-site emissions reductions are deemed infeasible, based on environmental review, the development of new or participation in existing off-site emissions reduction strategies/programs (e.g., urban forestry programs, local building retrofit programs, off-site EV charger funding, public transit subsidies) shall be required. This can be implemented in conjunction with Mitigation Measure 4.3-1a through the VERA process, if needed, as overseen by SJVAPCD.

## **FINDING**

Implementation of Mitigation 4.3-1a, 4.3-1b, 4.3-1c, 4.3-1d, 4.3-1e, 4.3-1f, 4.3-1g, 4.3-1h, 4.3-1i, 4.3-1j, 4.3-1k, 4.3-1l, 4.3-1m will reduce the impacts related to conflict with implementation of the applicable air quality plan and a cumulative net increase in criteria pollution to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effects as identified in the EIR.

## **Biological Resources**

An evaluation of the potential biological resource impacts associated with implementation of the SCSP is provided in Section 4.4, "Biological Resources," of the Final EIR. Implementation of the SCSP would result in the following impacts and mitigation measures to avoid or reduce the environmental effects of the project on biological resources are adopted by the lead agency.

#### **Impact 4.4-1: Result in Substantial Adverse Effect, Either Directly or through Habitat Modification, 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 Wildlife or U.S. Fish and Wildlife Service**

Future development under the proposed plan may include ground disturbance, vegetation removal, and overall conversion of land cover, which could result in disturbance, injury, or mortality of several special-status plant and

wildlife species, if present; reduced reproductive productivity of these species; and contribute to loss of species habitat. This impact would be potentially significant.

**Impact 4.4-2: Result in a Substantial Adverse Effect on Any Riparian Habitat or Other Sensitive Natural Community Identified in Local or Regional Plans, Policies, or Regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service**

Although aquatic habitat is relatively rare in the Plan Area, development under the proposed plan could affect these areas. Implementation of such projects would result in land conversion and development activities that may include ground disturbance, vegetation removal, and construction, which could result in the degradation or loss of riparian habitat (e.g., reduction of vegetation cover, trampling, alteration of root structure), if it is present on a particular project site. This impact would be potentially significant. No other sensitive natural communities have been identified in the Plan Area, and therefore, there is no potential for impacts to other sensitive natural communities.

**Impact 4.4-3: Result in a Substantial Adverse Effect on State or Federally Protected Wetlands (e.g., Emergent Wetlands etc.) through Direct Removal, Filling, Hydrological Interruption, or Other Means**

Project implementation may include activities resulting in ground disturbance, vegetation removal, and land development, which could result in the loss of state or federally protected wetland habitat, which includes seasonal wetlands. Any project-related loss or alteration or fill of state or federally protected wetlands would be potentially significant.

## MITIGATION MEASURES

**Mitigation Measure 4.4-1a: Conduct Project-Level Biological Reconnaissance Sensitive Species and Habitats Survey**

During the early planning stages of projects under the SCSP, the following measure shall apply:

- ▶ If a project site has natural land cover and is not within existing development with an urban landscape, a data review and biological reconnaissance survey will be conducted within a project site by a qualified biologist prior to project activities (e.g., ground disturbance, vegetation removal, staging, construction). The survey will be conducted no more than one year prior to project implementation. The qualified biologist must be familiar with the life histories and ecology of species in the City of Fresno and must have experience conducting field surveys of relevant species or resources, including focused surveys for individual species, if applicable. The data reviewed will include the biological resources setting, species tables, and habitat information in this EIR. It will also include review of the best available, current data for the area, including vegetation mapping data, species distribution/range information, CNDDDB, CNPS Inventory of Rare and Endangered Plants of California, relevant Biogeographic Information and Observation System (BIOS) queries, and relevant general plans. BIOS is a web-based system that enables the management and visualization of biogeographic data collected by CDFW and partner organizations. The qualified biologist will assess the habitat suitability of the project site for all special-status plant and wildlife species as well as sensitive habitats identified as having potential to occur in the SCSP area (refer to Section 4.4.2, "Environmental Setting"), and will identify bat maternity roosts within the SCSP area. The qualified biologist will also assess the potential for aquatic resources (e.g., wetlands, streams, seeps) or sensitive natural communities to be present within the project site. The biologist will provide a report to the City of Fresno with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the project site.
  - The reconnaissance survey will include a habitat assessment for Crotch's bumble bee based on the habitat assessment guidance in the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023) or other updated guidance from CDFW. If the habitat assessment determines that habitat suitable for Crotch bumble bee is present within the project area, then Mitigation Measure 4.4-1g will be implemented.
  - If the reconnaissance survey identifies no potential for special-status plant or wildlife species, and no potential sensitive habitats including riparian habitat or wetlands, the City of Fresno will not be required to apply any additional mitigation measures under Impact 4.4-1b through 4.4-1g, 4.4-2, or 4.4-3.
  - If the qualified biologist determines that there is potential for special-status species or sensitive habitats to be present within the project site, the appropriate biological mitigation measures, identified herein shall be implemented.

- ▶ All special-status species detected during surveys will be reported to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at <https://wildlife.ca.gov/Data/CNDDDB/Submitting-02Data> and the completed form can be mailed to CNDDDB at [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov).

#### **Mitigation Measure 4.4-1b: Conduct Special-Status Plant Surveys, and Implement Avoidance Measures and Mitigation**

If it is determined through implementation of Mitigation Measure 4.4-1a that habitat suitable for special-status plant species is present within a particular project site, the following measures shall be implemented:

- ▶ Before implementation of future project activities in the Plan Area that could affect grasslands suitable for California jewelflower (within natural annual grassland areas), or when projects are proposed that could affect aquatic habitat suitable for Sanford's arrowhead, a qualified botanist shall conduct protocol-level surveys of the project site following survey methods from CDFW's *Protocols for Surveying and Evaluating Impacts on Special-Status Native Plant Populations and Natural Communities* (CDFW 2018 or most recent version). The qualified botanist shall (1) be knowledgeable about plant taxonomy, (2) be familiar with plants of the Central Valley region, including special-status plants and sensitive natural communities, (3) have experience conducting floristic botanical field surveys as described in CDFW 2018, (4) be familiar with the *California Manual of Vegetation* (Sawyer et al. 2009 or current version, including updated natural communities data at <http://vegetation.cnps.org/>), and (5) be familiar with federal and state statutes and regulations related to plants and plant collecting.
  - If special-status plants are not found, the botanist shall document the findings in a report to the City of Fresno, and no further mitigation shall be required.
  - If special-status plants are found during protocol surveys and cannot be avoided by project activities, the applicant shall, in consultation with CDFW or USFWS, as appropriate, depending on species status, develop and implement a site-specific mitigation strategy to compensate for loss of occupied habitat or individuals. Mitigation measures shall include, at a minimum, preserving and enhancing existing populations outside of the individual development area, establishing populations through seed collection or transplantation from the site that is to be affected, and/or restoring or creating habitat in sufficient quantities to offset loss of occupied habitat or individuals. Potential mitigation sites could include suitable locations within or outside of the project site. Habitat and individual plants lost shall be mitigated at a ratio agreed upon in consultation with CDFW or USFWS, considering acreage as well as function and value at a population scale. Success criteria for preserved and compensatory populations shall include:
    - The extent of occupied area and plant density (number of plants per unit area) in compensatory populations shall be equal to or greater than the affected occupied habitat.
    - Compensatory and preserved populations shall be self-producing. Populations would be considered self-producing when:
      - plants reestablish annually for a minimum of five years with no human intervention such as supplemental seeding; and
      - reestablished and preserved habitats contain an occupied area and flower density comparable to existing occupied habitat areas in similar habitat types in the project vicinity.
      - If off-site mitigation includes dedication of conservation easements, purchase of mitigation credits, or other off-site conservation measures, the details of these measures shall be included in the mitigation plan, including information on responsible parties for long-term management, conservation easement holders, long-term management requirements, success criteria such as those listed above and other details, as appropriate to target the preservation of long-term viable populations.

#### **Mitigation Measure 4.4-1c: Conduct Western Pond Turtle Preconstruction Surveys, Implement Avoidance Measures, and Relocate Individuals**

If it is determined through implementation of Mitigation Measure 4.4-1a that habitat suitable for western pond turtle is present within a particular project site, the following measures shall be implemented:

- ▶ Within 24 hours of commencement of ground disturbing activities in aquatic habitat or in grasslands within 1,600 feet from aquatic habitat, a qualified biologist familiar with the life history of western pond turtle and experienced in performing surveys for western pond turtle shall conduct a focused survey of aquatic and upland habitat suitable for the species within the project site. The qualified biologist shall inspect the project site for western pond turtles as well as suitable burrow habitat.
  - If western pond turtles are not detected during the focused survey, the qualified biologist shall submit a report summarizing the results of the survey to the applicant and the City of Fresno, and further mitigation shall not be required.
  - If western pond turtles are detected, a no-disturbance buffer of at least 100 feet shall be established around any identified nest sites or overwintering sites until the nest is no longer active as determined by a qualified biologist, and no project activities would occur within the no-disturbance buffer. A qualified biologist with an appropriate CDFW Scientific Collecting Permit that allows handling of reptiles shall be present during initial ground disturbance activities and shall inspect the project site before initiation of project activities. If western pond turtles are detected, the qualified biologist shall move the turtles to an area that provides suitable aquatic habitat.

#### **Mitigation Measure 4.4-1d: Conduct Burrowing Owl Survey, Implement Avoidance Measures, and Compensate for Loss of Occupied Burrows**

If it is determined through implementation of Mitigation Measure 4.4-1a that habitat suitable for burrowing owl is present within a particular project site, the following measures shall be implemented:

- ▶ If proposed projects within the Plan Area are implemented in habitat suitable for burrowing owls, a qualified biologist shall conduct surveys for burrowing owls in areas of habitat suitable for the species on and within 1,640 feet (500 meters) of the Plan Area using survey methods described in Appendix D of the 2012 Staff Report on Burrowing Owl Mitigation prepared by the California Department of Fish and Game (now CDFW) (CDFG 2012) or any subsequent updated guidance. A minimum of four surveys shall be conducted to determine whether burrowing owls occupy the site. If feasible, at least one survey should be conducted between February 15 and April 15 and the remaining surveys should be conducted between April 15 and July 15, at least three weeks apart. Because burrowing owls may recolonize a site after only a few days, one of the surveys, or an additional survey, shall be conducted no less than 14 days before initiating ground disturbance activities to verify that take of burrowing owl would not occur.
- ▶ If no occupied burrows are found, the qualified biologist shall submit a report documenting the survey methods and results to the City of Fresno, and no further mitigation shall be required.
- ▶ If a burrow occupied by a burrowing owl is found during the surveys, the project proponent shall establish and maintain a buffer around the occupied burrow and any identified satellite burrows (i.e., non-nesting burrows that burrowing owls use to escape predators or move young into after hatching) to prevent take of burrowing owls.
- ▶ During the non-breeding season (September 1 through January 31), the minimum buffer distance shall be 164 feet (50 m). During the breeding season (February 1 through August 31), the minimum buffer distance shall be increased to 1,640 feet (500 m).
- ▶ The buffer may be adjusted if, in consultation with CDFW, a qualified biologist determines that an alternative buffer shall not disturb burrowing owl adults, young, or eggs because of particular site features (e.g., topography, natural line-sight-barriers), level of project disturbance, or other considerations. If the buffer is reduced, a qualified biologist shall monitor the behavior of the burrowing owls during all project activities within 1,640 feet of the burrow. If the owls are disturbed or agitated (e.g., vocalizations, bill snaps, fluffing feathers to increase body size appearance, drooping wings and rotating them forward, crouching and weaving back and forth) by the project activities, the biologist shall have the authority to halt the activities and re-establish a buffer consistent with the first bullet until the agitated behavior ceases and normal behavior resumes.
- ▶ The buffer shall remain in place around the occupied burrow and associated satellite burrows until a qualified biologist has determined through noninvasive methods that the burrows are no longer occupied by burrowing owl. A previously occupied burrow will be considered unoccupied if surveys demonstrate that no owls have used the burrow for seven consecutive days.
- ▶ Locations of burrowing owls detected during surveys shall be reported to the CNDDDB.

- ▶ If implementation of a buffer to prevent take of burrowing owl is not feasible, the project applicant shall consult with CDFW and obtain an Incidental Take Permit (ITP) prior to commencing project related ground-disturbing activities. The impacts of taking burrowing owl shall be minimized and fully mitigated.
- ▶ The project applicant shall compensate for the loss of burrowing owl by establishing permanent protection and perpetual management on land that provides burrowing owl habitat. Habitat management lands for burrowing owl may be established by conservation easement or fee title or credits may be purchased from a CDFW-approved conservation or mitigation bank. The compensatory mitigation shall satisfy permit conditions and all other permit conditions shall be implemented.

#### **Mitigation Measure 4.4-1e: Conduct Focused Surveys for Special-Status Birds, Nesting Raptors, and Other Native Nesting Birds, and Implement Protective Buffers**

If it is determined through implementation of Mitigation Measure 4.4-1a that habitat for special-status birds, nesting raptors, or other native nesting birds is present within a particular project site, the following measures shall be implemented:

- ▶ To minimize the potential for loss of special-status bird species, raptors, and other native birds (including Swainson's hawk, tricolored blackbird, and white-tailed kite), project activities (e.g., tree removal, vegetation clearing, ground disturbance, staging) shall be conducted during the nonbreeding season (approximately September 16-January 31, as determined by a qualified biologist), if feasible. If project activities are conducted during the nonbreeding season, no further mitigation shall be required. This measure applies to project activities that occur where habitat suitable for nesting is present, as determined by a qualified biologist. Birds may nest on the ground, in bushes, in trees, in structures, and in cavities; therefore, habitat suitable for bird nesting may include portions of the Plan Area that qualify as annual grassland, agricultural land, or riparian habitat.
  - Guidelines provided in *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley* (Swainson's Hawk Technical Advisory Committee 2000) shall be followed for surveys for Swainson's hawk. This protocol includes early season surveys.
  - For other birds, within 14 days before the onset of project activities during the breeding season (approximately February 1 through September 15, as determined by a qualified biologist), a qualified biologist familiar with birds of California and with experience conducting nesting bird surveys shall conduct focused surveys for special-status birds, other nesting raptors, and other native birds. Surveys shall be conducted in accessible areas within 500 feet of the project site for other raptor species (white-tailed kite) and special-status birds (tricolored blackbird), and within 50 feet of the project site for non-raptor common native bird nests, unless determined otherwise by a qualified biologist.
  - If no active nests are found, the qualified biologist shall submit a report documenting the survey methods and results to the applicant and the City of Fresno, and no further mitigation shall be required.
  - If active nests are found, impacts on nesting birds shall be avoided by establishing appropriate buffers around active nest sites identified during focused surveys to prevent disturbance to the nest. Project activity shall not commence within the buffer areas until a qualified biologist has determined that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment.
  - Buffers typically shall be 0.5 mile for Swainson's hawk, and 500 feet for other raptors. Buffer size for non-raptor bird species shall typically be 250 feet. Variance from these no-disturbance buffers may be possible at the recommendation of the qualified biologist when there is a compelling biological or ecological reason to do so. Factors to be considered for determining buffer size shall include presence of natural buffers provided by vegetation or topography, nest height above ground, baseline levels of noise and human activity, species sensitivity, and proposed project activities. Generally, buffer size for these species shall be at least 20 feet. The size of the buffer may be adjusted if a qualified biologist determines that such an adjustment shall not be likely to adversely affect the nest. Any buffer reduction for a special-status species shall require consultation with CDFW.
  - If an active Swainson's hawk nest is detected for project tiered from this plan, and a 0.5-mile no-disturbance buffer is not feasible, the project proponent shall consult with CDFW to discuss how to implement the project and avoid take. If take cannot be avoided, take authorization through the acquisition of an Incidental Take Permit (ITP), pursuant to Fish and Game Code section 2081 subdivision (b) would be necessary to comply with CESA.
  - If active nests are detected, the qualified biologist shall monitor the nest prior to initiation of work to determine a baseline activity level for the nesting birds. If a buffer has been reduced below 250 feet at the recommendation of the qualified biologist, then the nest shall be continuously monitored at the initiation of work inside of the 250 feet to detect behavioral changes resulting from the project. If behavioral changes occur, CDFW shall be consulted for additional avoidance and minimization measures, and work shall be halted and the buffer shall be extended until the nesting birds are confirmed by the qualified biologist to have resumed regular nesting behaviors.
  - Periodic monitoring of the nest by a qualified biologist during project activities shall be required if the activity has potential to adversely affect the nest, the buffer has been reduced, or if birds within active nests are showing behavioral signs of agitation (e.g., standing up from a brooding position, flying off the nest) during project activities, as determined by the qualified biologist.

#### **Mitigation Measure 4.4-1f: Conduct Pallid Bat Focused Surveys, and Implement Avoidance Measures**

If it is determined through implementation of Mitigation Measure 4.4-1a that habitat suitable for pallid bat is present within a particular project site, the following measures shall be implemented:

- ▶ For project activities in habitat suitable for pallid bat roosting (i.e., existing unused or abandoned buildings, large diameter trees), the following measure will apply. Before the start of project activities, a qualified biologist familiar with bats and bat ecology, and experienced in conducting bat surveys, shall conduct surveys for bat roosts in suitable habitat (e.g., abandoned buildings, large tree crevices, tree cavities) within and adjacent to the project site.
  - If no evidence of bat roosts is found, the qualified biologist shall submit a report summarizing the results of the survey to the City of Fresno, and no further study shall be required.
  - If evidence of bat roosts is observed, the species and number of bats using the roost shall be determined by a qualified biologist. Bat detectors shall be used if deemed necessary to supplement survey efforts by the qualified biologist.
  - A no-disturbance buffer of 250 feet shall be established around active pallid bat roosts, and project activities shall not occur within this buffer until after the roosts are unoccupied.
  - If roosts of pallid bat are determined to be present and must be removed, the bats shall be excluded from the roosting site before the building is removed. A program addressing compensation, exclusion methods, and roost removal procedures shall be developed in consultation with CDFW before implementation. Exclusion methods may include use of one-way doors at roost entrances (bats may leave but not reenter) or sealing roost entrances when the site can be confirmed to contain no bats. Exclusion efforts may be restricted during periods of sensitive activity (e.g., during hibernation or while females in maternity colonies are nursing young). The loss of each roost (if any) shall be replaced in consultation with CDFW and may require construction and installation of bat boxes suitable to the bat species and colony size excluded from the original roosting site. If determined necessary during consultation with CDFW, replacement roosts shall be implemented before bats are excluded from the original roost sites. Once the replacement roosts are constructed and it is confirmed that bats are not present in the original roost site by a qualified biologist, the roost structure may be removed.

#### **Mitigation Measure 4.4-1g: Conduct Crotch's Bumble Bee Protocol Survey and Avoidance**

If habitat suitable for Crotch's bumble bee is detected in the project area during the reconnaissance survey conducted pursuant to Mitigation Measure 4.4-1a, the following measure shall apply:

- ▶ Surveys for Crotch's bumble bee will be conducted in areas with habitat suitable for Crotch's bumble bee following the protocol in the *Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species* (CDFW 2023). This protocol requires that a qualified biologist conduct three on-site surveys to detect foraging bumble bees and potential nesting sites (nesting surveys) during the colony active period and when peak floral resources are present (April–August). Each survey should ideally be spaced 2–4 weeks apart. Surveys are only valid for the year in which they are conducted. If more than 1 year passes between survey completion and initiation of ground disturbing project activities, presence surveys must be repeated.
  - If surveys are conducted and no Crotch's bumble bee are detected, results shall be reported to CDFW, and work may proceed during that year.
  - If surveys indicate the presence or potential presence of Crotch's bumble bee, the project proponent shall consult with CDFW on development of take avoidance and minimization measures. Measures may include avoidance of small mammal burrows and thatched or brunch grasses, onsite biological monitoring during vegetation removal or ground-disturbing activities, or seasonal avoidance of activities during the queen flight period (February – March), the gyne flight period (September – October), and/or the colony active period (April – August).
- ▶ If take of Crotch's bumble bee cannot be avoided, take authorization through acquisition of an Incidental take permit (ITP) pursuant to the Fish and Game Code section 2081, subdivision (b) shall be sought to comply with the California Endangered Species Act (CESA).

#### **Mitigation Measure 4.4-2: Conduct Surveys for Riparian Habitat and Implement Avoidance Measures**

If it is determined through implementation of Mitigation Measure 4.4-1a that riparian habitat is present within a particular project site, the following measures shall be implemented before implementation of project activities:

- ▶ Activities for projects tiered from the Plan that substantially change the bed, bank, and channel of any river, stream, or lake are subject to CDFW's regulatory authority pursuant to Fish and Game Code 1602. If it is determined that disturbance or fill of state protected streams or



riparian habitat cannot be avoided, the project proponent will notify CDFW before commencing activity that may substantially divert or obstruct the natural flow of any river stream or lake; or otherwise substantially change or use materials from the bed, bank, or channel of any river, stream, or lake (including removal of riparian vegetation); or otherwise deposit debris, waste, or other materials that could pass into any river, stream or lake. riparian corridor of any waterway that supports fish or wildlife resources. If project activities trigger the need for a Streambed Alteration Agreement, the proponent will obtain an agreement from CDFW before the activity commences. More information on notification requirements may be found on CDFW's website, <https://wildlife.ca.gov/Conservation/LSA>. Project proponents may also contact CDFW staff in the Central Region Lake and Streambed Alteration Program at (550)243-4593. The applicant will conduct project construction activities in accordance with the agreement, including implementing reasonable measures in the agreement necessary to protect fish and wildlife resources, when working within the bed or bank of waterways or in riparian habitats associated with those waterways. These measures may include demarcation of the construction area, biological monitoring, environmental awareness training for construction crews, and compensatory measures (e.g., restoration, long-term habitat management). If riparian habitat is determined to be present within a particular project site and the habitat cannot be avoided, the following measures shall be implemented: A Streambed Alteration Notification will be submitted to CDFW, pursuant to Section 1602 of the California Fish and Game Code. If proposed project activities are determined to be subject to CDFW jurisdiction, the project proponent will abide by the measures to protect fish and wildlife resources required by any executed agreement prior to any vegetation removal or activity that may affect the resource. Measures to protect fish and wildlife resources shall include, at a minimum, a combination of the following mitigation.

- ▶ The project proponent will compensate for the loss of riparian habitat such that no net loss of habitat function and values occurs by:
  - restoring riparian habitat function and value within the project site;
  - restoring degraded riparian habitat outside of the project site;
  - purchasing riparian habitat credits at a CDFW-approved mitigation bank; or
  - preserving existing riparian habitat of equal or better value to the affected riparian habitat through a conservation easement at a sufficient ratio to offset the loss of riparian habitat function (at least 1:1).
- ▶ The project proponent will prepare and implement a Compensatory Mitigation Plan that will include the following:
  - For preserving existing riparian habitat outside of the project site in perpetuity, the Compensatory Mitigation Plan will include a summary of the proposed compensation lands (e.g., the number and type of credits, location of mitigation bank or easement), parties responsible for the long-term management of the land, and the legal and funding mechanism for long-term conservation (e.g., holder of conservation easement or fee title). The project proponent will provide evidence in the plan that the necessary mitigation has been implemented or that the project proponent has entered into a legal agreement to implement it and that compensatory habitat will be preserved in perpetuity.
  - For restoring or enhancing riparian habitat within the project site or outside of the project site, the Compensatory Mitigation Plan will include a description of the proposed habitat improvements, success criteria that demonstrate the performance standard of maintained habitat function has been met, legal and funding mechanisms, and parties responsible for long-term management and monitoring of the restored or enhanced habitat.
  - Compensatory mitigation may be satisfied through compliance with permit conditions, or other authorizations obtained by the project proponent (e.g., Lake and Streambed Alteration Agreement), if these requirements are equally or more effective than the mitigation identified above.

#### **Mitigation Measure 4.4-3: Identify State or Federally Protected Wetlands, Implement Avoidance Measures, and Obtain Permits for Unavoidable Impacts on Wetlands**

If it is determined through implementation of Mitigation Measure 4.4-1a that state or federally protected wetlands may be present within a particular project site, the following measures shall be implemented:

- ▶ The project proponent will retain a qualified biologist, hydrologist, or wetland ecologist to prepare a formal delineation of the boundaries of aquatic resources within the project site according to methods established in the USACE wetlands delineation manual (Environmental Laboratory 1987) and the Arid West regional supplement (U.S. Army Corps of Engineers 2008). The qualified biologist will also delineate the boundaries of wetlands that may not meet the definition of waters of the United States but that would qualify as waters of the state, according to the state wetland procedures (SWRCB 2021). This delineation report will be submitted by the City of Fresno to USACE and a preliminary jurisdictional determination will be requested. If state or federally protected wetlands are found to be present within a particular project site, the following measures shall be implemented before implementation of project activities:
  - If state or federally protected wetlands are determined to be present within a project site that can be avoided, the qualified biologist will establish a buffer around wetlands and mark the buffer boundary with high-visibility flagging, fencing, stakes, or clear, existing landscape demarcations (e.g., edge of a roadway).

The buffer will be a minimum width of 25 feet but may be larger if deemed necessary. The appropriate size and shape of the buffer zone will be determined in coordination with the qualified biologist and will depend on the type of wetland present (e.g., stream, seep, pond), the timing of project activities (e.g., wet or dry time of year), whether any special-status species may occupy the wetland and the species' vulnerability to the project activities, environmental conditions and terrain, and the project activity being implemented.

- Project activities (e.g., ground disturbance, vegetation removal, staging) will be prohibited within the established buffer. The qualified biologist will periodically inspect the materials demarcating the buffer to confirm that they are intact and visible, and wetland impacts are being avoided.
- If it is determined that fill of waters of the United States would result from project implementation, the project applicant will submit an aquatic resources delineation report to USACE and the RWQCB and request an approved or preliminary jurisdictional determination. Based on the jurisdictional determination, the project applicant will determine the exact acreage of waters of the United States and waters of the state that would be dredged or filled as a result of project implementation.
- Authorization for dredge or fill activities will be secured from USACE through the Section 404 permitting process. In association with the Section 404 permit (if applicable) and prior to the issuance of any grading permit, Section 401 Water Quality Certification from the Central Coast RWQCB will be obtained. For impacts on waters of the state that may not be covered by the 401 Water Quality Certification, the project proponent will secure Waste Discharge Requirements, which are described in Section 4.10, "Hydrology and Water Quality."
- The project applicant will replace on a "no-net-loss" basis (minimum 1:1 ratio) (in coordination with USACE and/or RWQCB) the acreage and function of all wetlands and other waters that would be removed, lost, or degraded as a result of project implementation. Wetland habitat will be replaced at an acreage and location agreeable to USACE and the RWQCB, and as determined during the CWA Section 401 and Section 404 permitting processes or the waste discharge report.

## FINDING

Implementation of Mitigation Measures 4.4-1a, 4.4-1b, 4.4-1c, 4.4-1d, 4.4-1e, 4.4-1f, 4.4-2, 4.4-3 will reduce the impacts related to candidate, sensitive, or special-status plant and wildlife species, riparian habitat, state and federally protected wetlands, to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effects as identified in the EIR.

## Cultural and Tribal Cultural Resources

An evaluation of the project's impacts related to archaeological, historical, and tribal cultural resources is found in Section 4.5, "Cultural and Tribal Cultural Resources," of the Final EIR. Implementation of the SCSP would result in the following impacts and mitigation measures to avoid or reduce the environmental effects of the project related to cultural and tribal cultural resources are adopted by the lead agency.

### **Impact 4.5-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resources**

Future development under the proposed plan could be located in areas that contain known or unknown archaeological resources and ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. This impact would be potentially significant.

### **Impact 4.5-4: Disturb Human Remains**

Based on the records research, no evidence suggests that any precontact or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the Plan Area. However, ground-disturbing



construction activities could uncover previously unknown human remains. In the event that human remains are encountered, the impact would be potentially significant.

## MITIGATION MEASURES

### **Mitigation Measure 4.5-2a: Identify and Protect Unknown Archaeological Resources**

During project-specific environmental review of development under the proposed plan, the developer shall define each project's area of effect for archaeological resources in consultation with a qualified archaeologist, as defined by the Secretary of Interior. Once the exact locations of project-specific areas have been determined and before commencement of earth-disturbing activities, a records search shall be conducted to determine if there are any known archaeological resources located in the disturbance area. A pedestrian survey shall also be conducted for archaeological resources. In the event of a surface find, materials will be evaluated and recorded on standard Department of Parks and Recreation primary record forms (DPR 523) in accordance with national and state criteria. Avoidance of archaeological resources would be the preferred alternative to reduce impacts to unknown archaeological resources. A recommendation of eligibility/ineligibility to the NRHP and CRHR shall be completed for any surface finds and for any resources identified by the records search. The survey and report shall be completed by a qualified archaeologist who meets the Secretary of the Interior's professional qualifications for Archaeology. The report will include recommendations for minimizing potential adverse effects to any significant resources identified.

The developer shall follow recommendations identified in the report, which may include activities such as subsurface testing, implementing a Worker Environmental Awareness Program, avoidance of sites, construction monitoring by a qualified archaeologist, or notification of the geographically and culturally affiliated Native American tribe to extend an invitation for construction monitoring.

### **Mitigation Measure 4.5-2b: Protect Known Unique Archaeological Resources**

For an archaeological site that has been determined by a qualified archaeologist to qualify as a unique archaeological resource through the process set forth under Mitigation Measure 4.5-2a, and where it has been determined under Mitigation Measure 4.5-2a that avoidance or preservation in place is not feasible, a qualified archaeologist, in consultation with the City, and Native American tribes as applicable, shall:

- 1) Prepare a research design and archaeological data recovery plan for the recovery that shall capture those categories of data for which the site is significant and implement the data recovery plan before or during development of the site.
- 2) Perform appropriate technical analyses, prepare a full written report and file it with the appropriate information center, and provide for the permanent curation of recovered materials.
- 3) If, in the opinion of the qualified archaeologist and in light of the data available, the significance of the site is such that data recovery cannot capture the values that qualify the site for inclusion on the CRHR, the applicant shall reconsider project plans in light of the high value of the resource, and implement more substantial modifications to the project that would allow the site to be preserved intact, such as project redesign, placement of fill, or project relocation or abandonment. If no such measures are feasible, the City shall implement Mitigation Measure 4.5-2c.

### **Mitigation Measure 4.5-2c: For All Ground-Disturbing Construction Activities, Halt Ground Disturbance upon Discovery of Subsurface Archaeological Features**

If any precontact or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits are discovered during construction, all ground-disturbing activity within 30 meters (approximately 100 feet) of the resources shall be halted and a qualified professional archaeologist shall be retained to assess the significance of the find. If the qualified archaeologist determines the archaeological material to be Native American in nature, the City shall contact the appropriate Native American tribe for their input on the preferred treatment of the find. If the find is determined to be significant by the archaeologist (i.e., because it is determined to constitute a unique archaeological resource), the archaeologist shall develop, and the City shall

implement, appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to preservation in place (which shall be the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or contiguous block unit excavation and data recovery (when it is the only feasible mitigation, and pursuant to a data recovery plan). No further grading shall occur in the area of the discovery until the City approves the measures to protect these resources. Any precontact archaeological artifacts recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.

#### **Mitigation Measure 4.5-4: Protect Known and Unknown Human Remains**

If any human remains are unearthed during excavation and grading activities of any future project developed under the proposed plan, all activity shall cease immediately within 50 meters (165) feet of the discovery. Pursuant to Health and Safety Code Section 7050.5, no further disturbance shall occur until the county coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98(a). If the remains are determined to be of Native American descent, the coroner shall notify NAHC within 24 hours. NAHC shall then contact the most likely descendent of the deceased Native American, who shall then serve as the consultant on how to proceed with the remains. Pursuant to PRC Section 5097.98(b), upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

## **FINDING**

Implementation of Mitigation Measures 4.5-2a, 4.5-2b, 4.5-2c, and 4.5-4 will reduce the impacts related to archaeological resources and human remains to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effects as identified in the EIR.

## **Energy**

An evaluation of the potential impacts to energy resulting from implementation of the SCSP is provided in Section 4.6, "Energy," of the Final EIR. Implementation of the SCSP would result in the following impacts and mitigation measures to avoid or reduce the environmental effects of the project related to energy are adopted by the lead agency.

#### **Impact 4.6-1: Result in Wasteful, Inefficient, or Unnecessary Consumption of Energy during Project Construction or Operation**

Construction and operation of development under the proposed plan would result in an increase in energy demand, short-term during construction and long-term during individual project operations. Regarding construction, development of individual projects would involve typical construction methods and approaches. Only the necessary amount of energy needed to complete individual projects would be used and there is no evidence to suggest any project would result in wasteful, inefficient, or unnecessary consumption. Operation of projects under the proposed plan would involve a mix of land uses (primarily industrial, retail, and office, with smaller amounts of residential) which would contribute to the local economy, create new jobs, and reduce VMT, and therefore fuel consumption, within the Plan Area compared to existing conditions, all of which are goals of the General Plan. Nevertheless, the proposed plan would allow for development that is not inherently energy efficient (i.e., decarbonized development, EV charging infrastructure to support use of EVs); therefore, operation of the proposed plan would result in the wasteful, inefficient, or unnecessary use of energy. This impact would be significant.

#### **Impact 4.6-2: Conflict with or Obstruct a State or Local Plan for Renewable Energy or Energy Efficiency**

The proposed plan would result in a reduction in VMT per service population relative to existing conditions and 2040 no project conditions through the implementation of policies that would improve conditions for the use of alternative modes of transportation and, therefore, promote the reduction of VMT. Additionally, the proposed plan would meet the mandatory EV charging requirements of the CALGreen Code and therefore promote the use of EVs.

Implementing the proposed plan would also result in new development that would, at minimum, comply with 2022 California Energy Code Standards, and with the progressively more stringent requirements of future Energy Code standards. However, the proposed plan does not include any policies that address building zero net energy (ZNE) for future land uses. Because the proposed plan does not include policies pertaining to ZNE for residential and nonresidential development, the proposed plan would conflict with the energy-related measures of the City's GHGRP, which requires that commercial projects achieve ZNE electricity. Therefore, the proposed plan would not be consistent with the GHGRP. This impact would be significant.

## **MITIGATION MEASURES**

### **Mitigation Measure 4.6-1a: Require Electric Vehicle Infrastructure**

To reduce criteria air pollution and GHG emissions, all future commercial and residential development shall be designed to meet the most ambitious electric vehicle infrastructure voluntary requirements of the most recent version of the CALGreen Code in effect at the time of project approval. This measure is subject to change depending on future updates to the CALGreen Code. Compliance with this measure shall be demonstrated to the City prior to the issuance of building permits to construct and shall be subject to City approval.

### **Mitigation Measure 4.6-1b: Incorporate Cool Communities Strategies**

Development under the proposed plan shall incorporate strategies to cool the urban heat island, reduce energy use and ozone formation, and maximize air quality benefits by requiring new development to implement four key strategies: plant trees, selective use of vegetation for landscaping, install cool roofing, and install cool pavements.

### **Mitigation Measure 4.6-1c: Use Renewable Natural Gas**

To reduce upstream GHG emissions and promote renewable energy resources, require proposed industrial land uses that are determined to require natural gas, to source renewable natural gas. Use of renewable natural gas reduces upstream GHG emissions by avoiding the potential for fugitive methane to be released from methane producing facilities and actions. Consistency with this measure requires a site-specific feasibility assessment to demonstrate that natural gas is required, and to determine availability of renewable gas sources, subject to City review and approval. Renewable natural gas is captured from wastewater treatment plants, dairies, and landfills and may be processed for uses that typically rely on fossil fuel natural gas, thus avoiding the global warming potential of fugitive methane emissions from these sources.

### **Mitigation Measure 4.6-1d: Require On-Site Clean Energy**

Prior to future discretionary project approval, new commercial and warehouse developments shall demonstrate their capacity to include energy production and storage features on-site, including but not limited to, on-site solar, parking canopies with solar, and battery storage. The amount of on-site renewable energy that is needed for future warehouse development shall be based on the energy needs of the proposed development, and shall be capable of serving a target of 100 percent of the energy demand needed to operate the proposed project. Commercial development projects shall demonstrate their capacity to obtain a target of 50 percent of its energy demand from on-site renewable energy, unless a future applicant can demonstrate that future electricity demand could not be reliably served by on-site renewable energy alone. Consistency with this measure shall be determined based on a site-specific study required at the time of development approval that demonstrates available and feasible technology appropriate for the specific proposed use, or cannot be met, subject to City approval.

## FINDING

Implementation of Mitigation Measures 4.6-1a, 4.6-1b, 4.6-1c, and 4.6-1d will reduce the impacts related to energy to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effects as identified in the EIR.

## Geology, Soils, and Mineral Resources

An evaluation of the potential impacts to geology and soils resulting from implementation of the SCSP is provided in Section 4.7, "Geology and Soils," of the Final EIR. Implementation of the SCSP would result in the following impact and mitigation measures to avoid or reduce the environmental effects of the project related to geology and soils are adopted by the lead agency.

### **Impact 4.7-5: Directly or Indirectly Destroy a Unique Paleontological Resource or Site or Unique Geologic Feature**

Construction of future development projects under the proposed plan could require ground disturbance within previously undisturbed soils and in areas of high sensitivity for paleontological resources. Such development has the potential to destroy a unique paleontological resource or site or unique geologic feature. This impact would be potentially significant.

## MITIGATION MEASURES

### **Mitigation Measure 4.7-5: Follow Procedures to Protect Paleontological Resources**

After preliminary review by the City of grading plans for development within the Plan Area, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological resources and unique geologic features shall be conducted. The following procedures shall be followed:

- ▶ If paleontological resources and unique geologic features are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that paleontological resources or unique geologic features are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study. The qualified paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological resources and unique geologic features recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.
- ▶ If paleontological resources or unique geologic features are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, the qualified paleontologist shall identify mitigation measures. Such measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The qualified paleontologist shall determine the monitoring period. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.

## FINDING

Implementation of Mitigation Measure 4.7-5 will reduce the impacts related to paleontological resources to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effects as identified in the EIR.

## Hazards and Hazardous Materials

Hazards and hazardous materials impacts associated with project implementation are evaluated in Section 4.9, "Hazards and Hazardous Materials," of the Final EIR. Implementation of the SCSP would result in the following impacts and mitigation measures to avoid or reduce the environmental effects of the project on hazards and hazardous materials are adopted by the lead agency.

### **Impact 4.9-1: Create a Significant Hazard to the Public or the Environment through the Routine Transport, Use, or Disposal of Hazardous Materials or through the Reasonably Foreseeable Upset and Accident Conditions Involving the Release of Hazardous Materials into the Environment**

Construction and operation of development under the proposed plan would involve the use, storage, and transport of hazardous materials. All such hazardous materials and activities would be typical for such uses, and would occur in compliance with local, state, and federal regulations, which would minimize but not eliminate the potential for upset or accident conditions. Site-specific studies for future projects under the plan could reveal as-yet unknown environmental conditions during construction or operation. The impact to the public and the environment from exposure to these unknown hazardous materials and other hazards during construction, and/or from accidental release of hazardous materials during the routine transport, use, or disposal of hazardous materials would be potentially significant.

### **Impact 4.9-2: Emit Hazardous Emissions or Handle Hazardous or Acutely Hazardous Materials, Substances, or Waste within One-Quarter Mile of an Existing or Proposed School**

Orange Center School on S. Cherry Avenue is the only school located within the Plan Area, but three other schools, Calwa Elementary, Kirk Elementary, and Sequoia Middle School are located within a quarter mile of the Plan Area boundary. Although the nature and location of specific developments under the proposed plan are yet unknown, it is likely they would result in the routine transport, use, and storage of hazardous materials during construction and operation. Such use, though not expected to generate hazardous emissions or handle acutely hazardous materials or waste, could be proposed or could result through accident or upset conditions within one-quarter mile of a school. This impact would be potentially significant.

### **Impact 4.9-3: Be Located on a Site Which Is Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5**

The Plan Area contains several hazardous materials sites that are listed in the Geographic Environmental Information Management System's GeoTracker and DTSC EnviroStor databases. Potential future development under the plan could be located on one or more of these sites. This would be a potentially significant impact.

### **Impact 4.9-4: Impair Implementation of or Physically Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan**

The City's Emergency Preparedness Officer (EPO) is responsible for ensuring that Fresno's emergency response plans are up-to-date and implemented properly and communicating with other agencies for emergency response operations. The City's Emergency Operations Plan and County Multi-Jurisdictional LHMP provides detailed guidance for mitigating hazard events and ensures a coordinated response provided in cooperation with the City's departments and other local, State, and federal agencies. As part of project operation of future development of the proposed plan, adequate emergency access routes to and from the development area would be established and emergency response would not be impaired. However, construction activities associated with future development within the Plan Area would involve truck traffic and temporary land/shoulder closures in work zones that could result in temporary land closures on certain roads, increased traffic, and other roadway conditions that could interfere with

or slow down emergency vehicle access and services. This could create a potentially significant impact with response to the implementation of an emergency response plan or emergency evacuation area.

## MITIGATION MEASURES

### **Mitigation Measure 4.9-1a: Submit Hazardous Materials Business Plan**

Before issuance of grading permits or improvement plans, project applicants for all future development projects within the Plan Area shall submit an HMBP to Fresno County Environmental Health Division (CUPA) for review and approval. If during the construction process the applicant or their subcontractors generates hazardous waste, the applicant must register with the CUPA as a generator of hazardous waste, obtain an EPA ID# and accumulate, ship, and dispose of the hazardous waste per Health and Safety Code Ch. 6.5. (California Hazardous Waste Control Law).

### **Mitigation Measure 4.9-1b: Conduct a Phase I ESA**

Prior to the issuance of a grading permit, project applicants for all future development projects within the Plan Area shall complete a Phase I ESA (performed in accordance with the current ASTM Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process [E 1527]) for each individual property prior to development or redevelopment to ascertain the presence or absence of Recognized Environmental Conditions (RECs), Historical Recognized Environmental Condition (HRECs), and Potential Environmental Concerns (PECs). The findings and conclusions of the Phase I ESA shall become the basis for potential recommendations for follow-up investigation, if found to be warranted.

### **Mitigation Measure 4.9-1c: Conduct a Phase II ESA**

If the findings and conclusions of the Phase I ESA for a property result in evidence of RECs, HRECs and/or PECs warranting further investigation, applicants for those projects shall complete a Phase II ESA. The Phase II ESA may include but may not be limited to the following: (1) Collection and laboratory analysis of soils and/or groundwater samples to ascertain the presence or absence of significant concentrations of constituents of concern; (2) Collection and laboratory analysis of soil vapors and/or indoor air to ascertain the presence or absence of significant concentrations of volatile constituents of concern; and/or (3) Geophysical surveys to ascertain the presence or absence of subsurface features of concern such as USTs, drywells, drains, plumbing, and septic systems. The findings and conclusions of the Phase II ESA shall become the basis for potential recommendations for follow-up investigation, site characterization, and/or remedial activities, if found to be warranted.

### **Mitigation Measure 4.9-1d: Conduct a Site Characterization**

In the event the findings and conclusions of the Phase II ESA reveal the presence of significant concentrations of hazardous materials warranting further investigation, project applicants for all future development within the Plan Area shall ensure that site characterization shall be conducted in the form of additional Phase II ESAs in order to characterize the source and maximum extent of impacts from constituents of concern. The findings and conclusions of the site characterization shall become the basis for formation of a remedial action plan and/or risk assessment.

### **Mitigation Measure 4.9-1e: Conduct a Site Remediation and Potential Risk Assessment**

If the findings and conclusions of the Phase II ESA(s), site characterization and/or risk assessment demonstrate the presence of concentrations of hazardous materials exceeding regulatory threshold levels, prior to the issuance of a grading permit, project applicants for such projects shall complete site remediation and potential risk assessment with oversight from the applicable regulatory agency including, but not limited to, CalEPA DTSC or RWQCB, and FCEHD. Potential remediation could include the removal or treatment of water and/or soil. If removal occurs, hazardous materials shall be transported and disposed of at a hazardous materials permitted facility.

### **Mitigation Measure 4.9-1f: Prepare Environmental Site Management Plan**

Prior to the issuance of a future building permit for an individual property within the Plan Area with residual environmental contamination, the agency with primary regulatory oversight of environmental conditions at such

property ("Oversight Agency") shall have determined that the proposed land use for that property, including proposed development features and design, does not present an unacceptable risk to human health, if applicable, through the use of an environmental site management plan (ESMP) that could include institutional controls, site-specific mitigation measures, a risk management plan, and deed restrictions based upon applicable risk-based cleanup standards. Remedial action plans, risk management plans and health and safety plans shall be required as determined by the Oversight Agency for a given property under applicable environmental laws, if not already completed, to prevent an unacceptable risk to human health, including workers during and after construction, from exposure to residual contamination in soil and groundwater in connection with remediation and site development activities and the proposed land use.

#### **Mitigation Measure 4.9-1g: Conduct a Vapor Intrusion Assessment**

For those sites with potential residual volatile organic compounds (VOCs) in soil, soil gas, or groundwater that are planned for future redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into the proposed building, the project design shall include vapor controls or source removal, as appropriate, in accordance with RWQCB, DTSC, or FCEHD requirements. Soil vapor mitigation measures or controls could include passive venting and/or active venting. The vapor intrusion assessment as associated vapor controls or source removal can be incorporated into the ESMP.

#### **Mitigation Measure 4.9-1h: Conduct Asbestos and Lead-Based Paint Surveys**

In the event of future planned renovation or demolition of structures in the Plan Area, prior to the issuance of demolition permits, asbestos and lead-based paint (LBP) surveys shall be conducted to determine the presence or absence of asbestos-containing materials (ACM) and/or LBP. Removal of friable ACM, and non-friable ACMs that have the potential to become friable during demolition and/or renovation shall conform to the standards set forth by the NESHAPs. SJVAPCD is the responsible agency on the local level to enforce the National Emission Standards for Hazardous Air Pollutants (NESHAPs) and shall be notified by the property owners and/or developers of properties (or their designee(s)) prior to any demolition and/or renovation activities. If asbestos-containing materials are left in place, an Operations and Maintenance Program shall be developed for the management of asbestos containing materials.

#### **Mitigation Measure 4.9-1i: Conduct Soil Sampling**

Prior to the import of a soil to a particular property within the Plan Area as part of that property's site development, such soils shall be sampled for toxic or hazardous materials to determine if concentrations exceed applicable Environmental Screening Levels for the proposed land use at such a property, in accordance with RWQCB, DTSC, or FCEHD requirements.

#### **Mitigation Measure 4.9-4: Prepare and enforce a Construction Traffic Management Plan**

Before construction of any project within the Plan Area, the project proponent shall submit to the City for review and approval a Construction Traffic Management Plan to minimize traffic impacts on all roadways at and near the work site affected by construction activities. The plan shall include construction and public (if applicable) access points, procedures for notification of road closures, construction materials delivery plan, a description of emergency personnel access routes during road closures, This plan shall reduce potential traffic safety hazards and ensure adequate access for emergency responders.

## **FINDING**

Implementation of Mitigation Measures 4.9-1a, 4.9-1b, 4.9-1c, 4.9-1d, 4.9-1e, 4.9-1f, 4.9-1g, 4.9-1h, 4.9-1i, 4.9-4 will reduce the impacts related to hazards and hazardous materials to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effects as identified in the EIR.

## Utilities and Service Systems

An evaluation of the potential impacts to energy resulting from implementation of the SCSP is provided in Section 4.16, "Utilities and Service Systems," of the Final EIR. Implementation of the SCSP result in the following impact and mitigation measures to avoid or reduce the environmental effects of the project related to geology and soils are adopted by the lead agency.

**Impact 4.16-4: Generate Solid Waste in Excess of State or Local Standards, or in Excess of the Capacity of Local Infrastructure, or Otherwise Impair the Attainment of Solid Waste Reduction Goals; or Fail to Comply with Federal, State, and Local Management and Reduction Statutes and Regulations Related to Solid Waste**

Implementation of the proposed plan would allow for development of industrial, commercial office, retail, and residential uses, which would generate solid waste. Development related to the proposed plan would implement programs to reduce landfill contributions, consistent with CIWMA, AB 341, SB 1374, AB 1826, and SB 1383. While General Plan Policy RC-11-b requires the City to develop a strategic and operations plan for fulfilling the City Council resolution committing the City to a Zero Waste goal, it is not clear if zero waste goals will be met. Without attainment of zero waste goals, development under the proposed plan may generate waste in excess of capacity at the American Avenue Landfill, which is planned for closure in 2031. This impact would be potentially significant.

## MITIGATION MEASURES

**Mitigation Measure 4.16-4: Verify Landfill Capacity on a Project-by-Project Basis and Restrict Development Accordingly**

Consistent with the Fresno General Plan, the City shall evaluate additional landfill locations at the time individual projects are submitted within the Plan Area and shall not approve development that could contribute to solid waste to a landfill that is at capacity until additional capacity is identified.

## FINDING

Implementation of Mitigation Measure 4.16-4 will reduce the impacts related to solid waste to a less-than-significant level. Pursuant to CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which would avoid or substantially lessen the significant environmental effects as identified in the EIR.

## 2.5 SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the City of Fresno, pursuant to State CEQA Guidelines Section 15093, if the project is approved. Based on the EIR analysis, the following impacts have been determined to be significant and unavoidable:

### Aesthetics

An evaluation of the project's impacts related to aesthetics is found in Section 4.1, "Aesthetics," of the Final EIR identified the following impact would be significant and unavoidable:

**Impact 4.1-3: Substantially Degrade the Existing Visual Character or Quality of Public Views of the Site and Its Surroundings**

Implementation of the proposed plan would facilitate future development and result in a substantial alteration to the existing visual character and quality of the Plan Area. Specifically, implementation of the proposed plan would result in increases of densities and intensification primarily of industrial and commercial land uses within the Plan Area. Substantial changes in the existing visual character would result in a significant impact.



## Cumulative Impact 5.4-1: Contribution to cumulative visual character or quality impacts

### MITIGATION MEASURES

No feasible mitigation measures are available to substantially reduce the impact.

### FINDING

The potential visual character impacts as a result of proposed future development cannot be mitigated to less than significant. No feasible mitigation measures are available to substantially reduce the impact. Therefore, the impact on the existing visual character on the plan and cumulative level would be significant and unavoidable. Therefore, the impact would remain significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

## Agriculture and Forestry Resources

An evaluation of the project's impacts related to aesthetics is found in Section 4.2, "Agriculture and Forestry Resources," of the Final EIR. The following impacts would be significant and unavoidable:

### **Impact 4.2-1: Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to Non-agricultural Use**

Implementation of the proposed plan would accommodate development of additional industrial, commercial, and a small amount of residential land uses. While the locations of specific developments cannot be known at this time, it is likely that development would result in conversion of existing Prime Farmland and Farmland of Statewide Importance to non-agricultural uses. The conversion of existing Farmland to non-agricultural use would result in a significant impact.

### **Impact 4.2-2: Conflict with existing zoning for agricultural use, or a Williamson Act contract**

The plan area includes lands outside the Fresno city limits, in unincorporated Fresno County, but within the City's SOI. While no lands within the City of Fresno are under Williamson Act contracts, approximately 153 acres within the SOI are so enrolled. Although no proposals for annexation have been submitted (and none are assessed as part of the SCSP), implementation of the proposed plan is likely to result in conversion of existing Farmlands that are enrolled in Williamson Act contracts to non-agriculture uses. Therefore, this impact would be significant.

### **Cumulative Impact 5.4-2: Contribution to cumulative impacts related to farmland conversion and conflicts with Williamson Act contracts**

### MITIGATION MEASURES

#### **Mitigation Measure 4.2-1: Preserve Farmland**

In compliance with General Plan Policy RC-9-c, until the City's Farmland Preservation Program is implemented, future development that would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within the Plan Area shall be analyzed on a project-by-project basis at the time a project application is submitted. Project proponents shall mitigate the loss at a 1:1 ratio. One of the following mitigation options shall be utilized to mitigate the loss: Restrictive Covenants or Deeds, In Lieu Fees, Mitigation Banks, Fee Title Acquisition, Conservation Easements, Land Use Regulation, or other feasible mitigation. The mitigation shall be verified by the City of Fresno for each such project during improvement plan review.

No mitigation measures are available to substantially reduce Impact 4.2-2.

## FINDING

### Impact 4.2-1

While implementation of Mitigation Measure 4.2-1 would reduce Impact 4.2-1 through preservation of agricultural land at a 1:1 ratio, the impact would not be reduced to a less-than-significant level because important farmland would still be permanently converted to urban uses. Feasible mitigation measures do not exist to reduce the above impact to a less-than-significant level. Therefore, the impact would remain significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

### Impact 4.2-2 and Cumulative Impact 5.4-2

Compliance with General Plan Objective RC-9 and Policies RC-9-a through RC-9-c are intended to limit the premature conversion of agricultural land within the Plan Area. Although compliance with the aforementioned policies may reduce impacts to agricultural resources on land under Williamson Act contracts, future development of such lands could occur. Because future development could result in conflict with a Williamson Act contract and no feasible mitigation is available, this impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

## Air Quality

An evaluation of the project's impacts related to aesthetics is found in Section 4.3, "Air Quality," of the Final EIR. Implementation of the proposed plan would expose sensitive receptors to substantial pollutant concentrations (Impact 4.3-3 and Cumulative).

### Impact 4.3-3: Expose Sensitive Receptors to Substantial Pollutant Concentrations

As described in Impacts 4.3-1 and 4.3-2, construction and operation of development assumed in the Plan Area by 2040 would result in exceedance of SJVAPCD daily emissions screening criteria for ROG, NO<sub>x</sub>, and CO during worst-case construction, and annual mass emissions and daily screening thresholds for ROG, NO<sub>x</sub>, CO, PM<sub>10</sub>, and PM<sub>2.5</sub> during operation. This level of emissions can result in adverse human health outcomes, particularly for sensitive receptors, and is determined to be significant. With regard to TACs and resultant cancer risk, specifically, construction of new land uses under the proposed plan, transportation and utility improvements, and the development of new stationary sources of TACs subject to the permitting requirements of SJVAPCD would not result in the exposure of sensitive receptors to an incremental increase in cancer risk greater than 20 in 1 million or a hazard index greater than 1.0. The proposed plan would not result in development of new residential land uses or other sensitive receptors within 500 feet of a freeway or high-volume roadway, which is the setback distance recommended by CARB. The SCSP designates land near SR 99 as heavy industrial, and traffic volumes on SR 41 through the Plan Area do not exceed 100,000 vehicles per day, CARB's threshold for requiring a minimum 500-foot setback. Nevertheless, the development of land uses under the proposed plan with truck routes, operations, and loading near residences could result in the exposure of sensitive receptors to a level of cancer risk greater than 20 in 1 million. This impact would be significant.

### Cumulative Impact 5.4-3: Cumulative impacts to air quality in the SJVAB

## MITIGATION MEASURES

### Mitigation Measure 4.3-3a: Require Construction Health Risk Assessment

A site-specific HRA shall be required for all construction projects anticipated to last more than six months and located within 1,000 feet of sensitive receptors (as defined by SJVAPCD) regardless of intensity of construction. In addition to project-level health risk from construction, future construction HRAs must evaluate cumulative health risk levels from project implementation. All recommendations from the HRA shall be enforced as conditions of approval of the development. If the recommendations of the HRA are insufficient to reduce impacts to levels at or below

SJVAPCD's threshold of 20 in one million, such development with significant cancer risk (i.e., that exceed that threshold) shall be prohibited.

#### **Mitigation Measure 4.3-3b: Require Operational Health Risk Assessment**

A site-specific HRA shall be required for the operation of projects that propose the use of TAC-emitting equipment or industrial processes. In addition to project-level health risk from operation, future operation HRAs must evaluate cumulative health risk levels from project implementation. All recommendations from the HRA shall be enforced as conditions of approval of the development. If the recommendations of the HRA are insufficient to reduce impacts to levels at or below SJVAPCD's threshold of 20 in one million, such development with significant cancer risk shall be prohibited.

#### **Mitigation Measure 4.3-3c: Incorporate Design Features at Truck Loading Areas to Reduce Health Risk Exposure at Sensitive Receptors**

Future developments under the plan shall be designed so that truck loading/unloading facilities shall be located at an appropriate setback distance from sensitive receptors. Project-level design, including setback distance, shall be informed by the findings of a qualified, site-specific HRA, conducted in accordance with SJVAPCD guidance and approved by SJVAPCD that shows that the associated level of cancer risk at the sensitive receptors would not exceed 20 in 1 million. A truck loading/unloading facility is defined as any truck distribution yard, truck loading dock, or truck loading or unloading area where more than one truck with three or more axles will be present for more than 10 minutes per week, on average; and sensitive receptors include residential land uses, campus dormitories and student housing, residential care facilities, hospitals, schools, parks, playgrounds, and daycare facilities. If the HRA determines that a nearby sensitive receptor would be exposed to an incremental increase in cancer risk greater than 20 in 1 million then design measures shall be incorporated to reduce the level of risk exposure to less than 20 in 1 million. Design measures may include but are not limited to the following:

- ▶ All truck loading/unloading facilities to be equipped with one 110/208-volt power outlet for every two-truck loading/unloading facility. A minimum 2-foot-by-3-foot sign shall be clearly visible at each loading dock that indicates, "Diesel engine idling limited to a maximum of 2 minutes." The sign shall include instructions for diesel trucks idling for more than 2 minutes to connect to the 110/208-volt power to run any auxiliary equipment.
- ▶ The use of electric-powered "yard trucks" or forklifts to move truck trailers around a truck yard or truck loading/unloading facility.
- ▶ The use of buildings or walls to shield commercial activity from nearby residences or other sensitive land uses.
- ▶ The use of EPA-rated Tier 4 Final engines in diesel-fueled construction equipment when construction activities are adjacent to existing sensitive receptors.
- ▶ The planting and maintenance of vegetative buffers between truck loading/unloading facilities and nearby residences, schools, daycare facilities, and any other sensitive receptors. As part of detailed site design, a landscape architect licensed by the California Landscape Architects Technical Committee shall identify all locations where trees should be located, accounting for areas where shade is desired such as along pedestrian and bicycle routes, the locations of solar photovoltaic panels, and other infrastructure.
- ▶ The use of all electrical-powered Transportation Refrigeration Units (TRUs).
- ▶ The use of all electric heavy-duty trucks.

#### **Mitigation Measure 4.3-3d: Protect New and Existing Sensitive Land Uses**

To minimize impacts from TAC exposure, for future subsequent development under the proposed plan, the following measures shall be implemented:

- ▶ Avoid siting new sensitive land uses within 500 feet from the centerline of a freeway, unless such development contributes to smart growth, open space, or transit-oriented goals, in which case the development shall include

feasible measures such as separation/setbacks, landscaping, barriers, ventilation systems, air filters/cleaners, and/or other effective measures to minimize potential impacts from air pollution.

- ▶ Require new sensitive land uses to include feasible measures such as separation/setbacks, landscaping, barriers, ventilation systems, air filters/cleaners, and/or other effective measures to minimize potential impacts from air pollution.
- ▶ For future development requiring the use of heavy-duty trucks, designate truck routes that avoid sensitive land uses.
- ▶ Require that zoning regulations provide adequate separation and buffering between existing and proposed residential and industrial uses (i.e., a minimum of 1,000 feet).
- ▶ Designate truck routes to avoid residential areas including low-income and minority neighborhoods.

## FINDING

### Impact 4.3-3

Implementation of Mitigation Measure 4.3-3a would require future development under the proposed plan to prepare a project-level construction HRA to assess the potential significance of diesel PM generated during construction on nearby sensitive receptors. If a project cannot demonstrate that mitigation or project design commitments are sufficient to reduce cancer risk to below SJVAPCD's threshold of 20 in 1 million, the development would not be permitted. Similarly, Mitigation Measure 4.3-3b would require a future development to evaluate its operational contribution of TACs through the preparation of an HRA. If the findings of the HRA demonstrate that emissions would exceed SJVAPCD's cancer and noncancer thresholds of significance, that development would not be permitted. Mitigation Measure 4.3-3c would ensure that a truck loading/unloading facility would not be located within 1,000 feet of a sensitive receptor (e.g., residence, school, daycare facility), which is the CARB-recommended setback distance (CARB 2005: 15), unless a site-specific, SJVAPCD-approved HRA shows that the associated level of cancer risk at the sensitive receptors would not exceed 20 in 1 million. Implementation of Mitigation Measure 4.3-3d would ensure that new residences would not be located within 500 feet of freeways adjacent to the Plan Area, which is the CARB-recommended setback distance (CARB 2005: 10), unless a site-specific, SJVAPCD-approved HRA shows that the associated level of cancer risk at the sensitive receptors would not exceed 20 in 1 million. In addition, as the projects continue to develop over time within the Plan Area, new TAC sources (stationary and mobile) would likely increase the background risk levels in the area, thus potentially exposing receptors to levels greater than 20 in 1 million. Mitigation Measure 4.3-3d provides guidance for siting new sensitive receptors near truck routes and existing sources of TACs. Additionally, Mitigation Measures 4.3-1b, 4.3-1c, 4.3-1e, 4.3-1h, and 4.3-1i include performance standards that would reduce diesel PM emissions from project construction and operation through the prohibition of diesel-powered generators, limiting construction exhaust emissions, and electrification of trucks and vehicles. Mitigation Measure 4.3-3a and 4.3-3b would require project-level HRAs for construction and operation and includes the requirement that projects resulting in an exceedance of SJVAPCD's thresholds not be approved. Nevertheless, at this programmatic stage, it cannot be assured that future TAC emissions from new development in the Plan Area would not expose receptors to a substantial level of pollution. Therefore, while Implementation of Mitigation Measure 4.3-3a through 4.3-3d could substantially reduce TAC emissions, at this programmatic stage and in consideration of the proposed plan's potential to cumulatively combine with its own proposed development and other existing development, this impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

### Cumulative Impact 5.4-3

#### Construction Emissions

Implementation of Mitigation Measures 4.3-1a through 4.3-1m would reduce the proposed plan's emissions to a less-than-significant level. However, because of the scale and extent of construction activities that would occur, as well as the uncertainty of specific construction activities and timing, construction activities could overlap, resulting in

emissions that would interfere with the attainment status for these pollutants. Therefore, the proposed plan's contribution to cumulative construction emission impacts would be cumulatively considerable. Because no additional mitigation is available beyond what is identified in this EIR, the cumulative impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

#### Long-Term Operational Emissions

Mitigation Measures 4.3-1a through 4.3-1l would reduce the proposed plan's on-site emissions, and 4.3-1m would further reduce the proposed plan's emissions to a less-than-significant level through the contractual agreement between future project applicants and the air district in the form of a Voluntary Emissions Reduction Agreement. Nevertheless, in consideration of the cumulative nature of air pollution (i.e., regional attainment status determined by the combined emissions of past, present, and future projects), it cannot be assured that Mitigation Measures 4.3-1a through 4.3-1m would not cumulatively combine to create a significant impact. Therefore, the proposed plan's contribution to the nonattainment status of the SJVAB with respect to the CAAQS and NAAQS would be cumulatively considerable. Because no additional mitigation is available beyond what is identified in this EIR, the cumulative impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

#### Toxic Air Contaminants

Although Mitigation Measures 4.3-3a through 4.3-3d would reduce TACs generated from development of the proposed plan, its contribution is significant because of the scale of development; the uncertainty in the number, type, and location of TAC sources; and the level of associated health risk exposure that would result at any one location. It cannot be determined with certainty that future TAC concentrations would not expose any receptors to levels that exceed 20 in 1 million when combined with other projects. Consequently, the proposed plan's contribution to cumulative TACs impacts would be cumulatively considerable. Because no additional mitigation is available beyond what is identified in this EIR, the cumulative impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

## Cultural and Tribal Cultural Resources

An evaluation of the project's impacts related to cultural and tribal cultural resources is found in Section 4.5, "Cultural and Tribal Cultural Resources," of the Final EIR. Implementation of the proposed plan would cause a substantial adverse change in the significance of a historical resource (**Impact 4.5-1 and Cumulative**). This impact would be significant and unavoidable at the project and cumulative level.

### **Impact 4.5-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource**

Under the proposed plan, land use designations in the Plan Area would be revised. Development associated with implementation of the proposed plan could result in damage to or destruction of historic buildings and structures, thereby resulting in a substantial adverse change in the significance of a historical resource as defined in Section 15064.5. This impact would be potentially significant.

### **Cumulative Impact 5.4-5: Contribution to cumulative impacts to cultural and tribal cultural resources**

## MITIGATION MEASURES

### **Mitigation Measure 4.5-1: Conduct Project-Specific Surveys and Identify and Implement Measures to Protect Identified Historic Resources**

During project-specific environmental review of development under the proposed plan, before altering or otherwise affecting a building or structure that is 50 years old or older, the City shall require project applicants to retain a

qualified architectural historian meeting the Secretary of Interior's Professional Qualifications Standards to record the building or structure on a California Department of Parks and Recreation DPR 523 form or equivalent documentation, if the building has not previously been evaluated. Its significance shall be assessed and documented by a qualified architectural historian in accordance with the significance criteria set forth for historic resources under CEQA Guidelines Section 15064.5. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance of the structure in the history of the City and the region. For buildings, structures, and other resources determined through this evaluation process not to meet the CEQA historical resource criteria, no further mitigation is required.

For any building, structure, and or other resource that qualifies as a historic resource, the architectural historian and the future project-specific applicant shall consult to consider measures that would enable projects under the proposed plan to avoid direct or indirect impacts to the historic building or structure. These could include preserving the building on site, using it "as is," or other measures that would not materially alter the historically significant components of the building or structure. If the project cannot feasibly avoid modifications to the historically significant features of the historic building or structure, the following measures shall be undertaken as appropriate:

- 1) If the building or structure can be preserved on-site, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings* (NPS 2017).
- 2) If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, the City shall ensure that a qualified architectural historian thoroughly documents the building and associated landscaping and setting. Documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey or Historic American Engineering Record, including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. A copy of the record shall be provided to the City. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.
- 3) If preservation and reuse at the site are not feasible, the historical building shall be documented as described in item (2) and, when physically and financially feasible, be moved and preserved or reused.

## FINDING

### Impact 4.5-1:

Implementation of Mitigation Measure 4.5-1 would reduce potentially significant impacts on historic resources because actions would be taken to record, evaluate, avoid, or otherwise treat the resource appropriately, in accordance with pertinent laws and regulations. However, State CEQA Guidelines Section 15126.4(b)(2) notes that in some circumstances, documentation of a historical resource shall not mitigate the effects of demolition of that resource to a less-than-significant level because the historic resources would no longer exist. Therefore, because the potential for permanent loss of a historic resource or its integrity cannot be precluded, the proposed plan's impacts on historic resources would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

### Cumulative Impact 5.4-5:

Regarding historic resources, implementation of Mitigation Measure 4.5-1 would require a historic structure report and evaluation of resources prior to ground-disturbing activities and would require all report recommendations be implemented to offset the SCSP's contribution. However, it is possible that a historic building would need to be demolished or altered in such a way that it would no longer convey its historic significance. Therefore, the proposed plan's potential contribution to cumulative historic resource impacts would be cumulatively considerable. Because no

additional mitigation is available beyond what is identified in this EIR, the cumulative impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

## Greenhouse Gas Emissions and Climate Change

An evaluation of the project's impacts related to greenhouse gas emissions is found in Section 4.8, "Greenhouse Gas Emissions and Climate Change," of the Final EIR. Implementation of the SCSP would result in the following significant and unavoidable impacts.

### **Impact 4.8-1: Generate GHG Emissions, Either Directly or Indirectly, That May Have a Significant Impact on the Environment**

The proposed plan would result in GHG emissions during both construction and operation of plan development implemented over the planning period. It would result in a less-than-significant VMT impact (i.e., 33 percent below a 2015 baseline), which would align with CARB's direction in Appendix D of the 2022 Scoping Plan to reduce VMT statewide. However, the proposed plan would allow for natural gas usage for commercial, residential, and industrial land uses and does not provide a standard for future land uses to meet the Tier 2 voluntary requirements of the CALGreen Code. (Mitigation measures for air quality impacts [see section 4.3, "Air Quality"] recommend prohibiting or severely reducing use of natural gas in plan development, but this analysis is based on potential effects prior to implementation of mitigation.) Therefore, the proposed plan would not align with CARB's direction to decarbonize buildings or electrify the mobile source sector. Therefore, the proposed plan would not be consistent with the 2022 Scoping Plan and would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment or conflict with state GHG reduction goals. This impact would be significant.

### **Impact 4.8-2: Conflict with Any Applicable Plan, Policy or Regulation of an Agency Adopted for the Purpose of Reducing the Emissions of GHGs**

The proposed plan would have a less-than-significant VMT impact, thus aligning with CARB's direction to reduce statewide VMT. However, it would not prohibit natural gas usage for commercial and residential land uses and would not provide a standard for future land uses to meet the Tier 2 voluntary requirements of the CALGreen Code. Therefore, the proposed plan would not align with CARB's direction to decarbonization buildings or electrify the mobile source sector. Therefore, the proposed plan would not be consistent with the 2022 Scoping Plan. This impact would be significant.

### **Cumulative Impact 5.4.8: Contribution to cumulative GHG impacts**

## MITIGATION MEASURES

Mitigation Measures 4.3-1b, 4.3-1c, 4.3-1g, 4.3-1h, 4.3-1i, 4.3-1j, 4.3-1k, 4.3-1l, 4.3-1m, 4.6-2a, 4.6-2b, 4.6-2c, and 4.6-2d.

### **Mitigation Measure 4.8-1a: Use Low-Carbon Concrete**

Use low-carbon concrete, minimize the amount of concrete used and produce concrete on-site if it is more efficient and lower emitting than transporting ready-mix.

### **Mitigation Measure 4.8-1b: Use Locally Sourced or Recycled Materials**

Use locally sourced or recycled materials for construction materials (goal of at least 20 percent based on costs for building materials and based on volume for roadway, parking lot, sidewalk and curb materials). Wood products used should be certified through a sustainable forestry program.

## FINDING

### Impacts 4.8-1 and 4.8-2:

Implementation of Mitigation Measures 4.3-1b, 4.3-1c, 4.3-1g, 4.3-1h, 4.3-1i, 4.3-1l, 4.3-1m, 4.6-2c, 4.6-2d, 4.8-1a, and 4.8-1b would reduce the proposed plan's operational GHG emissions through providing EV infrastructure meeting the Tier 2 requirements of the CALGreen Code, inclusion of low-emissions vehicles, electric development, and use of renewable biogas, use of clean construction fleets, use of recycled materials for building construction, and use of low carbon concrete, where possible. Mitigation Measures 4.3-1j, 4.3-1k, and 4.6-2a would ensure that future development under the proposed plan would align with the Transportation Electrification and Building Decarbonization Priority Areas of Appendix D of the 2022 Scoping Plan.

However, the City cannot guarantee future industrial businesses would source their natural gas from renewable resources due to limitations regarding enforceability. Given that heavy industrial comprises the majority of the proposed plan and would generate substantial emissions during operation, implementation of Mitigation Measures 4.3-1b, 4.3-1c, 4.3-1g, 4.3-1h, 4.3-1i, 4.3-1l, 4.3-1m, 4.6-2a, 4.6-2b, 4.6-2c, 4.6-2d, 4.8-1a, and 4.8-1b would not be sufficient to reduce impacts to a less-than-significant level. Thus, this impact is significant and unavoidable.

### Cumulative Impact 5.4.8:

Implementation of Mitigation Measures 4.3-1b, 4.3-1c, 4.3-1g, 4.3-1h, 4.3-1i, 4.3-1l, 4.3-1m, 4.6-2a, 4.6-2b, 4.6-2c, 4.6-2d, 4.8-1a, and 4.8-1b would reduce the proposed plan's operational GHG emissions; however, the City cannot guarantee future industrial businesses would source their natural gas from renewable resources due to limitations regarding enforceability. Given that heavy industrial uses comprise the majority of the Plan Area and would generate substantial emissions during operation, the proposed plan's contribution to cumulative GHG impacts would be cumulatively considerable. Because no additional mitigation is available beyond what is identified in this EIR, the cumulative impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

## Noise

An evaluation of the project's impacts related to noise is found in Section 4.12, "Noise," of the Final EIR. The following impacts were identified as significant and unavoidable:

### Impact 4.12-1: Substantial Temporary (Construction) Noise Levels That Exceed City Noise Control Ordinance Standards

It is anticipated that development of the Plan Area would occur gradually over time and that various levels of construction could occur throughout the Plan Area at any given time. While specific construction intensity, duration, and locations are not currently known, reference noise levels for typical construction equipment associated with land development were used to assess peak construction noise. Based on those reference levels, construction noise could reach levels of up to 82.9 dBA  $L_{eq}$  and 88.0 dBA  $L_{max}$ . In addition, some construction work for utility installation. This impact would be significant.

### Impact 4.12-2: Substantial Permanent Stationary or Area Noise Sources That Exceed the City Residential Noise Control Ordinance Standards

Future development in the Plan Area is assumed to be primarily industrial, commercial, and retail, with some additional residential in designated portions of the Plan Area. Noise sources associated with these land uses include mechanical equipment, such as HVAC units, backup emergency generators, vehicular and human activity, parking lots, loading dock and delivery activities at commercial/industrial land uses. The plan is designed to buffer residentially designated areas with less intensive land uses (e.g., Business Park) such that new industrial uses would not be located within distances that could expose existing sensitive receptors to excessive stationary noise levels. However, exact types of development, locations, building footprints, and building orientations are yet unknown;



therefore, it is possible that new stationary noise sources could result in excessive noise levels at sensitive receptors and exceed applicable City of Fresno standards. This impact would be significant.

#### **Impact 4.12-3: Substantial Permanent Traffic Noise Levels That Exceed City Traffic Noise Standards**

Development of the Plan Area could result in new and expanded roadways to serve future development as well as increases in long-term truck and passenger vehicle traffic and associated noise increases on existing affected roadways. Existing and future development within and near the Plan Area could be exposed to substantial increases in traffic noise levels that exceed City residential noise standards of 65 dBA  $L_{dn}/CNEL$ . While the focus of the SCSP is industrial development, it is possible that future development could result in the construction of sensitive uses (e.g., houses, schools, churches) near existing or future roads that generate substantial traffic noise. In addition, while the potential is limited, new development of sensitive uses could occur near the existing UPRR and BNSF tracks, exposing these new receptors to noise levels that exceed applicable noise standards. This impact would be significant.

#### **Impact 4.12-4: Construction or Operational Vibration Levels That Exceed FTA's Recommended Standards with Respect to the Prevention of Structural Damage and Human Response**

Potential vibration impacts could occur when project-related construction activities are close (i.e., within 550 feet) to sensitive land uses. Because the nature and locations of future development in the Plan Area are unknown at this time, the vibration impacts of pile-driving and other vibration-causing activities are similarly unknown. Given the emphasis on industrial development, however, it is possible that pile-driving and other vibration-inducing construction activities could occur near sensitive land uses. Specifically, the potential exists for pile driving to occur within 100 feet of a structure, exceeding FTA-recommended levels for structural damage (i.e., 0.2 in/sec PPV), and within 550 feet of a sensitive land use, exceeding FTA-recommended levels for vibration annoyance (i.e., 72 VdB). In addition, while most of the land adjacent to existing railroad tracks is designated Heavy Industrial under the plan, there are three areas adjacent to railroad tracks with Business Park and Residential land use designations. If sensitive uses were to be constructed in these areas within 350 feet of the railroad tracks, new sensitive receptors could be exposed to levels of vibration that exceed FTA-recommended levels of 65 VdB for infrequent events, such as passing trains. This impact would be significant.

#### **Cumulative Impact 5.4.12: Contribution to cumulative noise impacts**

## **MITIGATION MEASURES**

#### **Mitigation Measure 4.12-1: Implement Construction Noise Reduction Requirements**

The City shall require the following noise reduction measures to be implemented for all construction activities, as best management practices, that would be the responsibility of the construction contractors to implement:

- ▶ All construction equipment and equipment staging areas shall be located as far as possible from nearby noise-sensitive land uses (residences, schools, playgrounds, child-care centers, churches, hospitals, retirement homes, and convalescent homes).
- ▶ Idling of construction equipment for extended periods (i.e., 5 minutes) of time shall be prohibited.
- ▶ All construction equipment shall be properly maintained and equipped with noise reduction intake and exhaust mufflers and engine shrouds, in accordance with manufacturers' recommendations. Equipment engine shrouds shall be closed during equipment operation.
- ▶ Noise-intensive construction operations and techniques that cause noise levels to exceed City Noise Control Ordinance standards at sensitive receptors during the more noise-sensitive times of day (10 p.m. to 7 a.m., Monday through Saturday and all day Sunday) shall be replaced with quieter procedures (e.g., using welding instead of riveting, mixing concrete off site instead of on site) where such technology exists and would accomplish the same desired outcome compared to traditional construction methods.
- ▶ For construction activities required to occur at night within 3,900 feet of residential uses, noise attenuating buffers such as structures, truck trailers, temporary noise curtains, or sound walls shall be located between noise

sources and the receptor to shield sensitive receptors from construction noise to achieve a nighttime noise level of 45 dBA at the receptor.

#### **Mitigation Measure 4.12-2a: Conduct Acoustic Study**

In accordance with General Plan Policy NS-1-i, all new development applications that would include new stationary or mobile noise sources, significant remodels requiring discretionary review, and redevelopment adjacent to noise-sensitive land uses, will be required to prepare an acoustical analysis that evaluates potential noise impacts and recommends noise abatement mitigation to ensure compliance with the City's General Plan and Noise Ordinance. The City will require acoustical analyses for the purpose of identifying project-specific noise effects and required noise abatement measures.

#### **Mitigation Measure 4.12-2b: Require Consistency with Noise Code**

For future noise-generating developments proposed in the Plan Area, the City will require findings of consistency with SCSP noise policies and development standards; Fresno General Plan goals, objectives, policies, and implementation actions; Zoning Ordinance; Municipal Code; Building Code; and other local, federal, state, and regional regulations applicable to noise impacts as conditions of project approval and entitlement.

#### **Mitigation Measure 4.12-2c: Require Noise-Reducing Design Elements**

New non-residential projects adjacent to residential uses will be required to incorporate noise-reducing features (e.g., siting and orienting noise-intensive elements such as loading docks and HVAC units as far possible from sensitive receptors, use of soundproofing materials, noise barriers) into the project design to minimize impacts to nearby residential uses and other noise-sensitive land uses.

#### **Mitigation Measure 4.12-2d: Minimize Stationary Noise near Sensitive Uses**

New buildings proposed adjacent to existing and/or planned residential or other noise-sensitive land uses will be required to site and operate stationary equipment in a manner that limits adverse noise impacts and complies with adopted Municipal Code noise standards.

#### **Mitigation Measure 4.12-2e: Minimize Parking Lot Noise near Sensitive Uses**

Parking areas for new or redeveloped non-residential developments near sensitive receptors shall be buffered and shielded by noise-attenuating features and structures such as solid walls, solid fences, and/or adequate landscaping.

#### **Mitigation Measure 4.12-3a Reduce Transportation Noise Exposure**

All new transportation noise sources shall be evaluated for consistency with adopted transportation noise exposure levels (Table 15-2506-B of the City of Fresno Municipal Code).

#### **Mitigation Measure 4.12-3b: Reduce Noise Levels Associated with New, Expanded, or Extended Roads**

Before finalizing roadway design for any new or expanded roadway, along which sensitive land uses currently exist or could be allowed in the future based on proposed land use designation, a design-level acoustical study shall be prepared to identify specific noise-abating roadway design considerations, which shall be incorporated into final road design and approved by the City of Fresno. Design considerations may include, but are not limited to, minimum setback distances, the use of quiet pavement materials, sound barriers, and building/window retrofits for existing structures.

#### **Mitigation Measure 4.12-4a: Reduce Construction Vibration**

For construction activities that would require high-impact equipment (e.g., pile-driving, vibratory equipment, jackhammers) occurring within 100 feet of any building, to reduce the potential for structural damage, and within 550 feet of an occupied residence/building, to minimize disturbance from impact equipment, a vibration control plan shall be developed by the project applicant and construction contractors to be submitted to and approved by Fresno prior to approval of issuance of grading permits for development under the proposed plan. The plan shall be developed to achieve recommended vibration limits for structural damage and human disturbance, depending on

site-specific structure type and vibration source, in accordance with Federal Transit Administration's Transit Noise and Vibration Impact Assessment Manual methods and guidance, or more appropriate and available guidance at the time of development review. The plan may include measures such as, but not limited to, alternatives to impact pile driving and restrictions on pile driving activity.

#### **Mitigation Measure 4.12-4b: Reduce Rail Operations Vibration Exposure**

Construction of sensitive uses (e.g., residences, places of worship, day care centers) shall be prohibited within 350 feet of railroad tracks that are actively used or that could be used in the future. For sensitive uses proposed within 500 feet of an existing rail line, the City will require a project-level vibration assessment conducted by a qualified acoustical engineer or noise specialist in accordance to determine vibration levels at specific building locations and recommend feasible structural mitigation measures (e.g., isolation strip foundations, insulated windows and walls, sound walls or barriers, distance setbacks, or other construction or design measures), if necessary, to reduce vibration-noise to acceptable levels.

#### **Mitigation Measure 4.12-4c: Reduce Truck Operation Vibration Exposure**

The City shall formally designate truck routes in the Plan Area that avoid streets with existing and future sensitive receptors. The City shall implement physical improvements (e.g., relative to turning radii, lane widths, access management), signage, enforcement and other appropriate measures to limit truck traffic to approved routes.

#### **Mitigation Measure 4.12-4d: Reduce Vibration Exposure from Operational Stationary Equipment**

New industrial uses that would include vibration-generating stationary equipment within 550 feet of sensitive land uses shall be required to conduct site-specific noise and vibration assessments to determine potential vibration levels at sensitive receptors. If vibration levels are found to exceed FTA thresholds at any such receptor, the vibration-generating equipment shall be relocated such that the standard is achieved at the receptor, or the use shall be prohibited.

## **FINDING**

#### **Impact 4.12-1:**

Implementation of Mitigation Measures 4.12-1 would provide substantial reductions in daytime and nighttime construction noise levels by including noise reduction measures such as ensuring proper equipment use; locating equipment away from sensitive land uses; and requiring the use of barriers and berms. Even with these measures, however, construction noise could temporarily reach high levels and disrupt sensitive receptors, depending on their proximity. Thus, this impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

#### **Impact 4.12-2:**

The implementation of Mitigation Measures 4.12-2a through 4.12-2e would reduce noise exposure from existing and new stationary sources; however, because the specific noise sources and available noise reducing technology/design features for each cannot be determined at this time, it is possible that even with all the available noise reducing design considerations that noise standards be exceeded. This impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

#### **Impact 4.12-3:**

New sensitive land uses would be designed to meet interior noise standards thus minimizing noise exposure during the more sensitive times of the day. However, the addition of transportation noise generated by future development under the plan could result in exceedance of the 65 dBA  $L_{dn}$ /CNEL transportation noise standard for sensitive uses on many roads. Exterior noise levels at existing noise-sensitive residences could be remediated by implementing such actions as building sound walls, retrofitting buildings (including windows), and relocating sensitive receptors, but in the case of the proposed plan, these measures may not be feasible in all areas. For example, concrete cinderblock

noise barriers would be less effective with gaps (e.g., for residential driveway access). Also, property owners of existing residential uses affected by increased traffic noise may not agree to the installation of sound walls on their properties. In addition, the traffic noise reduction from the use of "quiet" pavement would diminish over time because of normal wear and tear from traffic and weather. This impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

#### **Impact 4.12-4:**

The implementation of Mitigation Measures 4.12-4a through 4.12-4d would reduce construction and operational vibration impacts to the extent feasible and require future development to be designed and located in a manner that minimizes vibration exposure to existing and new sensitive receptors. However, given that the details of future developments under the plan and potential truck routes are yet unknown, it is possible that such uses, even with mitigation, could disrupt sensitive receptors. This impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

#### **Impact 5.4.12: Contribution to cumulative noise impacts**

##### Construction Noise

Implementation of Mitigation Measure 4.12-1a would provide substantial reductions in daytime and nighttime construction noise levels; however, construction noise could nonetheless temporarily reach high levels and disrupt sensitive receptors, depending on their proximity throughout buildout of the proposed plan. Consequently, while the construction activities would follow various noise mitigation measures and ordinances, the proposed plan's contribution to cumulative construction noise impacts would be cumulatively considerable. Because no additional mitigation is available beyond what is identified in this EIR, the cumulative impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

##### Truck-Generated Vibration

Operation of future projects could result in truck-generated vibration impacts on existing sensitive receptors and—though unlikely—future sensitive uses could be developed within the small areas of land in the proposed Business Park and Residential land use designations adjacent to existing railroad tracks. Implementation of Mitigation Measure 4.12-2b through 4.12-2d would reduce operational vibration impacts to the extent feasible and require future development to be designed and located in a manner that minimizes vibration exposure to existing and new sensitive receptors. However, given that the details of future developments under the plan and potential truck routes are yet unknown, it is possible that such uses, even with mitigation, could disrupt sensitive receptors. Therefore, the proposed plan's contribution to cumulative operational vibration noise impacts would be cumulatively considerable. Because no additional mitigation is available beyond what is identified in this EIR, the cumulative impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

##### Operational Noise (Stationary and Transportation)

Regarding stationary noise increases, the proposed plan would result in land use development that typically includes stationary noise sources such as noise from mechanical equipment, such as heating, ventilation, and air conditioning (HVAC) units; backup emergency generators; vehicular and human activity; parking lots; loading docks; and delivery activities at commercial/industrial land uses. As discussed in Impact 4.12-3 in Section 4.12, "Noise," the proposed plan is designed to buffer residentially designated areas with less intensive land uses (e.g., Business Park) such that new industrial uses would not be located within distances that could expose existing sensitive receptors to excessive stationary noise levels. However, exact types of development, locations, building footprints, and building orientations are yet unknown; therefore, it is possible that new stationary noise sources could result in excessive noise levels at

sensitive receptors and exceed applicable City of Fresno standards. Implementation of Mitigation Measures 4.12-3a through 4.12-3e would reduce noise exposure from existing and new stationary sources; however, the impact would remain significant and unavoidable and could combine with other off-site stationary sources to result in considerable increases in noise. Thus, the proposed plan's contribution to cumulative operational noise impacts from stationary sources would be cumulatively considerable. Because no additional mitigation is available beyond what is identified in this EIR, the cumulative impact would be significant and unavoidable.

In addition, traffic generated by future planned development in the region would result in additional traffic-related noise on surrounding roadways. Development of the Plan Area could result in new and expanded roadways to serve future development as well as increases in long-term traffic and associated noise increases on existing affected roadways. Existing and future development within and near the Plan Area could be exposed to substantial increases in traffic noise levels that exceed City residential noise standards of 65 A-weighted decibels (dBA) day-night average noise level Community Equivalent Noise Level (dBA  $L_{dn}$ /CNEL). Future development could result in the construction of sensitive uses (e.g., houses, schools, churches, hospitals) near existing or future roads that generate substantial traffic noise. In addition, new development of sensitive uses could occur near the existing UPRR and BNSF tracks, exposing these new receptors to noise levels that exceed applicable noise standards. Implementation of Mitigation Measures 4.12-2b, 4.12-3a, and 4.12-3b would reduce noise exposure from transportation sources; however, the proposed plan could nonetheless result in exceedance of the 65 dBA  $L_{dn}$ /CNEL transportation noise standard for sensitive uses on many roads. Further, combined with traffic from other development in the area, additional increases in transportation noise could occur. Thus, the proposed plan's contribution to cumulative traffic volumes in the area would result in additional substantial increases in noise as well as additional noise sources within the vicinity. The proposed plan's contribution would be cumulatively considerable. Because no additional mitigation is available beyond what is identified in this EIR, the impact would be significant and unavoidable. Pursuant to CEQA Guidelines Section 15091(a)(3), specific economic, legal, technological, or other considerations, make infeasible mitigation measures or project alternatives identified in the Final EIR.

### 3 FINDINGS REGARDING ALTERNATIVES

Section 15126.6(a) of the State CEQA Guidelines requires an EIR to "describe a reasonable range of alternatives to a project, or the location of a project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives." The Final EIR identified and considered the following feasible alternatives to the proposed plan which would be capable, to varying degrees, of reducing identified impacts:

- ▶ No Project/General Plan Alternative
- ▶ Farmland Conservation Alternative
- ▶ Reduced Plan Area Alternative

In addition to the above-listed alternatives which were developed in accordance with CEQA requirements, the alternatives section includes analysis of two project options, one put forward by members of the community and another by representatives of plan area businesses. For purposes of full disclosure, the EIR also evaluated the comparative effects of these options:

- ▶ Community Plan Option
- ▶ Business Plan Option

These alternatives and options are evaluated for their ability to avoid or substantially lessen the impacts of the proposed project identified in the Final EIR, as well as consideration of their ability to meet the basic objectives of the project as described in the Final EIR.

Table 3-1 shows potential development anticipated to be generated within the Plan Area for the proposed plan and alternatives by 2040. As shown in Table 3-1, the proposed plan and alternatives would primarily generate growth for retail, office, industrial, and (for some alternatives) residential units. Other land uses would be permitted in

accordance with the General Plan land use designations, including, for example, mixed use, open space, and public facilities; however, these are not shown in Table 3-1 because they are not the focus of the SCSP. While the total development estimated under the proposed plan and alternatives would be the same (12,021,744 square feet), the mix of land uses would be different, as shown in Table 3-1 and in the figures in this chapter. For all alternatives except the No Project/General Plan Land Use Alternative, the City would be required to amend the General Plan to allow for the proposed land use changes.

**Table 3-1 Development Projections for the Proposed Plan, Alternatives, and Options (2022-2040)**

Land Use	No Project/ General Plan Land Use Alternative (sq. ft.)	Proposed Plan (sq. ft.)	Farmland Conservation Alternative	Reduced Plan Alternative	Community Plan Option (sq. ft.)	Business Plan Option (sq. ft.)
Retail	340,492	866,676	710,674	502,672	3,871,826	277,375
Office	578,790	578,790	474,608	335,698	4,008,553	578,790
Industrial	11,102,462	10,576,278	8,672,548	6,134,241	4,141,365	11,165,579
<b>Total Non-Residential</b>	<b>12,021,744</b>	<b>12,021,744</b>	<b>9,857,830</b>	<b>6,972,612</b>	<b>12,021,744</b>	<b>12,021,744</b>
Residential Units	0	91 units	75 units	53 units	739 units	0

Source: Prepared by Ascent Environmental in 2024.

Table 3-2 shows the residential and job growth anticipated to occur within the Plan Area with implementation of the proposed plan and alternatives.

**Table 3-2 Anticipated Population and Job Growth for the Proposed Plan and Alternatives (2022-2040)**

Land Use	No Project/General Plan Land Use Alternative	Proposed Plan	Farmland Conservation Alternative	Reduced Plan Alternative	Community Plan Option	Business Plan Option
<b>Total Residential Growth</b>	<b>0</b>	<b>313 persons</b>	<b>258 persons</b>	<b>182 persons</b>	<b>2,262 persons</b>	<b>0</b>
Food (Restaurants)	18 employees	183 employees	33 employees	106 employees	2,650 employees	19 employees
Industrial	11,102 employees	10,576 employees	8,673 employees	6,134 employees	4,141 employees	11,166 employees
Office	1,929 employees	1,928 employees	1,582 employees	1,118 employees	13,010 employees	1,929 employees
Retail	670 employees	1,624 employees	1,421 employees	942 employees	6,154 employees	543 employees
<b>Total Job Growth</b>	<b>13,702 employees</b>	<b>14,311 employees</b>	<b>11,709 employees</b>	<b>8,300 employees</b>	<b>25,955 employees</b>	<b>13,657 employees</b>

Source: Prepared by Ascent Environmental in 2024.

## 3.1 NO PROJECT/GENERAL PLAN LAND USE ALTERNATIVE

### Description

Under CEQA, the No Project Alternative must consider the effects of forgoing the project altogether. The purpose of analyzing the No Project Alternative is to allow decision makers to compare the impacts of the proposed project versus no project. The No Project Alternative can consist of either a “no development” alternative, under which no development occurs in the project area, or an alternative under which development is assumed to occur consistent with the presiding development plan and according to existing land use designations, or both.

The Plan Area has already been slated for growth per the approved Fresno General Plan. As such, this Draft EIR analyzes a no project alternative that assumes development consistent with the land use designations in the existing General Plan.

Table 3-1 shows that the No Project/General Plan Land Use Alternative differs from the proposed plan with respect to the types of urban land uses identified. The General Plan does not include residential land uses in the Plan Area. Further, the General Plan designates a majority of the Plan Area for industrial uses, whereas the proposed plan would reallocate 526,184 square feet of proposed industrial land use to retail. The General Plan includes less than half of the amount of retail than would be developed under the proposed plan. Notwithstanding these differences, the total development under the General Plan and the proposed plan would be the same (12,021,744 square feet).

Table 3-2 above shows the residential and job growth anticipated to occur within the Plan Area with implementation of the General Plan versus the proposed plan. This alternative would generate no residential growth and less job growth than the proposed plan (4 percent less [609/14,311]).

## Comparison of Environmental Impacts

As shown in the Draft EIR analysis, implementation of the No Project/General Plan Land Use Alternative would not avoid or substantially reduce any of the significant impacts of the proposed plan. This alternative would have similar impacts for aesthetics, agriculture and forestry resources, biological resources, cultural and tribal cultural resources, energy, geology, soils, and mineral resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, and public services and recreation. This alternative would result in greater impacts for air quality, greenhouse gas emissions and climate change, transportation and circulation, and utilities and service systems.

## Feasibility, Attainment of Project Objectives, and Findings

As shown in the Draft EIR analysis, No Project/General Plan Land Use Alternative would not meet most of the project objectives, nor would it substantially reduce or avoid any impacts. Among other things, it would not result in revised land use designations and zoning that reflect existing conditions (e.g., residential areas), nor would it result in downzoning of areas adjacent to residential and school uses to buffer these areas from heavy industrial land uses. Because the SCSP would better balance existing sensitive uses with future development in the plan area that would bring economic development and diverse employment to Fresno, the proposed plan is the more desirable choice for the City. Therefore, the City Council rejects the No Project/General Plan Land Use Alternative.

### 3.2 FARMLAND CONSERVATION ALTERNATIVE

#### Description

Section 4.2, "Agriculture and Forestry Resources," of the Draft EIR, identifies significant impacts related to the loss of Important Farmland and potential conflicts with farmland under Williamson Act contracts. These significance determinations relate to the potential conversion of approximately 992 acres of Prime Farmland and Farmland of Statewide Importance as well as potential conflicts with approximately 153 acres (located outside the existing City limits but within the City's sphere of influence) under Williamson Act contracts. The Farmland Conservation Alternative addresses these issues.

The Farmland Conservation Alternative would reduce the proposed plan's significant impacts related to agricultural resources by conserving specific parcels of farmland within the Plan Area. This alternative would conserve a total of approximately 992 acres of Important Farmland that would not be conserved under the proposed plan. No future development would be permitted on farmland designated for conservation. The land identified for conservation was considered to balance highest value agricultural land, while providing a functional land use plan, and also maintaining

contiguous agricultural parcels. It is important to note that although development would not be allowed in the land identified for conservation, ground disturbing activity consistent with agricultural uses would still be permitted.

This alternative would reduce the total amount of development allowed in the Plan Area by approximately 18 percent, compared with the proposed plan (4,575 acres vs. 5,567 acres), and would include a similar mix of land uses, including residential (Table 3-1).

Table 3-2 above shows the residential and job growth anticipated to occur within the Plan Area with implementation of the Farmland Conservation Alternative versus the proposed plan. This alternative would generate less residential growth (18 percent less [55/313]) and job growth (18 percent less [2,602/14,311]) than the proposed plan. The use regulations, permit requirements, and development standards for this alternative would be the same as the proposed plan.

## Comparison of Environmental Impacts

As shown in the Draft EIR analysis, the Farmland Conservation Alternative was considered the environmentally superior because it would eliminate the proposed plan's significant and unavoidable impacts related to the conversion of farmland and conflicts with Williamson Act contracts. This alternative would have less impacts for aesthetics, air quality, biological resources, energy, geology, soils, and mineral resources, greenhouse gas emissions and climate change, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services and recreation, and utilities and service systems. This alternative would result in similar impacts for cultural and tribal cultural resources, land use and planning, population and housing, and transportation and circulation.

## Feasibility, Attainment of Project Objectives, and Findings

As shown in the Draft EIR analysis, the Farmland Conservation Alternative would not meet most of the project objectives. While it would eliminate the significant and unavoidable impacts related to the conversion of farmland and conflicts with Williamson Act contracts and reduce other effects by virtue of its reduced development acreage, it would drastically reduce the area available for desirable economic development and quality employment. The Farmland Conservation Alternative would decrease projected 2040 development levels by over 2 million square feet, decrease the selection of land available for desirable industries and employers, result in more than 2,500 fewer jobs, and limit the City's ability to take full advantage of its strategic location in central California and adjacent to rail lines and two major highways (State Routes 41 and 99). Because the SCSP would better achieve the City's economic development and job-creation goals, the proposed plan is the more desirable choice for the City. Therefore, the City Council rejects the Farmland Conservation Alternative.

### 3.3 REDUCED PLAN AREA ALTERNATIVE

#### Description

The City explored alternatives that would reduce the intensity and overall amount of industrial development described for the proposed plan. It was determined that downward adjustments to allowable floor area ratios of individual parcels, beyond those assumed in the proposed plan, would not be feasible because they would limit development potential to such a degree that parcels would not be able to support industrial development. For example, lowering the floor area ratio may limit the feasibility to develop uses such as warehouse, office, and research and development. In addition, this change may encourage heavy industrial uses, because these use do not require as much building square footage. The only feasible option was to reduce the number of overall acres designated for industrial development. One reasonable alternative is to consider an alternative that focuses development fully within the Fresno city limits. Therefore, this alternative removes any development potential currently within the county and



within the City's sphere of influence. Although it is possible that some or all of this excluded land area could be proposed for development either with the County as lead agency or in the future by the City after annexation of land, the specifics of such development would be speculative, and it is reasonable to assume that removing the area within the sphere of influence from the SCSP would have a dampening effect on the rate and intensity of development in those areas.

This alternative would reduce the size of the Plan Area by approximately 42 percent (3,224 acres versus 5,567 acres for the proposed plan), have a commensurate reduction in development, and include a similar mix of land uses (Table 3-1). Table 3-2 above shows the population and job growth anticipated to occur in the Plan Area with implementation of the Reduced Plan Area Alternative compared with growth under the proposed plan. Assuming proportionate reductions, this alternative would generate 42 percent less population and job growth than the proposed plan. The use regulations, permit requirements, and development standards for this alternative would be the same as the proposed plan.

## Comparison of Environmental Impacts

As shown in the Draft EIR analysis, due to its reduced footprint and reduced level of development, the Reduced Plan Area Alternative would result in less impacts for aesthetics, air quality, biological resources, energy, geology, soils, and mineral resources, greenhouse gas emissions and climate change, hazards and hazardous materials, hydrology and water quality, noise, population and housing, public services and recreation, and utilities and service systems. This alternative would result in similar impacts for cultural and tribal cultural resources, land use and planning, population and housing, and transportation and circulation. However, this alternative would not avoid or substantially reduce any of the significant impacts of the proposed plan.

## Feasibility, Attainment of Project Objectives, and Findings

As shown in the Draft EIR analysis, the Reduced Plan Alternative would not meet most of the project objectives, nor would it substantially reduce or avoid any impacts. The Reduced Plan Alternative would drastically reduce the area available for desirable economic development and quality employment. It would decrease projected 2040 development levels by over 5 million square feet, decrease the selection of land available for desirable industries and employers, result in more than 6,000 fewer jobs, and limit the City's ability to take full advantage of its strategic location in central California and adjacent to rail lines and two major highways (State Routes 41 and 99). Because the SCSP would better achieve the City's economic development and job-creation goals, the proposed plan is the more desirable choice for the City. Therefore, the City Council rejects the Reduced Plan Alternative.

### 3.4 COMMUNITY PLAN OPTION

#### Description

The Community Plan Option reflects the community's desire to increase quality of life in the Plan Area by decreasing land use intensity. This option would redesignate parcels with a Heavy Industrial land use designation to a Commercial-General or Light Industrial land use designation to decrease land use intensity throughout the Plan Area, including surrounding sensitive uses. The Community Plan Option would designate as Residential lands that currently support those uses (as does the proposed SCSP) and would substantially increase the amount of office and retail uses while substantially reducing the acreage of industrial land uses (Table 3-1). Further, this option would include 739 additional residential units, an increase of 648 units from the proposed plan.

Consistent with the General Plan, planned parks, open space, and public facilities on vacant land carry dual land use designations. If the facility is not needed, alternative private or public development consistent with zoning and development standards may be approved. The use regulations, permit requirements, and development standards proposed for the Community Plan Option are listed below. These regulations, requirements, and standards would

govern all future private development actions in the Plan Area, including new construction, additions, and renovations to existing structures and/or new land uses proposed for existing facilities. These regulations would not, however, govern legal non-conforming uses, structures, site features or lots, as described in Chapter 15, Article 4 of the Fresno Municipal Code. Figure 6-6 identifies the proposed buffer zones that would be implemented under the Community Plan Option to protect sensitive uses, including residential, school, park, and day care facilities.

Table 3-2 above shows the residential and job growth anticipated to occur within the Plan Area with implementation of the Community Plan Option versus the proposed plan. This option would generate substantially more residential growth (86 percent more [1,949/2,262]) and job growth than the proposed plan (45 percent more [11,644/25,955]).

## Comparison of Environmental Impacts

As shown in the Draft EIR analysis, implementation of the Community Plan Option would not avoid or substantially reduce any of the significant impacts of the proposed plan. This option would have less impacts for air quality and greenhouse gas emissions and climate change. This option would have similar impacts for aesthetics, agriculture and forestry resources, biological resources, cultural and tribal cultural resources, energy, geology, soils, and mineral resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services and recreation, and transportation and circulation. This option would result in greater impacts for population and housing, and utilities and service systems.

## Feasibility, Attainment of Project Objectives, and Findings

As shown in the Draft EIR analysis, the Community Plan Option would not meet most of the project objectives, nor would it substantially reduce or avoid adverse impacts. The Community Plan Option would change the vision for the plan area from one focused on expanding, retaining, and attracting desirable industries (e.g., agricultural technology, food innovation, medical industries, green technology, renewable energy, distribution, e-commerce) to one with more of a focus on residential, office, and retail development. Because the Community Plan Option is not aligned with the City's vision for the area, and would not realize the City's goals for economic growth and diverse employment, the proposed plan is the more desirable choice. Therefore, the City Council rejects the Community Plan Option.

### 3.5 BUSINESS PLAN OPTION

#### Description

The Business Plan Option honors the community's desire to maximize economic growth and would maintain General Plan planned land use designations for most parcels. This option would reclassify some parcels with a Heavy Industrial planned land use designation to a Light Industrial planned land use designation, thus maintaining the majority of the Plan Area land for industrial uses. Like the SCSP and Community Plan Option, the Business Plan Option would designate lands that currently support residential uses as "Residential." Although the Business Plan Option planned land use designations primarily envision industrial development, they would allow ancillary retail uses and light industrial uses such as warehousing, distribution, and manufacturing, increasing the total capacity for potential industrial uses (Table 3-1).

Consistent with the General Plan, planned parks, open space, and public facilities on vacant land carry dual land use designations. If the facility is not needed, alternative private or public development consistent with zoning and development standards may be approved. The Business Plan Options matches the dual planned land use designations of the General Plan. The use regulations, permit requirements, and development standards proposed for the Business Plan Option are listed below. Similar to the Community Plan Option, these regulations, requirements, and standards would govern all future private development actions in the Plan Area, including new construction, additions, and renovations to existing structures and/or new land uses proposed for existing facilities. These

regulations would not, however, govern legal non-conforming uses, structures, site features or lots, as described in Chapter 15, Article 4 of the Fresno Municipal Code.

Table 3-2 above shows the residential and job growth anticipated to occur within the Plan Area with implementation of the Business Plan Option versus the proposed plan. This option would generate no residential and slightly less job growth than the proposed plan (4.5 percent less [654/14,311]).

## Comparison of Environmental Impacts

As shown in the Draft EIR analysis, implementation of the Business Plan Option would not avoid or substantially reduce any of the significant impacts of the proposed plan. This option would result in reduced impacts to population and housing and similar impacts for aesthetics, agriculture and forestry resources, biological resources, cultural and tribal cultural resources, energy, geology, soils, and mineral resources, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, and public services and recreation. This alternative would result in greater impacts with respect to air quality, greenhouse gas emissions and climate change, transportation and circulation, and utilities and service systems.

## Feasibility, Attainment of Project Objectives, and Findings

As shown in the Draft EIR analysis, the Business Plan Option would not meet most of the project objectives. This option would not substantially reduce or avoid any impacts, rather it would result in greater impacts. While the Business Plan Option would reconcile land use designations and zoning with existing land uses (e.g., designate residential areas as Residential), it would not include any downzoning of surrounding lands such that a buffer of less-intensive uses could be realized. Because Business Plan Option has greater potential to result in land use conflicts and incompatible uses than the SCSP, the proposed plan is the more desirable choice for the City. Therefore, the City Council rejects the Business Plan Option.

# 4 GENERAL CEQA FINDINGS

## 4.1 MITIGATION MONITORING AND REPORTING PROGRAM

Based on the entire record before the City of Fresno and having considered the significant and unavoidable impacts of the proposed plan, the City of Fresno hereby determines that all feasible mitigation have been adopted to reduce or avoid the potentially significant impacts identified in the Final EIR, and that no additional feasible mitigation is available to further reduce significant impacts. The feasible mitigation measures are discussed in Sections 2.3 and 2.4, above, and are set forth in the MMRP, incorporated herein by reference and made a part of these Findings.

PRC Section 21081.6 requires the City of Fresno to adopt a monitoring or compliance program regarding changes made to the project and mitigation measures imposed to lessen or avoid significant effects on the environment. The MMRP for the SCSP Project is hereby adopted by the City of Fresno because it fulfills the CEQA mitigation monitoring requirements, as follows:

- ▶ The MMRP is designed to ensure compliance with the changes in the project and mitigation measures imposed on the project during project implementation; and
- ▶ Measures to mitigate or avoid significant effects on the environment are fully enforceable through conditions of approval, permit conditions, agreements, or other measures.

## 4.2 STATE CEQA GUIDELINES SECTION 15091 AND 15092 FINDINGS

Based on the foregoing findings and the information contained in the administrative record, the City of Fresno has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly-trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on the foregoing findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.
2. Any remaining significant effects that have been found to be unavoidable are acceptable due to the overriding considerations set forth herein.

## 4.3 CITY OF FRESNO INDEPENDENT JUDGMENT

The Final EIR for the SCSP reflects the City of Fresno's independent judgment in accordance with PRC Section 21082.1(c)(3). Having received, reviewed, and considered the information in the Final EIR, as well as other information in the record, the City of Fresno hereby makes findings pursuant to and in accordance with PRC Sections 21081, 21081.5, and 21081.6.

## 4.4 NATURE OF FINDINGS

Any findings made by the City of Fresno shall be deemed made, regardless of where they appear in this document. All language included in this document constitutes findings by the City of Fresno, whether or not any particular sentence or clause includes a statement to that effect. The City of Fresno intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City of Fresno with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

## 4.5 RELIANCE ON RECORD

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project.

## 4.6 RECORD OF PROCEEDINGS

In accordance with PRC Section 21167.6(e), the record of proceedings for the City of Fresno's decision on the proposed plan includes the following documents:

- ▶ The NOPs for the proposed plan and all other public notices issued in conjunction with the proposed plan;
- ▶ All comments submitted by agencies or members of the public during the comment period on the NOPs;

- ▶ The Draft EIR for the proposed plan and all appendices;
- ▶ All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- ▶ The Final EIR for the proposed plan, including comments received on the Draft EIR, responses to those comments, and appendices;
- ▶ Documents cited or referenced in the Draft EIR and Final EIR;
- ▶ The MMRP for the proposed plan;
- ▶ All findings and resolutions adopted by the City Council in connection with the proposed plan and all documents cited or referred to therein;
- ▶ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the proposed plan prepared in compliance with the requirements of CEQA and with respect to the City Council's action on the proposed plan;
- ▶ All documents submitted by other public agencies or members of the public in connection with the proposed plan, up through the close of the final public hearing;
- ▶ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held in connection with the proposed plan;
- ▶ Any documentary or other evidence submitted at such information sessions, public meetings, and public hearings;
- ▶ Any and all resolutions adopted by the City of Fresno regarding the proposed plan, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ▶ Matters of common knowledge, including, but not limited to federal, state, and local laws and regulations;
- ▶ Any documents expressly cited in these findings and any documents incorporated by reference, in addition to those cited above;
- ▶ Any other written materials relevant to the City of Fresno's compliance with CEQA or its decision on the merits of the proposed plan, including any documents or portions thereof, that were released for public review, relied upon in the environmental documents prepared for the proposed plan, or included in the City of Fresno non-privileged retained files for the EIR or project;
- ▶ Any other materials required for the record of proceedings by PRC Section 21167.6(e); and
- ▶ The Notice of Determination.

The City of Fresno intends that only those documents relating to the proposed plan and its compliance with CEQA and prepared, owned, used, or retained by the City of Fresno and listed above shall comprise the administrative record for the proposed plan. Only that evidence was presented to, considered by, and ultimately before the City of Fresno prior to reviewing and reaching its decision on the EIR and proposed plan.

## 4.7 CUSTODIAN OF RECORDS

The custodian of the documents or other material that constitute the record of proceedings, upon which the City of Fresno's decision is based, is identified as follows:

City of Fresno  
 Planning and Development Department  
 2600 Fresno Street, Room 3065  
 Fresno, CA 93721

## 4.8 RECIRCULATION NOT REQUIRED

State CEQA Guidelines Section 15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when “significant new information” is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (State CEQA Guidelines, §15088.5(a).) “Significant new information,” as defined in State CEQA Guidelines Section 15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a “substantial adverse environmental effect” or a “feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.”

An example of significant new information provided by the State CEQA Guidelines is a disclosure showing that a “new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented”; that a “substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted to reduce the impact to a level of insignificance”; or that 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.” (State CEQA Guidelines, §15088.5(a)(1)-(3).)

Recirculation is not required where “the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” (State CEQA Guidelines, §15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA’s public/agency comment and response process and CEQA’s post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is “intended to be an exception rather than the general rule.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

In this legal context, the City of Fresno finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR’s findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR’s revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the proposed plan will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the State CEQA Guidelines.

## 4.9 CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT

The City of Fresno certifies that the Final EIR, dated November 2024, has been completed in compliance with CEQA and the State CEQA Guidelines, that the EIR was presented to the City of Fresno, and that the City reviewed and considered the information contained therein before approving the proposed SCSP as the project, and that the EIR reflects the independent judgment and analysis of the City. (CEQA Guidelines § 15090.)

# 5 STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to PRC Section 21081(b) and State CEQA Guidelines section 15093(a) and (b), the City of Fresno is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of

the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable” (State CEQA Guidelines, §15093 (a)). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines, §15093(b)).

In accordance with the requirements of CEQA and the State CEQA Guidelines, the City of Fresno finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen many of the significant effects of the proposed SCSP identified in the Final EIR. However, certain significant impacts of the SCSP are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to aesthetics, agricultural resources, air quality, cultural resources, greenhouse gas emissions, and noise. The EIR provides detailed information regarding these impacts (see the resource sections in Chapter 4, Affected Environment, Environmental Consequences, Mitigation Measures).

The City of Fresno finds that all feasible mitigation measures identified in the Final EIR within the purview of City of Fresno will be implemented with buildout of the SCSP, and that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits based upon the facts set forth above, the Final EIR, and the record, as follows:

1. The SCSP stimulates economic development by promoting inclusive and sustainable economic growth and attracting development that focuses on emerging markets and new technologies.
2. The SCSP provides diverse employment opportunities by creating diverse employment opportunities, including an accessible and resilient employment zone.
3. The SCSP minimizes environmental and neighborhood impacts through the consideration of project-specific environmental effects (e.g., truck traffic, air emissions, noise and vibration) on existing and potential future sensitive receptors and impose measures to minimize such impacts.
4. The SCSP preserves the viability of existing industrial and manufacturing operations in the Plan Area.
5. The SCSP protects against incompatible uses by protecting existing and future development from adverse impacts associated with incompatible uses.
6. The SCSP improves Plan Area infrastructure (e.g., transportation, sewer, water) to expand the supply of “shovel-ready” sites.
7. The SCSP provides an opportunity for the City to participate in “good neighbor” policies to provide residents with clear and transparent access to information regarding community development and assist in addressing disputes and concerns.
8. The SCSP will transform State Routes 99 and 41 as gateways into the City by utilizing landscaping and architectural design to improve the visual quality when entering the Plan Area.

Considering all the factors, the City of Fresno finds that there are specific economic, legal, social, technological, and other considerations associated with the project that serve to override and outweigh the project's significant unavoidable effects and, thus, the adverse effects are considered acceptable. The City of Fresno adopts the mitigation measures in the MMRP for the project and finds that any residual and remaining effects on the environment result from the project, identified as significant and unavoidable in the Findings of Fact, are acceptable due to the benefits set forth in this Statement of Overriding Considerations. Therefore, the City of Fresno hereby adopts this Statement of Overriding Considerations.