

**First Amendment**  
**to the**  
**Draft**  
**Environmental Impact Report**  
**Fig Garden Financial Center Phase VI**

**City Files:** General Plan Amendment Application No. A-11-06  
Rezone Application No. R-11-08  
Vesting Tentative Parcel Map No. 2008-07  
Conditional Use Permit No. C-11-088  
Environmental Impact Report No. 10147  
**State Clearinghouse File:** 2011061087

**Prepared for:**  
**CITY OF FRESNO**  
**DEVELOPMENT AND RESOURCE MANAGEMENT DEPARTMENT**  
2600 Fresno Street, Room 3043  
Fresno, CA 93721

**Prepared by:**  
**DENISE DUFFY & ASSOCIATES, INC.**  
Environmental Planning & Consulting  
947 Cass Street, Suite 5  
Monterey, CA 93940

**October 2012**



**TABLE OF CONTENTS**

---

---

1.0 INTRODUCTION

- 1.1 Background.....1
- 1.2 Public Participation.....1

2.0 RESPONSE TO COMMENTS.....2

- 2.1 Introduction.....2
- 2.2 List of Comment Letters .....2
- 2.3 Response to Comments .....2

3.0 REVISIONS TO THE DRAFT EIR.....17

*This page intentionally left blank*

## 1.0 INTRODUCTION

---

### 1.1 Background

This Amendment, together with the Draft EIR, constitutes the Final Environmental Impact Report for the Fig Garden Financial Center Phase IV project. This Amendment consists of an introduction, comment letters received during the 45-day public review period, responses to comments, and revisions to the Draft EIR.

The project is located at 507 West San Jose Avenue, 525 West San Jose Avenue, and 569 West San Jose Avenue in the City of Fresno. The project site lies near the northeast corner of North Palm Avenue and West Shaw Avenue. The project proposal is the development of the Fig Garden Financial Center Phase IV project, which consists of a 104,593 square foot, four story commercial office building with an underground parking structure and at-grade parking.

The Draft EIR was prepared to inform the public of the significant environmental effects of the project, identify possible ways to minimize the significant effects, and describe reasonable alternatives which support the objectives of the project.

### 1.2 Public Participation

In accordance with CEQA, this document is included in the official public record for the EIR. Based on the information contained in the public record, decision makers will be provided with documentation on the projected environmental consequences of the proposal.

The City notified all responsible and trustee agencies, interested groups, and individuals that a Draft EIR had been completed for the proposed project. The City used the following methods to solicit input during the preparation of the EIR. The following is a list of the actions taken during the preparation, distribution, and review of the Draft EIR.

- The Notice of Preparation (NOP) was filed with the State Clearinghouse on June 30, 2011 for a 30-day review period ending on July 30, 2011. The California State Clearinghouse assigned the Clearinghouse Number 2011061087 to the Draft EIR.
- The NOP was distributed by the City to responsible and trustee agencies, and interested groups, organizations and individuals.
- The City held a public scoping meeting for the EIR on July 7, 2011.
- On March 14, 2012, the Draft EIR was distributed for a 45-day public review period to responsible and trustee agencies, interested groups, and individuals. The public review period for the Draft EIR ended on April 27, 2012.

*This page intentionally left blank*

## 2.0 RESPONSE TO COMMENTS

---

### 2.1 Introduction

This section provides responses to comments on the Draft EIR. This section contains all information available in the public record related to the Draft EIR as of September 2012, and responds to comments in accordance with Section 15088 of the CEQA Guidelines.

### 2.2 List of Comment Letters

The following is a list of comment letters received on the Draft EIR:

#### State Agencies

#### Date

A. California Department of Transportation April 12, 2012

#### General Public

B. Residents of San Ramon Avenue April 27, 2012  
C. John Gomes March 24, 2012  
D. Seville at Fig Garden Homeowners Association April 25, 2012

### 2.3 Response to Comments

Each letter received on the Draft EIR is presented in this chapter, as identified in Section 2.2 above. Individual comments in each letter are numbered. Correspondingly numbered responses to each comment are provided in the discussion following the comment letter.

Where comments raise environmental issues that require additions or deletions to the text, tables, or figures in the Draft EIR, a brief description of the change is given and the reader is directed to Section 3.0, Revisions to the Draft EIR. Some comments do not raise environmental issues, or do not require additional information. A substantive response to comments that do not raise environmental issues is not required in an EIR.

**DEPARTMENT OF TRANSPORTATION**

1352 WEST OLIVE AVENUE  
P. O. BOX 12616  
FRESNO, CA 93778-2616  
PHONE (559) 445-5868  
FAX (559) 488-4088  
TTY (559) 488-4066

**LETTER A**



*Flex your power!  
Be energy efficient!*

April 12, 2012

2131-IGR/CEQA  
6-FRE-41-28.5+/-  
FIG GARDEN FINANCIAL CENTER  
SCH # 2011061087

Mr. Mike Sanchez  
City of Fresno  
2600 Fresno Street, 3rd Floor  
Fresno, CA. 93721

Dear Mr. Sanchez:

We have completed our review of the Draft Environmental Impact Report (EIR) for the Fig Garden Financial Center Expansion (Phase IV) located in the north east quadrant of North Palm and West Shaw Avenues. Caltrans has the following comments:

The traffic study estimated that the proposed project would generate 194 trips during the A.M. peak travel period and 196 trips during the P.M. peak travel period. The trip distribution table in Chapter 3 of the traffic study showed that project trips would impact the following interchanges:

- SR 41 at Bullard Avenue
- SR 41 at Shaw Avenue
- SR 41 at Ashlan Avenue
- SR 99 at Shaw Avenue

Previous traffic studies have identified the need for interchange improvements to the SR 41 interchanges at Shaw and Bullard Avenues as well as the SR 99 interchange at Shaw Avenue. These improvements consist of the following:

- SR 41/Bullard Avenue interchange – additional lanes for the Bullard Avenue overcrossing.
- SR 41/Shaw Avenue interchange – an auxiliary lane/ramp lane addition for the northbound SR 41 off-ramp at Shaw Avenue.
- SR 99/Shaw Avenue interchange – additional lane for the Shaw Avenue overcrossing and an additional turn lane for the northbound SR 99 off-ramp to Shaw Avenue (interim improvements). It should be noted that a Project Study Report (PSR) was completed for the reconstruction of the interchange to provide a future L-9 interchange (partial cloverleaf).

It is Caltrans understanding that the project will mitigate project traffic-related impacts by paying into the City of Fresno's TSMI programs as well as the Fresno RTMF.

Mr. Mike Sanchez  
April 12, 2012  
Page 2

If you have any questions, please call me at (559) 445-5868.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Navarro', with a stylized flourish at the end.

MICHAEL NAVARRO  
Office of Transportation Planning  
District 06

**A: RESPONSE TO CALIFORNIA DEPARTMENT OF TRANSPORTATION  
(CALTRANS) LETTER**

**A1:** Comments noted. As described in Section 4.12 of the Draft EIR, the project would not adversely impact any freeways or other Caltrans facilities.

April 20, 2012

City of Fresno, Planning Department

LETTER B

RECEIVED

APR 27 2012

Planning Division  
Planning & Development Dept  
CITY OF FRESNO

We, the undersigned residents of San Ramon Ave. between Palm Ave. and Fruit Ave., are concerned with the increase in traffic we expect on San Ramon as a result of the Fig Garden Financial Center office building under consideration. We hope the city will determine how to mitigate additional vehicle trips that will surely result from traffic that prefers to arrive at and leave the Center via San Ramon. It is simply more convenient and faster to access and depart from it from the west by using our residential street. We believe this has happened in the past and know that San Jose Ave. west of the center and west of Palm was closed for just this same sort of problem. It appears that there will be no access to the Center from San Jose Ave. immediately to the north so as to mitigate the potential impact on that residential street. We have very similar concerns even though we are not immediately adjacent to the project.

Residents have frequently complained to the Sheriff's Department, Highway Patrol, and County about safety concerns, speeding, and excessive traffic that has already resulted from a failure to anticipate and mitigate increased traffic flow from the previous office centers.

We would like the city and county to consider ways that drivers can be discouraged from using San Ramon and encouraged to remain on arterials and collector streets such as Shaw, Palm, Barstow and Fruit. We are more than eager and willing to spend time with traffic experts to discuss our concern and to participate in finding a solution that will solve this problem.

We are not making a judgment on any other aspect of the proposed building, but want very much to keep San Ramon from becoming something it was never intended to be. We, in fact, recognize and want FGFC and Fig Garden Village to remain a viable, thriving and desirable destination for all residents of Fresno.

Submitted by  
Keith Haurisen on 4/28/12



County Island Neighbors

Names	Addresses	E-Mail	Phone
1. JIM & PATTI WITHELOW	1112 W. SAN RAMON	pgwithelow@yahoo.com	449.0237
2. CARON Temple	NO #		
3. Josh + Julie	1142 West SAN RAMON		
4. John & Sandie Kelly	5315 N Thorne		431-9263
5. Tom + Barbara + Bill	SOMMERS 1261 W. San Ramon		439-2575
6. Robb & René Weibel	1338 W. SAN RAMON		
7. Margaret & Raider Thompson	1322 W San Ramon		432-9001
8. Heather + Josh Daniels	1309 W. San Ramon		435-2521
9. Jerry J. Pruitt	1260 W SAN RAMON		(559) 260-2545
10. Cathy + Dan Hill	1228 W. San Ramon		
11. Felice HATCHAOURIAN	1225 W. San Ramon Fresno		93711
12. Dan Garcia	1274 W. SAN RAMON, Fresno,		93711
13. Marys Benitez	1274 W. SAN RAMON		93711
14. Dorothy Babean	1213 W San Ramon		93711
15. Albert Cano Albert Cano	1145 W. San Ramon Ave, Fresno		93711
16. Kathleen Fassi	1128 W. San Ramon Ave, Fresno,		93711
17. Adria	1158 W. SAN RAMON Fresno		93711
18. Barbara Sheekel	1081 W SAN RAMON AVE, FRESNO,		93711
19. Courtney C. Davies	1343 W. San Ramon Fresno, CA		93711
20.			
21.			
22.			

1082  
ER

County Island Neighbors

Names	Addresses	E-Mail	Phone
1. <del>Yvonne Salwasser</del>	1127 W. San Ramon	esalwasser@me.com	304-5144
2. Mark Haro	1095 W. San Ramon	markharo@gmail.com	261-2090
3. <del>Jeff Bedacht</del>	1095 W San Ramon	jeff.bedacht@gmail.com	261-2090
4. <del>Yvonne</del>	1157 W SAN RAMON	MIKIMIBALEFREEDON@G.COM	
5. Maurcen Freitas	1086 W. Keats	224-3720	301-5677
6. Agnes Freitas	1086 W. Keats		224-3720
7. Beverly Jill Harmon	5313 N. Vagued		435-8663
8. Donald R. Harmon	Alamo, Ca 93711		435-8663
9. Tina R Starks	(11) 1128 West San Ramon		600-3200
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

County Island Neighbors

Names	Addresses	E-Mail	Phone
1. Sheldon Krondous	1111 W. San Ramon	Krondous@comcast.net	
2. Kevin & Paul Hamilton	1195 W. San Ramon		
3. Patrick and Jesu Dohi	5309 N. Palm Ave.	pdohi@olphschool.net	
4. Gayle Spencer	1035 W. San Ramon Ave.	mathdrone@ hotmail.com	
5. Carol J. Eliason	1174 W. San Ramon Ave	432-4156	
6. RICK LAYMAN	1290 W. SAN RAMON FRESN	eliason@comcast.net 439-5996	
7. Rodney Fontes	1036 W. San Ramon Ave	rowayradd@stregbbal.net	355-1203
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

County Island Neighbors

Names	Addresses	E-Mail	Phone
1. Louise Inacio	1383 W. San Ramon		456-1156-Hm
2. Allison Cole	1323 W. San Ramon		432-1292
3. KIRK PSENNER	BOB W. SAN RAMON		999-8879
4. <del>ROBERT WEIBEL</del>	1338 W SAN RAMON		840 6492
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

**B: RESPONSE TO RESIDENTS OF SAN RAMON AVENUE LETTER**

- B1:** As described in Section 4.12 of the Draft EIR, the project would not adversely impact the roadway segment of San Ramon Avenue between Palm Avenue and Fruit Avenue. This roadway segment currently operates at level of service (LOS) C, and will continue to operate at LOS C with the addition of the project (see Draft EIR, Table 4.12-2A). No safety hazards in the area were noted based on accident history data for the nearest studied intersection at San Ramon Avenue/Thorne Avenue. Finally, the commenter's concerns about vehicles exceeding applicable speed limits is not substantial evidence of a potentially significant environmental impact resulting from the project.

**LETTER C**

**From:** John Gomes [mailto:pzmojohn@yahoo.com]

**Sent:** Saturday, March 24, 2012 11:44 AM

**To:** Mike Sanchez

**Subject:** Public comment-Proposed Figgarden Financial Center Expansion Project

Mr. Sanchez: This message is in response to the Planning Department's solicitation for public comment regarding the proposal by Developers Andros-Gunner to construct a 4-story office complex at 507/525/569 West San Jose Avenue. We have reviewed the Draft E.I.R. (on-line) and agree with the premises set forth in the document, including impacts to the adjoining neighborhood and mitigation to those. We totally support this project going forward as outlined. The Developers have planned for no public access on West San Jose Avenue which alleviates our concern about increased traffic. The scale of the proposed building and the architecture is to be consistent with existing building in the Fig Garden Financial Center, which we find totally acceptable. But most importantly, the setbacks from the south curblineline of West San Jose Avenue seem to align with the current complex to the West of the proposed building. All of these factors alleviate the concerns we had with the residential complex originally proposed by the developers for this site. We give them much credit for listening to our concerns about the previous project and reconsidering the plans for this site. Being located directly across the street from the proposed site, we are perhaps among those in this neighborhood most affected by the project. As it stands, we will strongly advocate for it moving forward as proposed. If you have any questions or concerns please do not hesitate to contact us. In any case, our comments are submitted for the record to be considered as the process moves forward. Thank You, John & Janet Gomes 562 West San Jose Avenue, Fresno 93704; (559) 449-1586.

**C:    **RESPONSE TO JOHN GOMES****

**C1:**   Comments noted.

**LETTER D**

---

**From:** Austin Ewell [mailto:austin@ewellgroup.com]  
**Sent:** Wednesday, April 25, 2012 2:48 PM  
**To:** Mike Sanchez  
**Subject:** RE: Long Range Planning Comment on DRAFT EIR - Fig Garden Financial Center Phase IV

Mike,

On behalf of the Seville at Fig Garden Home Owners Association we would like to echo the comments of the City of Fresno, Development and Resource Management Department in that we strongly support pedestrian connectivity with the Fig Garden Financial Center and Fig Garden Village from the neighborhoods located along and near San Jose Avenue. We would also like to express our desire that construction activity take place in between the business hours of 8am and 5pm due to the close proximity of single family and multifamily residents. The Association would also ask that formal coordination be conducted amongst Fig Garden Financial Center Phase IV, The City of Fresno and The County of Fresno on the improvements to San Jose Avenue between Moroa and San Ramon. We appreciate staff's time and attention to this matter and look forward to hearing from you.

Thank you,

Austin B. Ewell III  
Vice President, Seville at Fig Garden Home Owners Association

---

**D: RESPONSE TO SEVILLE AT FIG GARDEN HOMEOWNERS ASSOCIATION**

**D1:** The commenter's support for pedestrian connectivity with the Fig Garden Financial Center and Fig Garden Village from the neighborhoods located along and near San Jose Avenue is acknowledged. At this time, the City is concerned that providing access to the Financial Center (and Shopping Center) at the project site would encourage traffic and parking in the neighborhood by tenants and/or visitors. The current plan is favored because it is designed to restrict vehicular access and associated traffic concerns.

Construction noise is addressed in Section 4.10 of the Draft EIR. As described in the Draft EIR, the Fresno Municipal Code (Section 10-109) only limits construction work hours to “between the hours of 7 AM and 10 PM on any day except Sunday.”

Regarding improvements to San Jose Avenue between Maroa and San Ramon, as described in Section 4.12 of the Draft EIR, the project would not adversely impact the roadway segment of San Ramon Avenue between Palm Avenue and Fruit Avenue. This roadway segment currently operates at level of service (LOS) C, and will continue to operate at LOS C with the addition of the project (see Draft EIR, Table 4.12-2A).

### 3.0 REVISIONS TO THE DRAFT EIR

---

The following section provides revisions to the text of the Draft EIR, in amendment form, pursuant to CEQA Guidelines Section 15088(d). The revisions are listed by page number. All additions to the text are presented in underline, and all deletions are shown in ~~strike out~~. These revisions are made to the text in response to comments offered during public circulation of the Draft EIR and to provide minor corrections as needed. These changes might be considered important clarifications or amplifications, but are not significant modifications to the text or conclusions of the Draft EIR.

**Page 3-2, the references to Fresno Municipal Code Sections referenced in the final sentence of the page are corrected as follows:**

The proposed 60-foot building height will be supported by a Conditional Use Permit issuable under Section ~~12-216.5-B-1(a)~~ 12-216.5-D-1 of the Fresno Municipal Code, in accordance with the procedures and standards set forth in Section ~~12-105~~ 405 and 12-406.

**Page 4.3-24, the second sentence in the paragraph above Table 4.3-9 is revised as follows:**

Project reductions and future regulations would reduce emissions by approximately ~~34.7~~ 30.1%.

**Page 4.9-4, the language in the table in the third column associated with Policy G-9-c is corrected as follows:**

**Project consistent.** The proposed project will be required to comply with the provisions of this measure. The analysis in this EIR identifies projected energy demands and appropriate measures to reduce energy ~~conservation~~ consumption.

**Page 4.9-10, second paragraph, and Page 4.9-11, second paragraph, the references to Tables 4.9-3 and 4.9-4 are intended to refer to Tables 4.9-2 and 4.9-3.**

**Page 4.10-5, the discussion of traffic noise did not separately detail the results of the noise analysis for both the Existing Plus Project and the 2030 Cumulative scenarios. That information is incorporated into the updated Table 4.10-2 provided below. References to the updated Table 4.10-2 are incorporated into the text revisions for the Draft EIR below. The revised text clarifies that the noise analysis addressed both the Existing and the Existing Plus Project scenarios.**

**Revised Table 4.10-2  
Cumulative (2030) Summary of Traffic Noise Impacts**

		DNL (dB) @ Typical Residential Setback <sup>1</sup>							
Roadway	Roadway Segment	Existing	Existing + Project	Change <sup>2</sup>	Significant?	2030 No Project	2030 Project	Change <sup>3</sup>	Significant?
Palm Ave	n/o Barstow Ave.	69.1	69.2	+0.1	No	71.0	71.0	-0-	No
	s/o Barstow Ave	69.3	69.4	+0.1	No	70.7	70.8	+0.1	No
	n/o San Jose Ave	69.1	69.2	+0.1	No	70.5	70.6	+0.1	No
	s/o San Jose Ave	68.7	68.9	+0.2	No	70.4	70.6	+0.2	No
	n/o Shaw Ave	68.6	68.8	+0.2	No	70.4	70.6	+0.2	No
	s/o Shaw Ave	67.7	67.9	+0.2	No	69.4	69.5	+0.1	No
	n/o Gettysburg Ave	67.1	67.3	+0.2	No	69.0	69.1	+0.1	No
Barstow Ave.	w/o Palm Ave	63.8	63.9	+0.1	No	65.9	65.9	-0-	No
	e/o Palm Ave	64.7	64.8	+0.1	No	65.8	65.8	-0-	No
San Jose Ave.	e/o Palm Ave	58.7	59.7	+1.0	No	58.9	59.9	+1.0	No
Shaw Ave.	w/o Palm Ave	71.4	71.5	+0.1	No	72.2	72.2	-0-	No
	e/o Palm Ave	71.6	71.7	+0.1	No	72.6	72.6	-0-	No
Gettysburg Ave.	w/o Palm Ave	56.5	56.5	-0-	No	60.8	60.9	+0.1	No
	e/o Palm Ave	57.1	57.1	-0-	No	60.1	60.1	-0-	No

<sup>1</sup>A typical residential setback was assumed to be 50 feet from the center of the roadway.  
<sup>2</sup>Compared to “existing” traffic noise levels.  
<sup>3</sup>Compared to “2030 No Project” noise levels.

Source: Brown-Buntin Associates, Inc.

**Page 4.10-5, the text of the fourth and fifth paragraphs is revised as follows:**

Traffic noise levels were calculated at typical residential setbacks for selected roadways in the project area for existing, existing plus project, and future (2030) conditions. Those noise levels are detailed on Revised Table 4.10-2, provided below. Calculated DNL values with and without the project were compared to determine if the project would cause traffic noise levels to exceed the city/county 60 dB DNL exterior standard (Policy H-1-a) or result in a significant noise level increase (Policy H-1-b). Existing noise barriers or other noise mitigation features were not accounted for in the calculations, since the analysis is intended to demonstrate the relative change in traffic noise exposure that could occur as a result of the project. A typical residential setback of 50 feet from the center of the roadway was assumed for all roadways to provide a worst-case assessment of traffic noise exposure. Many existing homes in the project area are located at greater distances from the roadway or are acoustically shielded from roadway traffic noise by intervening buildings or sound walls.

As shown on Revised Table 4.10-2, while existing traffic noise at many of the studied segments is above 60 dB, the noise contributed by the project would not cause noise levels to increase above 60 dB in locations where it is presently below 60 dB. Therefore, the project is consistent with the 2025 General Plan 60 dB DNL exterior standard (Policy H-1-a). Traffic noise associated with the project would increase overall existing noise levels by up to 1.0 dB. However, such increases are not considered significant as defined by the City's 2025 General Plan policies governing what constitutes a significant increase in ambient noise levels (Policy H-1-b).

~~Cumulative (2030 with project) traffic exposure along the roadways analyzed could increase by up to 1.0 dB as a result of the project. Such increases are not considered significant as defined by the City's Noise Element. Additionally, the project would not cause traffic noise levels to exceed the city/county 60 dB DNL standard along any of the roadway segments analyzed.~~

**Page 4.10-8, the paragraph below Table 4.10-1 included language concerning the project's construction noise, which supported the finding that such noise would not be considered a significant impact if conducted during the hours of construction allowed by the City's Noise Ordinance. However, there was some lack of clarity concerning the threshold of significance applied in making that conclusion. It also referenced the fact that CUP conditions might address construction noise. That statement could create a misinterpretation that the future CUP provided the basis for the conclusion that no significant impact would occur. The text revisions below are intended to clarify that the finding of no significant impact is not reliant on any future conditions placed on the project other than the analysis provided in the Draft EIR related to the expected enforcement of the City's Noise Ordinance.**

**The edits below are intended to clarify the threshold of significance used for construction noise. The Draft EIR noted that the Noise Element of the City's 2025 General Plan was generally more restrictive than the City of Fresno Noise Ordinance, and for that reason used the Noise Element standards as the threshold of significance (refer to page 4.10-3 through 4.10-4). However, the Draft EIR also noted that the Noise Element does not include any specific limits on the hours during which construction activities may be conducted. Because the Noise Element does not specifically address construction hours, the**

**Draft EIR used the City’s Noise Ordinance as the threshold of significance. This threshold is consistent with the approach of using the more restrictive applicable threshold of significance. This is clarified in the Draft EIR text in the revisions below.**

**Page 4.10-8, the paragraph below Table 4.10-1 is revised as follows:**

Construction noise or vibration are not usually considered to be significant impacts if construction occurring near noise-sensitive land uses is limited to the daytime hours, extraordinary noise-producing activities (e.g., pile driving) are not anticipated, and construction equipment is adequately maintained and muffled. Construction noise is not addressed in the Noise Element, which does not specifically limit the hours during which construction can occur. For that reason, the evaluation of the potential significance of the project's construction noise is based on an evaluation of whether the project would violate the more restrictive standards set forth in the City's Noise Ordinance.

The project will be required to comply with the City of Fresno Noise Ordinance. Under these provisions, ~~In addition,~~ construction activities ~~would not~~ may not occur between the hours of 10:00 PM and 7:00 AM, Monday through Saturday, in accordance with Fresno Municipal Code Section 10-109, which limits work hours “to between the hours of 7 AM and 10 PM on any day except Sunday.” ~~Further restrictions on construction noise may be placed on the project as determined through the Conditional Use permit process.~~

**The project would have less-than-significant noise impacts during construction with implementation of construction noise abatement measures defined above because construction related noise will not exceed the noise level standards established in the 2025 General Plan or the City of Fresno Noise Ordinance.**

**Page 4.10-8, as noted previously, Table 4.10-2, which illustrated the project's traffic noise impact, did not separately detail both the Existing Plus Project and the Cumulative scenarios. That information is incorporated into an updated Table 4.10-2. References to that updated Table 4.10-2 are incorporated into the text of the EIR by revisions to the text in the second paragraph under “Cumulative Impacts” as follows:**

The noise assessment for the project considered the cumulative impacts from traffic noise on the local roadway network under future (2030) conditions. The results indicate that the project generated traffic noise would be less-than-significant, as shown in Table 4.10-2 below. Traffic noise levels were calculated at typical residential setbacks for selected roadways in the project area for project plus future (2030) conditions. Calculated DNL values with and without the project were compared to determine if the project would cause traffic noise levels to exceed the city/county 60 dB DNL exterior standard (Policy H-1-a) or result in a significant noise level increase (Policy H-1-b) in the cumulative (2030) conditions. Existing noise barriers or other noise mitigation features were not accounted for in the calculations, since the analysis is intended to demonstrate the relative change in traffic noise exposure that could occur as a result of the project. A typical residential setback of 50 feet from the center of the roadway was assumed for all roadways to provide a worst-case assessment of traffic noise exposure. Many existing homes in the project area are located at greater distances from the roadway or are acoustically shielded from roadway traffic noise by intervening buildings or sound walls. As shown on Revised Table 4.10-2, while the cumulative (2030 with project) traffic noise at many of the studied segments

would be above 60 dB, the noise contributed by the project would not cause any site to increase above 60 dB in locations where, in the 2030 without project condition, it is projected to be below 60 dB. Therefore, under the cumulative scenario the project is consistent with the 2025 General Plan 60 dB DNL exterior standard (Policy H-1-a). Cumulative (2030 with project) traffic exposure along the roadways analyzed could increase by up to 1.0 dB as a result of the project. However, such increases are not considered significant as defined by the City's 2025 General Plan policies governing what constitutes a significant increase in ambient noise levels (Policy H-1-b).

~~In addition, the operational noise impacts of the project would be avoided by mitigation identified above. The cumulative projects identified in Table 5-1 would also be subject to state and local noise standards to minimize noise impacts.~~

**Page 4.12-7, the fourth paragraph is revised as follows:**

The v/c increase (0.15) criteria was applied to determine what, if any, significant project-related impacts occur for all study locations with Master EIR adopted LOS F standards that are projected to operate at LOS F. As indicated later in this section, none of the study segments would meet this criteria with the addition of project traffic.

**Page 4.12-32, the information in footnote 9 referencing a suspension of the Fresno County Regional Transportation Mitigation Fee (RTMF) was an error. The reference to footnote 9 is hereby deleted from the Draft EIR.**

**Page 4.13-10, second bullet under “Wastewater” is revised as follows:**

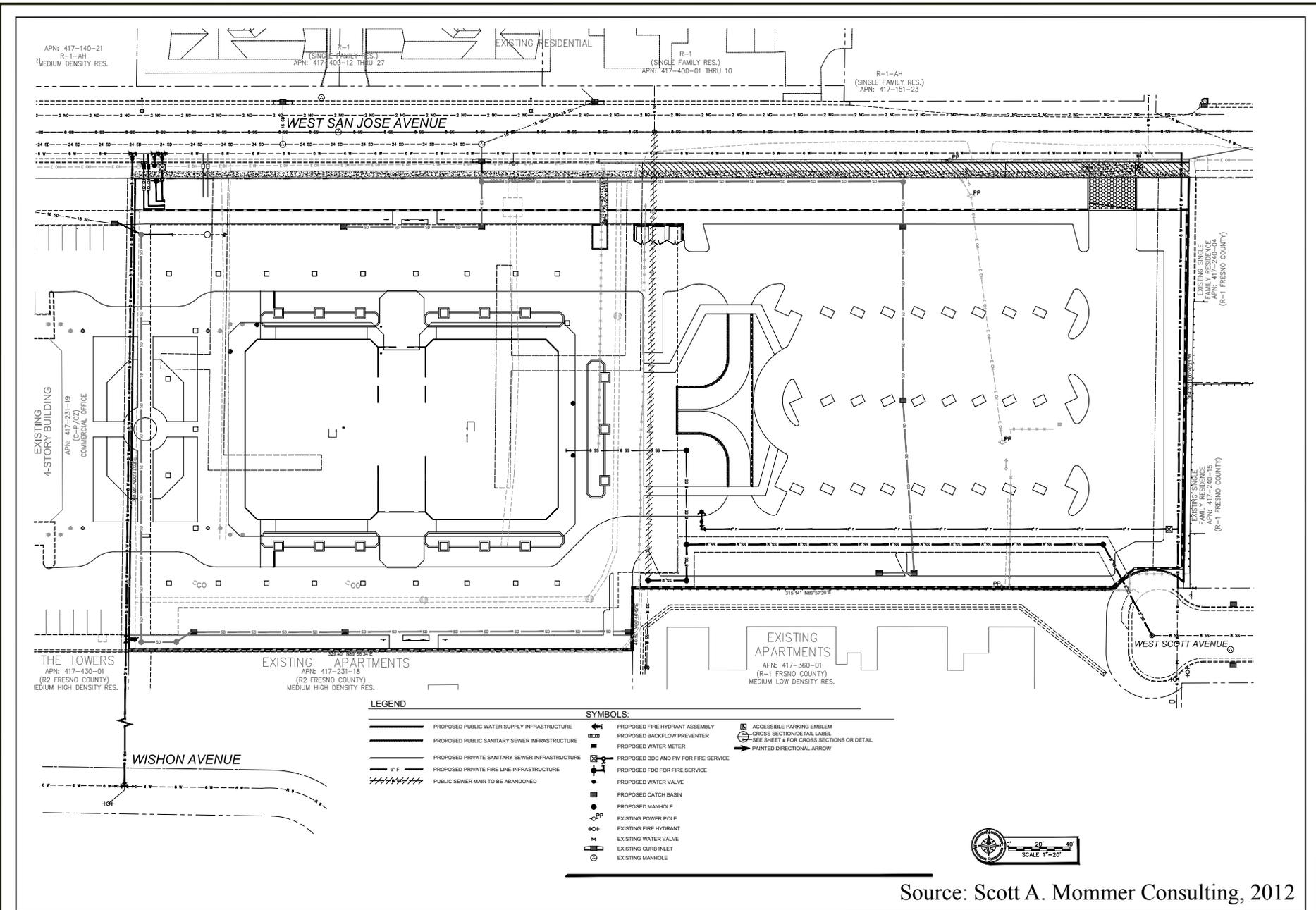
- 8-inch VCP sewer main bisecting the project site, which flows from south to ~~west~~ north into the existing 8-inch sewer main at W. San Jose Avenue.

**Page 4.13-12, Figure 4.13-4, is revised as shown on the following page.**

**Page 4.13-13, the first full paragraph is revised as follows:**

#### Solid Waste

Solid waste collection and disposal services in the project area are provided by a commercial solid waste franchise, Allied Waste, ~~the City of Fresno Solid Waste Management Division,~~ which provides trash, recycling, and green waste collection. Waste is transported to various locations depending on type. Solid waste or trash is taken to Cedar Avenue Recycling and Transfer Station. Recyclable materials and organic waste are diverted from the waste stream and are disposed of elsewhere; the City of Fresno diverts approximately 56 percent of solid waste. The remaining waste is taken to the American Avenue Landfill in Kerman. American Avenue Landfill is considered a sanitary landfill, which is defined as a disposal site for non-hazardous solid waste. The American Avenue Landfill is owned and operated by Fresno County. The landfill is expected to remain operational until 2065, when it is anticipated to be full and require closure. The landfill has a maximum permitted disposal rate of 3,000 tons per day. The existing rate of disposal at the landfill is approximately 1,000 tons per day (personal communication, Heriberto Cantu, August 8, 2011).



Source: Scott A. Mommer Consulting, 2012



**Revised Proposed Infrastructure and Utilities**

**Figure 4.13-4**

**Page 4.13-18, the third full paragraph is revised as follows:**

Currently, the amount of surface water available to meet potable water demands is constrained by infrastructure capacity limitations. The City's surface water treatment facility has an existing capacity of approximately ~~2.7~~27.5 mgd or 28,300 AFY. The City has identified a number of improvements in the UWMP to expand the capacity of the City's existing surface water treatment facility and construct a new facility to increase overall capacity to 123,400 AFY. These improvements are not anticipated to be operational until at least 2015, although City staff has indicated that funding still needs to be secured for some of the improvements. As a result, the City will continue to rely on groundwater as its primary source of potable water.

**Page 4.13-21 and continuing on to page 4.13-22, the beginning of last paragraph is revised as follows:**

The City of Fresno Department of Public Utilities Water Division has identified several concerns related to the ~~adequacy~~ inadequacy of existing infrastructure, including the production capacity of existing wells, the antiquated nature of existing distribution facilities, and decreased groundwater production due to ground water contamination.<sup>1</sup> As a result, development of the proposed project would necessitate a number of infrastructure improvements to address existing system deficiencies and ensure that adequate infrastructure capacity is available to serve the proposed project. In the absence of infrastructure upgrades, the proposed project could adversely impact the existing water distribution system serving the project area. The City of Fresno Department of Public Utilities Water Division has identified specific measures to ensure that adequate capacity is available to accommodate projected future demands.

According to the City of Fresno, existing water pressure may be inadequate to serve a multi-story commercial/office structure. The City has identified that the existing system is largely considered antiquated and would require upgrades to meet project demands. Initial comments articulated by the City of Fresno Department of Public Utilities Water Division identified concerns related to the ~~adequacy~~ inadequacy of existing water supply wells in the vicinity of the project. Specifically, the City identified that existing wells may not have adequate production capacity to serve the project. The City identified that these wells have limited capacity and were designed to serve existing development. As a result, the City initially identified that these wells may not have surplus production capacity available to serve the project. At the time of the Notice of Preparation (NOP), the City identified that a new or expanded source of production capacity would be necessary in order to meet anticipated project demands. The City of Fresno Department of Public Utilities Water Division has, however, since determined that adequate production capacity exists to serve the project. No new or expanded sources of supply are necessary to serve the project; other infrastructure improvements are still, however, warranted (personal communication, Michael Carbajal, September, 2011).

**Page 4.13-24 and continuing on to page 4.13-25, the beginning of last paragraph is revised as follows:**

In order to accommodate the development and scale of the proposed project, existing infrastructure in the project vicinity would need to be extended to serve the project. Project-specific infrastructure improvements would be necessary to meet project demands. In addition, the City of Fresno has identified that the hydraulic loading associated with the proposed project

---

<sup>1</sup> Groundwater contamination has limited the availability of suitable sites for new groundwater production wells.

should not exceed the design capacity of the sanitary sewer lines at peak flow based on estimated full build out of the area and according to the City's General Plan. As proposed, the project would intertie into an existing 8-inch sanitary sewer main that transects the project site with a private 6-inch sanitary sewer line. In addition, the proposed project also entails the installation of an 8-inch public sewer line that would connect the existing 8-inch main transecting the site with the existing 8-inch main located within West Scott Avenue, as shown in Figure 4.13-4, which depicts the applicant's proposed infrastructure improvements. A revised Preliminary Infrastructure Report (Appendix I) has also been prepared to describe existing facilities and proposed improvements necessary to serve the project. ~~Proposed infrastructure improvements are identified in Figure 4.13-4.~~ These improvements would provide sufficient capacity to accommodate wastewater generated in connection with the proposed project.

**Page 4.13-30, the final paragraph of Page 4.13-30 inaccurately references mitigation measures concerning energy consumption impacts. No such mitigation measures are included in the Draft EIR because the Draft EIR finds that the project does not have a significant impact related to such resources. Therefore, the final paragraph is revised as follows:**

While the project would not contribute significantly to increased demands, development of the proposed project would result in the permanent commitment of a non-renewable resource. Increased demand for energy sources has the potential to contribute to global warming and result in secondary impacts as discussed elsewhere in this EIR. However, as detailed in Section 4.3 above, the project would not result in a cumulatively considerable incremental effect on greenhouse gas emissions. ~~Mitigation measures have been identified above to reduce the extent of project-induced impacts due to increased energy use. These mitigation measures have been incorporated in order to ensure that project-generated energy demands would not result in the wasteful, inefficient, and unnecessary demand for energy. The proposed project, as mitigated, would incorporate measures to ensure that project development does not result in the wasteful use of energy.~~ **The project would incrementally increase demands on energy supplies. The project's incremental impacts are not considered cumulatively considerable when combined with other relevant projects. The project would have a less-than-significant cumulative impact on energy supplies.**

**Page 6-3, the second paragraph of Section 6.2 is clarified as follows:**

The proposed project would result in significant impacts, or potential significant impacts without mitigation, in the following categories, as described in this EIR: aesthetics, biological resources, cultural resources, geology, hazards, water quality, noise, public services, traffic, and utilities. All project impacts can be reduced to a less-than-significant level with implementation of mitigation identified in this EIR, with the exception of the following: significant unavoidable visual/aesthetic impacts.

**Appendix F, Traffic Impact Study. Appendix F, which was circulated with the Draft EIR, did not include copies of the various appendices to the traffic impact study that were referenced in the report. The entirety of Appendix F, with its appendices, is attached on CD.**

**Appendix G, Environmental Noise Assessment. Appendix G was updated to include a revised Table V. Summary of Traffic Noise Impacts and minor text changes. These revisions did not alter any of the conclusions of the report. The revised Appendix G is attached on CD.**

**Appendix I, Preliminary Infrastructure Report, has been updated by the applicant and is attached on CD.**

*This page intentionally left blank*