

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

### 1. INTRODUCTION

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

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

The document is organized into the following sections:

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

## **2. PROJECT DESCRIPTION**

### **A. Project Components, Operational Features, and Development**

#### **Project Location**

The Producers Dairy Foods Corporation (Producers), which was first incorporated in Fresno on December 22, 1932, owns three parcels totaling 1.83-acres. The parcels are located at 450 East Belmont Avenue, Fresno, California, 93701 (Accessor Parcel Numbers 459-032-23, 459-032-15, and 459-032-05). The property is situated on the south side of East Belmont Avenue, East of Ferger Avenue and West of Roosevelt Avenue within the city limits of Fresno, CA. This property is located within the Tower District immediately north of downtown Fresno. The property falls within the City of Fresno limits and as such is under the regulatory jurisdiction of the Fresno General Plan and is specifically within the boundaries of the Tower District Specific Plan.

#### **Project Description**

The purpose of the Project is to expand delivery trailer parking on the Project site. As outlined in Development Permit No. D-16-088, Producers proposes to remove two boarded-up buildings at 450 E. Belmont Avenue site. Producers proposes to build a commemorative monument onsite reusing brick from the existing buildings. Producers also proposes to replace the existing Concrete Masonry Unit (CMU) wall and chain link fence situated on the north half of the parcel facing E. Belmont Avenue business on the North, Northeast, and Northwest portion of the parcel with a decorative iron security fence supported by brick pilasters of appropriate spacing. Producers will incorporate bricks from the existing buildings into the pilasters if reusable brick is still available after construction of the commemorative monument. Additionally, Producers proposes to construct a 12-foot-high Concrete Masonry Unit sound wall situated on the south side of the parcel facing residential properties on the south, southeast, and southwest portion of the parcel. The sound wall assists in mitigating noise to the surrounding area. Variance Application No V-17-001 has been filed with the City of Fresno. Accommodating these delivery trailers at 450 E. Belmont Avenue is consistent with the property's existing use. The Project will result in an additional 20 vehicle trips per day (from 50 round-trips per day to 70 round-trips per day). The proposed hours of operations will be 24 hours a day, though a majority of vehicle trips will occur between 7:00 am to 10:00 pm.

The current Producers delivery trailers located at the southwest corner of Tuolumne Street and H Street in Fresno need to be moved to the new location at 450 E. Belmont Ave. The new location is more economically viable, will allow for a shorter driving distance, and coincides with Producers' long-range development plan. Additionally, the two boarded-up buildings are currently a nuisance and continue to be a potential safety hazard.

Project construction will commence with the controlled demolition of the existing buildings, removal of their foundations, and removal of the existing perimeter fence and wall. The second stage will be constructing a 12-foot-high sound wall and security fence surrounding the parcel as well as paving the property, installing new utility poles, paving new sidewalks, and new gates.

### **B. Project Objectives**

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

1. Secure additional parking for Producers Dairy delivery trailers, which will necessitate demolition of the two existing buildings on the site.

2. Systematically remove the two existing buildings on site to expand delivery trailer parking on the proposed Project site.
3. Reuse, to extent feasible, the remaining portions of the buildings and architecturally incorporate the material into an aesthetically appealing wall along the subject property.
4. Reduce public safety hazards by eliminating the risk of fire, structural collapse, personal injury to trespassers, vandalism and crime, and by demolishing structurally unsound buildings that have been abandoned, deteriorated and damaged.
5. Foster economic development in the local area.

### C. Summary of Alternatives in the Final SEIR.

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

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

### D. Record of Proceedings

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

## 3. CERTIFICATON OF THE FINAL SEIR

The Final SEIR comprises a Project-level analysis and contains the environmental review evaluating the impacts of the Project, which requires approval of Development Permit Application No. D-16-088 and Variance Application No. V-17-001. The Final SEIR has State Clearinghouse No. 2017031030, and the SEIR

was prepared in the manner specified in Section 4(A)(i), which is incorporated by reference here. The Final SEIR includes:

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

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

**b. The City Council hereby certifies as follows:**

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

**4. CEQA FINDINGS**

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

- Part 4.A: Findings regarding the environmental review process and the contents of the Final SEIR.
- Part 4.B: Findings regarding the environmental impacts of the Project and the mitigation measures for those impacts identified in the Final SEIR and adopted as conditions of approval. As described in Part 2.B, the City hereby adopts the impact findings as set forth in Exhibit “i” to these findings.
- Part 4.C&D: Findings regarding alternatives discussed in the Final SEIR and the reasons that such alternatives to the Project site are not approved.
- Part 4.E: Findings Regarding Project Alternatives Scoped Out of the Final SEIR.
- Part 4.F: Findings Regarding Adequacy of Range of Alternatives
- Part 4.G: Description of the Mitigation and Monitoring and Reporting Program (“MMRP”) for the Project.
- Part 4.H: Summary of the findings and determinations regarding the Project.

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

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

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

#### **A. Environmental Review Process**

##### **i. Preparation of the SEIR.**

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

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

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

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

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

6. *Response to Comments on Draft SEIR:* After a close of the public review period, the City prepared formal response to the written comments received. A total of one (1) written

comment was received regarding the Draft SEIR. The responses to the one written comment letter are contained in the Revised Draft SEIR.

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

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

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

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

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

ii. Absence of Significant New Information

CEQA Guidelines Section 15088.5 requires a lead agency to recirculate an EIR for further review and comment when significant new information is added to the EIR after public notice given of the availability of the Draft EIR, but before certification of the Final EIR. New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect that the project proponent declines to implement. The CEQA Guidelines provide examples of significant new information under this standard.

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

1. Other Changes.

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

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

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

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

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

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

**iii. Differences of Opinion Regarding the Impacts of the Project**

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

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

**B. Impacts and Mitigation Measures**

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

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

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

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

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

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

### **C. Basis for the City’s Decision to Approve the Project and Reject Other Alternatives**

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

### **D. The City’s Findings Relating to Alternatives**

**In making these findings, the City certifies that it has independently reviewed and considered the information on alternatives provided in the Final SEIR, including the information provided in**

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

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

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

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

i. No Project Alternative

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

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

For comparative purposes, the proposed Project would result in significant and unavoidable impacts with regard to cultural resources through the demolition of the two buildings on the Project site. These impacts would be avoided by the No-Project Alternative. The buildings have been boarded-up since 1983, and have numerous areas of concern regarding structural integrity, as determined by an Engineering Schematic Condition assessment performed by Brooks-Ransom Associates on September 14, 2016, and located in Appendix A of the Initial Study. If the current buildings were to remain unutilized, they may eventually be condemned. Additionally, because a new alternative Project location would need to be

found, and the new alternative location would likely be further from the current Producers Dairy Operations Facility at 144 E. Belmont Avenue than the current Project site is, the No Project Alternative could potentially cause additional impacts to Transportation/Traffic, Air Quality, Greenhouse Gas, Biological, Cultural Resources, Hydrology and Water Quality, Population and Housing, and Noise.

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

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

ii. Preservation of North Building Alternative

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

The existing North building would require long-term maintenance, substantial financial investment for clean-up, and subsequent retrofitting of the building to bring the structure to current code standards for wind and seismic load resistance. An Engineering Schematic Condition assessment performed by Brooks-Ransom Associates on September 14, 2016, and located in Appendix A of the Initial Study, found the North building to have numerous areas of concern regarding structural integrity.

Preservation can be very costly and would cause the estimated cost of this alternative to exceed the estimated cost of the proposed Project. The estimate for retrofitting the North building for preservation amounts to \$1,387,500 while the estimated cost for demolishing the North building amounts to \$277,500. In addition, the difference between the estimated costs of preserving the North building and demolishing the building is \$1,110,000, which equates to an estimated cost increase of 400%. The differential estimated costs of preserving the North building as compared to the estimated cost of the proposed Project places an undue burden on the Project proponent.

For comparative purposes, the proposed Project would result in significant and unavoidable impacts to cultural resources through the demolition of the two buildings on the Project site. The Preservation of the North Building Alternative would eliminate significant and unavoidable impacts to cultural resources through preserving the North building. However, this alternative would not fully eliminate the significant and unavoidable impacts to cultural resources of demolishing the South building on the Project site. Additionally, because a new alternative Project location would need to be found, and the new alternative location would likely be further from the current Producers Dairy Operations Facility at 144 E. Belmont Avenue than the current Project site is, the Preservation of North Building Alternative could cause potential additional impacts to Transportation/Traffic, Air Quality, Greenhouse Gas, Biological, Cultural Resources, Hydrology and Water Quality, Population and Housing, and Noise.

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

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

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

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

4. The preservation of the North building, as outlined above, would equate to an estimated cost increase of 400%. The differential estimated costs of preserving the building as compared to the estimated cost of the proposed Project places an undue burden on the Project proponent. The magnitude of the different demonstrates that this alternative is economically infeasible.

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

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

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

The estimate for demolishing both buildings, and structurally retrofitting the façades amounts to \$487,500 while the estimated cost for demolishing both buildings amounts to \$375,000. The difference between the estimated costs of preserving the façades and demolishing the building is \$112,500, which equates to an estimated cost increase of 30%.

Retaining the North and South building facades would also result in the direct loss of 14 of the 67-proposed delivery trailer parking spaces- a direct loss of 26% of the proposed parking. Retaining the South building façade would also block half of the entrance driveway on N. Roosevelt Ave. Moving the entrance driveway further south to accommodate would also impact and reduce parking, which would not meet the Project proponent objectives, and would require the relocation of at least 26% of the delivery trailer

parking to a new location, which would cause additional estimated costs through the purchase of new land, and permitting the alternative location.

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

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

2. The preservation of the North building, as outlined above, would equate to an estimated cost increase of 30%. The differential estimated costs of preserving the building as compared to the estimated cost of the proposed Project places an undue burden on the Project proponent. The magnitude of the difference demonstrates that this alternative is economically infeasible.

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

iv. North Building Relocation Alternative

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

The North building would be removed by a professional building moving company to a yet-to-be determined location. For estimate purposes, it was assumed that a new site for the North building could be found within one mile of the Project site.

The estimate for simply relocating the North building to a new site within one mile of the proposed Project amounts to \$2,000,000. The estimated cost of demolishing the North building is \$277,500. These estimates do not take into account any additional funds that may be required to secure a new site for the North building and to retrofit it in order to bring it up to code.

The difference between the estimated costs of relocating the North building and demolishing it is \$1,722,500, which equates to an estimated cost increase of 620%. The differential estimated costs of moving the North building as compared to the estimated cost of the proposed Project are so great that a reasonably prudent person would not proceed with Project. **Thus, the magnitude of the difference demonstrates that this alternative is economically infeasible. The estimated cost for this alternative**

**greatly exceeds the estimated cost of demolition, as demonstrated in an estimate for building relocation by a professional building moving company, as shown in Appendix D of the Final SEIR.**

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

v. North and South Building Preservation/Rehabilitation Alternative

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

However, this Project alternative would not achieve the petitioner’s goals for the site because it would secure only 61% of the delivery trailer parking needed by the petitioner. In addition, preservation of both buildings would require long-term maintenance, substantial financial investment for clean-up, and subsequent retrofitting of the buildings to bring the structures to current code standards for wind and seismic load resistance.

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

**The estimate cost of this alternative exceeds the estimated cost of the proposed Project, as demonstrated by an estimate for building preservation and reinforced by a Structural Engineering Evaluation.** The difference between the estimated costs of preserving both buildings and demolishing both buildings is \$2,250,000, which equates to an estimated cost increase of 600%. The differential difference estimated costs of preserving the building as compared to the estimated cost of the Project places an undue burden on the Project proponent. **The magnitude of the difference demonstrates that this alternative is economically infeasible.**

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

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

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

building would block half of the proposed N. Roosevelt Avenue entrance. Moving the entrance drive further south to accommodate this would also impact and reduce parking along the southern-most row of delivery trailer parking.

3. The preservation of the North building, as outlined above, would equate to an estimated cost increase of 600%. The differential estimated costs of preserving the building as compared to the estimated cost of the proposed Project places an undue burden on the Project proponent. The magnitude of the different demonstrates that this alternative is economically infeasible.

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

#### **E. Findings Regarding Project Alternatives Scoped out of SEIR**

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

#### **F. Findings Regarding Adequacy of Range of Alternatives**

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

#### **G. Mitigation Monitoring and Reporting Program**

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

#### **H. Summary**

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

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

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

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

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

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

## 5. Statement of Overriding Considerations

### A. Impacts That Remain Significant

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

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

#### i. Impact

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

#### ii. Feasibility Findings

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

### B. Overriding Considerations Justifying Project Approval

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

This Statement of Overriding Considerations is based on the City’s review of the Final SEIR and other information in the administrative record. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the Project. The benefits of the Project are as follows:

#### i. Removal of Attractive Nuisance

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

on Belmont Avenue within a close proximity to the Project site, represent an attractive nuisance. Removal of these buildings and development of the site will remove the attractive nuisance and help combat urban decay in the local neighborhood.

ii. Improve Public Safety

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

***South Building:***

- Unreinforced Red Brick Walls
- Nominally reinforced CMU walls
- Straight board roof sheeting with water damage and rot
- Severe water damage to roof framing
- Significant impact damage to the west wall
- Step cracking in the east wall near the north corner
- Deteriorated ceiling sheeting at the east side of the building
- No wall ties from perimeter walls to the roof framing
- Roof joist embedded directly in the masonry wall
- No shear transfer from the roof" diaphragm" to the shear walls

***North Building:***

- A mixture of Unreinforced Red Brick walls, wood stud walls, and light gage metal stud walls apparently all working as shear walls
- Tall unreinforced red brick perimeter walls
- Steel moment frames resisting lateral forces in same principal direction as solid masonry walls
- Nominally reinforced CMU walls
- Lack of roof diaphragm continuity between successive building additions
- Offsets in wall lines with questionable means to distribute shear loads
- West wall above moment frame is a diagonally sheeted wood wall with a plater finish on the outside
- Straight wood board diaphragms exist in several areas of the building
- Seriously damaged roof sheeting was observed in several areas of the building
- There appears to be at least 3 major phases of construction. The nature of these separate phases seem to lack a coordination with the previous construction resulting in a lack in continuity and connection of the subsequent phases so as to provide a total building which will act as a whole during exposure to wind or seismic forces.
- The westerly most addition to the building has a significant vertical discontinuity in stiffness as the roof diaphragm forces move from a second story shear wall system to a steel moment from on the lower level.

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

iii. Reduce Greenhouse and Air Quality Emissions

As shown in Section 4.3, Transportation and Traffic, of the Final SEIR, the proposed Project will increase truck route efficiency in Producers' truck fleet by relocating the truck parking closer to the

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

iv. Further Screen Truck Parking

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

v. Install Sound Wall

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

vi. Economic Development/Reduce Urban Decay

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

vii. Add Neighborhood Improvements

Finally, the proposed Project will add local improvements to the area in the form of constructing a commemorative monument, new sidewalk, curb and gutter areas, a new accessible ramp at the corners of E Belmont Avenue and N Roosevelt Ave, installing a new storm water inlet/outlet, and providing and maintaining street trees in tree wells on the sidewalk to the west side of the property south to the entry driveway. Trees planted in this location and the remainder of the west and south sides of the property will be a species that attains a minimum height of thirty feet at maturity.