Response to Comments on the Draft Environmental Impact Report Fulton Mall Reconstruction Project City of Fresno, California

State Clearinghouse Number 2013101046

Prepared for:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
559.621.8366

Contact: Elliott Balch, Downtown Revitalization Manager

Prepared by:
FirstCarbon Solutions
220 Commerce, Suite 200
Irvine, CA 92602
714.508.4100

Contact: Michael Houlihan, AICP

Date: February 13, 2014

Response to Comments on the Draft Environmental Impact Report Fulton Mall Reconstruction Project City of Fresno, California

State Clearinghouse Number 2013101046

Prepared for:

City of Fresno
2600 Fresno Street
Fresno, CA 93721
559.621.8366

Contact: Elliott Balch, Downtown Revitalization Manager

Prepared by:

FirstCarbon Solutions
220 Commerce, Suite 200
Irvine, CA 92602
714.508.4100

Contact: Michael Houlihan, AICP

Date: February 13, 2014

Table of Contents

Section 1: Introduction 1-1

Section 2: List of Commenters 2-1

Section 3: Responses to Comments 3-1

Letter A: Ray McKnight, November 27, 2013 3-3
Letter B: Harold Tokmakian, November 27, 2013 3-5
Letter C: Harold Tokmakian, December 1, 2013 3-7
Letter D: Laural Fawcett, Fresno County Airport Land Use Commission, December 2, 2013 3-9
Letter E: Robert Gurfield, December 2, 2013 3-14
Letter F: Cole E. Judge, December 6, 2013 3-16
Letter G: Dixie Salazar, December 6, 2013 3-18
Letter H: Cliff Tutelian, December 6, 2013 3-21
Letter I: Steven Weil, December 9, 2013 3-25
Letter J: Gary Chapman, Fresno Metropolitan Flood Control District, December 10, 2013 3-30
Letter K: Eddie Clement, December 12, 2013 3-32
Letter L: Karana Hattersley-Drayton, City of Fresno Historic Preservation Commission, December 18, 2013 3-34
Letter M: Celeste DeMonte, January 10, 2014 3-36
Letter N: Mitch Freund, January 10, 2014 3-38
Letter O: Susan McCline, January 9, 2014 3-42
Letter P: Richard J. Roman, January 10, 2014 3-44
Letter Q: Maxine Spencer, January 10, 2014 3-46
Letter R: Scott Barton, January 13, 2014 3-48
Letter S: Stan Bitters, January 13, 2014 3-52
Letter T: Sara Hedgpeth-Harris, January 13, 2014 3-60
Letter U: Jill Fields, California State University, Fresno, January 13, 2014 3-74
Letter V: Norman Allinder, Madera County Resource Management Agency, Department of Planning and Building, January 10, 2014 3-79
Letter W: Brian Turner, National Trust for Historic Preservation; Charles Birnbaum, The Cultural Landscape Foundation; Anthea M. Hartig, California Historical Society; and Cindy Heitzman, California Preservation Foundation, January 13, 2014 3-135
Letter X: Lupe Perez, RDA-Successor Agency, January 13, 2014 3-143
Letter Y: James Sinclair, January 13, 2014 3-148
Letter Z: David Warner, San Joaquin Valley Air Pollution Control District, January 13, 2014 3-155
Letter AA: Claire Stratham, January 13, 2014 3-159
Letter BB: Harold Tokmakian, Linda Zachritz, and Ray McKnight, January 13, 2014 3-197
Letter CC: Charity Whitney, January 13, 2014 3-207
Letter DD: Michele Downer, January 13, 2014 3-209
Letter EE: Scott Anderson, January 13, 2014 3-213
Letter FF: Angel Lor, San Joaquin Valley Air Pollution control District, January 14, 2014 3-215

Section 4: Errata 4-1

Attachment A: Urban Decay Study and Updated Economic Impact Analysis
A.1 - Fulton Mall Urban Decay Study (Includes Economic Impact Analysis)
A.2 - Fulton Mall Reconstruction Alternatives Plans - Economic Impact Analysis Updated Alternatives Review

Attachment B: Air Quality - Updated Re-entrained Road Dust Modeling

Attachment C: City of Fresno Fulton Mall Reconstruction Project Website

List of Tables

Table 2-1: List of Commenters 2-1

SECTION 1: INTRODUCTION

In accordance with Section 15088 of the State of California Environmental Quality Act (CEQA) Guidelines, the City of Fresno as the lead agency for the proposed Fulton Mall Reconstruction Project has evaluated the comments received on the Draft Environmental Impact Report (Draft EIR), State Clearinghouse No. 2013101046. The Draft EIR was released for public review and comment for a period of 45 days from November 27, 2013 through January 13, 2014. This Response to Comments (including the Errata) and the Draft EIR comprise the Final EIR for use by the City of Fresno and responsible agencies in their review of the proposed project.

This Response to Comments document is organized as follows:

- **Section 1: Introduction.**
- **Section 2: List of Commenters.** Provides a list of agencies, organizations, and individuals that commented on the Draft EIR.
- **Section 3: Responses to Comments.** Includes a copy of all of the letters received and provides responses to comments on environmental issues describing the disposition of the issues, explaining the Draft EIR analysis, supporting the Draft EIR conclusions, and/or providing clarifying information or corrections as appropriate. This section is organized with a copy of the comment letter followed by the corresponding responses.
- **Section 4: Errata.** Includes errata, clarifications, and additions to the Draft EIR.

Additionally, these Responses to Comments and Errata clarify, amplify, and expand on the fully adequate analysis and significance conclusions that were already set forth in the Draft EIR for public review. CEQA Guidelines Section 15088.5 makes clear that such clarifications and amplifications are appropriate under CEQA and do not require recirculation of the EIR. Specifically, Section 15088.5 states:

a) A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification. As used in this section, the term “information” can include changes in the project or environmental setting as well as additional data or other information. 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 (including a feasible project alternative) that the project’s proponents have declined to implement. “Significant new information” requiring recirculation includes, for example, a disclosure showing that:

    1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.

2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.

3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it.

4) The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

b) Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

As set forth in more detail in these Responses to Comments and Errata, none of the clarifications or amplifications set forth herein change the significance conclusions presented in the Draft EIR or the substantially alters the analysis presented for public review. Furthermore, the Draft EIR circulated for public review was fully adequate under CEQA such that meaningful public review was not precluded. Thus, the clarifications provided in these Responses to Comments and Errata do not constitute significant new information that might trigger recirculation.

SECTION 2: LIST OF COMMENTERS

A list of public agencies, organizations, and individuals who provided comments on the Draft EIR through January 13, 2014 is presented below. Each comment has been assigned a code. Individual comments within each correspondence have been numbered so comments can be crossed-referenced with responses. The text of the correspondence is reprinted in Section 3, Responses to Comments, immediately followed by the corresponding response.

Table 2-1: List of Commenters

Code	Commenter	Comment Date
A	Ray McKnight	November 27, 2013
B	Harold Tokmakian	November 27, 2013
C	Harold Tokmakian	December 1, 2013
D	Laural Fawcett, Fresno County Airport Land Use Commission	December 2, 2013
E	Robert Gurfield	December 2, 2013
F	Cole E. Judge	December 6, 2013
G	Dixie Salazar	December 6, 2013
H	Cliff Tutelian	December 7, 2013
I	Steven Weil	December 9, 2013
J	Gary Chapman, Fresno Metropolitan Flood Control District	December 10, 2013
K	Eddie Clement	December 12, 2013
L	Karana Hattersley-Drayton, City of Fresno Historic Preservation Commission	December 18, 2013
M	Celeste DeMonte	January 10, 2014
N	Mitch Freund	January 10, 2014
O	Susan McCline	January 9, 2014
P	Richard J. Roman	January 10, 2014
Q	Maxine Spencer	January 10, 2014
R	Scott Barton	January 13, 2013
S	Stan Bitters	January 13, 2014
T	Sara Hedgpeth-Harris	January 13, 2014
U	Jill Fields, California State University, Fresno	January 13, 2014
V	Norman L. Allinder, Madera County Resource Management Agency, Department of Planning and Building	January 10, 2014
W	Brian Turner, Charles Birnbaum, Anthea M. Hartig, and Cindy Heitzman	January 13, 2014

Table 2-1 (cont.): List of Commenters

Code	Commenter	Comment Date
X	Lupe Perez, RDA-Successor Agency	January 16, 2014
Y	James Sinclair	January 10, 2014
Z	David Warner, San Joaquin Valley Air Pollution Control District	January 13, 2014
AA	Clare Statham	January 13, 2014
BB	Harold Tokmakian, Linda Zachritz, and Ray McKnight	January 13, 2014
CC	Charity Whitney	January 13, 2014
DD	Michele Downer	January 13, 2014
EE	Scott Anderson	January 13, 2014
FF	Angel Lor, San Joaquin Valley Air Pollution Control District	January 14, 2014

SECTION 3: RESPONSES TO COMMENTS

In accordance with Section 15088 of the California Environmental Quality Act (CEQA) Guidelines, the City of Fresno (City), as the lead agency, evaluated the comments received on the Draft EIR (State Clearinghouse No. 2013101046) for the proposed Fulton Mall Reconstruction Project and has prepared the following responses to the comments received.

Elliott Balch

From: Elliott Balch
Sent: Monday, December 09, 2013 11:43 AM
To: Elliott Balch
Subject: FW: Draft EIR

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----
From: Elliott Balch
Sent: Wednesday, November 27, 2013 5:21 PM
To: Ray McKnight
Cc: Wilma Quan
Subject: Re: Draft EIR

Ray:

It all went online early this morning at www.fresno.gov/fultonmall, the site listed in the notice of availability. Hard copies are also available for review during business hours at the three sites identified in the notice.

Elliott

> On Nov 27, 2013, at 5:14 PM, "Ray McKnight" <raymc@mail.fresnostate.edu> wrote:
>
> To: Elliott Balch
> From: Ray McKnight
>
> The Draft EIR announced on posted notices does not appear to be
> available online. My guess is that it would be illegal to start the
> 45-day period for comment before the Draft EIR is available to the
> public.

A-1

Letter A: Ray McKnight, November 27, 2013

Response to Comment A-1

This comment questioned whether the Draft EIR was posted online and the legality of the comment period starting without the EIR being posted online. The Draft EIR was posted by the City online November 27, 2013, the same day as the Notice of Availability was published. Mr. McKnight provided no specific comments on the environmental issues presented in the Draft EIR. Thus, no further response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Harold Tokmakian [haroldt@mail.fresnostate.edu]
Sent: Wednesday, November 27, 2013 7:07 PM
To: Elliott Balch
Cc: Wilma Quan; Ray McKnight; Linda Zachritz; Doug Richert; Robert Turner; Jill Fields; jbaiken; Jennifer Taylor; Susan McCline; KielSchmidt
Subject: Re: FOR THE RECORD

Follow Up Flag: Follow up
Flag Status: Completed

Elliot, under the heading of. "Environmental impact reviews", the words " Notice of availability" do NOT appear.. Instead I read " an environmental impact report is being prepared.....This page is the place to find the... documents as they become available".

And then the comment deadline is given as 1/13/ 14....
My conclusion is that no official "notice of availability " has been given as you said .
Hal

On Nov 27, 2013, at 6:09 PM, Harold Tokmakian <haroldt@mail.fresnostate.edu> wrote:

> Yes , the DEIR is there , but it is a very obscure notice. It MAY ? follow the letter of the law but in my opinion not the spirit . There is nothing that states clearly, NOTICE OF AVAILABILITY
> DEIR, FCRP ,.....
> Hal
> hht
>
>
> On Nov 27, 2013, at 5:14 PM, Elliott Balch <Elliott.Balch@fresno.gov> wrote:
>
>> Dear Hal:
>>
>> It's all online. Please see www.fresno.gov/fultonmall, the site listed in the notice of availability. Hard copies are also available for review during business hours at the three identified sites.
>>
>> Elliott
>>
>>> On Nov 27, 2013, at 5:08 PM, "Harold Tokmakian" <haroldt@mail.fresnostate.edu> wrote:
>>>
>>> Dear Elliot , Wilma.
>>>
>>> For the record , although the City has posted notice that the FMRP DEIR has been released and is available for comment., nothing is on fresno.gov.
>>> The 45 day comment period ends
>>> Jan 13 , 2014 as posted.
>>>
>>> Hal
>>>
>>>
>>>
>>> hht
>>>

B-1

Letter B: Harold Tokmakian, November 27, 2013

Response to Comment B-1

This comment questions the method of notice for the Notice of Availability provided by the City. Pursuant to CEQA Guidelines, there is no requirement to post the Notice of Availability on the City's website. (CEQA Guidelines, Section 15087.) The Notice of Availability was delivered by certified mail to all organizations and individuals who had previously requested such notice and the Notice of Availability was published in the Fresno Bee, as well as being posted on the Project Site and at the Office of the County Clerk. (CEQA Guidelines, Section 15087 (a), (d).) Mr. Tokmakian provided no specific comments on the environmental issues presented in the Draft EIR. Thus, no further response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Harold Tokmakian [haroldt@mail.fresnostate.edu]
Sent: Sunday, December 01, 2013 9:08 PM
To: Elliott Balch
Cc: Wilma Quan; Ray McKnight; Doug Richert; Robert Turner; Linda Zachritz; Susan McCline; Steve Cancian; KielSchmidt
Subject: Re: NOTICE

Follow Up Flag: Follow up
Flag Status: Completed

Hello Elliot
Yes after returning from the Bay Area today I fished in my recycling bin and as you said, there was the NOTICE printed on p . A -2 of the Wed BEE.

My sincere apologies for my oversight

Hal

On Nov 29, 2013, at 1:52 PM, Elliott Balch <Elliott.Balch@fresno.gov> wrote:

> Wednesday's Bee, page A2.
>
>> On Nov 29, 2013, at 1:46 PM, "Harold Tokmakian" <haroldt@mail.fresnostate.edu> wrote:
>>
>> When? What page? What paper?
>> Hal
>> hht
>>
>>
>>> On Nov 29, 2013, at 1:36 PM, Elliott Balch <Elliott.Balch@fresno.gov> wrote:
>>>
>>> Hal,
>>>
>>> It was.
>>>
>>> Elliott
>>>
>>>> On Nov 29, 2013, at 1:25 PM, "Harold Tokmakian" <haroldt@mail.fresnostate.edu> wrote:
>>>>
>>>> Elliot.
>>>>
>>>> Why wasn't the Notice of availability for for the FMRP DEIR published in the BEE as were the others?
>>>> Hal
>>>> hht
>>>>

C-1

Letter C: Harold Tokmakian, December 1, 2013

Response to Comment C-1

Mr. Tokmakian provided no specific comments on the environmental issues presented in the Draft EIR. Thus, no response is required. (CEQA Guidelines, Section 15088.)

Fresno Council of Governments
Fresno County Airport Land Use Commission

2035 Tulare St., Ste. 201 tel 559-233-4148
Fresno, California 93721 fax 559-233-9645

www.fresnocog.org

Laural Fawcett
Associate Regional Planner
Phone: 559-233-4148 Ext. 223
Email: lfawcett @fresnocog.org

Elliot Balch, Downtown Revitalization Manager
City of Fresno
Downtown & Community Revitalization Department
2600 Fresno Street, Room 2156-02
Fresno, CA 93721

SUBJECT: ALUC Review of the City of Fresno Fulton Mall Reconstruction Project

Dear Mr. Balch,
Thank you for submitting the proposed changes to the City of Fresno's Central Area Community Plan, as it relates to the Fulton Mall Reconstruction Project. Staff review determined that both the project and the Community Plan are consistent with the ALUC Airport Land Use Policy Plan for Chandler Executive Airport, and this was formally approved by the ALUC.

The following airport land use related discussion occurred prior to the action taken on this item:

- Commission Chair Nathan Magsig asked if there were any airport land use findings of inconsistency during the drafting of Community Plan changes or in the planning of the Fulton Mall Reconstruction project within the Chandler Executive Airport Influence Area (AIA), to which you confirmed there were none.

- Commissioner Dan Card, former Manager of the Chandler Executive Airport commented on the efforts of previous City of Fresno Planning Staff in preparing the Central Community Plan with consideration for consistency with the Airport Master Plan, and the Environs or Specific Plan for the airport.

- Linda Zachritz a member of the Downtown Fresno Coalition, was recognized by the ALUC as providing comment for the record, during the public comment portion of the meeting prior to the ALUC vote. Ms. Zachritz stated for the record that the Downtown Fresno Coalition objects to the implementation of the Fulton Mall Reconstruction Project. Commission Chair Magsig asked if Ms. Zachritz could identify any inconsistencies between the Fulton Mall Reconstruction Project and the ALUC Airport Land Use Policy Plan for Chandler Executive Airport or if there were any safety concerns involving aircraft. Ms. Zachritz confirmed that she did not have any airport land use or safety objections, and that the objection was for the record.

If you have any further questions or concerns, please do not hesitate to contact me. Sincerely,

Laural Fawcett

Cc: Tony Boren, Clark Thompson

D-1

City of Clovis
City of Coalinga
City of Firebaugh
City of Fowler
City of Fresno
City of Huron
City of Kerman
City of Kingsburg
City of Mendota
City of Orange Cove
City of Parlier
City of Reedley
City of San Joaquin
City of Sanger
City of Selma
County of Fresno

Letter D: Laural Fawcett, Fresno County Airport Land Use Commission, December 2, 2013

Response to Comment D-1

The Fresno County Airport Land Use Commission provided no specific comments on the environmental issues presented in the Draft EIR. Thus, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Robert Gurfield [rgurf@ucla.edu]
Sent: Monday, December 02, 2013 9:07 PM
To: Elliott Balch
Subject: Re: Support letter for Measure C funding for Fulton Mall project

Elliott,
You are welcome .
Good idea to use my remarks for DEIR comments.
Regards to the gang at Peeve's.
Bob

Sent from my iPhone
R gurfield

On Dec 2, 2013, at 19:07, Elliott Balch <Elliott.Balch@fresno.gov> wrote:

> Bob, unless you object, I think I will treat your post-meeting remarks as comments on our Draft EIR, and we will incorporate them as such into the final document. I know you didn't intend them that way, but we are in the EIR circulation period, and obviously you're talking about the project. Thanks again. EB
>
> ---
>
> From: Elliott Balch
> Sent: Monday, December 02, 2013 7:06 PM
> To: 'Robert Gurfield'
> Subject: RE: Support letter for Measure C funding for Fulton Mall project
>
> Bob,
>
> Thanks very much!
>
> Elliott
>
> ---
>
> From: Robert Gurfield [mailto:rgurf@ucla.edu]
> Sent: Monday, December 02, 2013 6:17 PM
> To: Elliott Balch
> Subject: Re: Support letter for Measure C funding for Fulton Mall project
>
> Hi Elliott,
> I am attaching a jpg version of my signed letter, plus a Word version. In addition I am including a copy of my notes from the November 19 community meeting that advocate Alternative 1, the straight street for Fulton Mall. Let me know the outcome of your efforts. E-1
>
> Bob Gurfield
> <image001.jpg>
>
> On Nov 25, 2013, at 6:12 PM, Elliott Balch <Elliott.Balch@fresno.gov> wrote:

Dear Downtown property owners, business owners, and potential investors:

Soon the City will be submitting an application for about $1.8??1.9 million from the Measure C TOD program to serve as a match for the TIGER construction funding award. This is an important piece of the budget and we can?t do the Mall project without it. In addition, we will need these kinds of matching commitments firmed up soon in order to get the TIGER funding formally committed in February/March.

I?d like to ask you to support our request with a letter on your own behalf. I?ve drafted a generic version which is attached here. Please feel free to change it or personalize it, particularly in the highlighted areas. Then you can sign it on your letterhead, scan it, and email it back to me. Snail mail (to me at the address below) works too.

Hopefully it will only take a minute. I?d appreciate getting your letter by early next week, if not this week. Please let me know if you have any questions.

Thanks and if I don?t hear from you first, have a very happy Thanksgiving week and weekend!

Elliott Balch
Downtown Revitalization Manager
City of Fresno
2600 Fresno Street
Fresno, CA 93721
(559) 621-8366

<Support letter - Fulton Mall construction match - investor.doc>

Nov 22, 2013

To Kate Borders
Downtown Partnership Fresno
Fresno, CA

Kate,

Thank you for inviting me to the Fulton Mall Steering Committee meeting on 11/19/2013. I participated in the discussion of the options offered: Straight Street, Curved Street, No vehicular access (Eckbo rehab). I argued for the superiority of Option 1-the straight street because it promises the community maximum flexibility for future needs. Here is my elaboration of this rationale.

Fifty years ago when the Eckbo design was built, Fresno had a population of 150,000. Fulton Street boasted architecturally significant buildings that were erected before WW2 as the center of culture and commerce for the Central Valley. By the end of the sixties, California had recently completed the state water projects and its Interstate highways. These were primary ingredients for the growth of the region during the last part of the twentieth century.

Today the Fresno population is approaching 600,000. Fresno is still the heart of California's major agricultural region but it is a far more complex city with many more ties to the state and overseas. The downtown still has the potential to become again a major resource to serve these modern needs. The revised Fulton Mall will be with us for another fifty years or more. What changes will the region witness in this era? How can the Mall facilitate the health of the community? It should be rebuilt now with the view of serving the region for the future. E-2

My approach is to view the Fulton Mall as a regional artery to be made as adaptable as possible for new commercial and community uses. Over the next decades, I am thinking of expansions for businesses, events, health services, education, entertainment, culture, communication and government as well as other activities for Downtown.

The success of Downtown Revitalization means that thousands more people every day flow into and out of Fulton Mall and adjacent streets. These are the employees, shoppers, tourists, travelers, researchers, students, investors, suppliers and others. Entrepreneurs will compete to locate their new services and businesses downtown. The High Speed Rail will bring hundreds of workers and passengers Downtown each day.

All of these influences will make the downtown more necessary for business activity in ways that we can't accurately visualize right now. To accommodate these new uses, some existing buildings need rehabilitation or replacement. But today in planning for the new Fulton Mall we don't want to build obstacles now that will only make future adaptation more difficult.

The drawings of both Option 2 and Option 3 have undeniable aesthetic appeal but are they best for revitalizing Downtown? Option 2, with the meandering street offers limited

Nov 22, 2013

vehicular access and bottlenecks to the flow of people and cars. Think of access by service vehicles and public transportation as well as passenger cars and pedestrians. One emergency vehicle or a construction project might block the street for hours. Variable sidewalk widths reduce the number of people who can get to or from downtown during peak hours. E-2 (cont)

Option 3 with no vehicles on the street, presents the most obstacles to new economic activity. The complete restoration of the Eckbo design will be even more restrictive.

The consultants should make a study to simulate or estimate how each of the three options can handle crowds, and vehicles. Consider a thousand regular employees downtown. What about 5000 or more? Suppose we have a community event drawing 50,000 people. For each of these cases how long does it take a person to get to where he wants to go? How long does it take for cars to clear the area? How long does it take for a crowd to form, or to disperse? How long for emergency response? E-3

For Option 1 the consultants have done an impressive job of preserving trees and art as well as relocating other pieces to new venues. The art that can't fit won't be lost, but will be reset in modern people-friendly settings. Let's make the Downtown serve the needs of the most important city of Central California in the 21st Century. E-4

Sincerely yours,

Robert M. Gurfield

Letter E: Robert Gurfield, December 2, 2013

Response to Comment E-1

No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no further response is required. (CEQA Guidelines, Section 15088.)

Response to Comment E-2

These comments argue that Option 1 is the best project to provide the "maximum flexibility for future needs." No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no further response is required. (CEQA Guidelines, Section 15088.)

Response to Comment E-3

The commentator states that the EIR should study how each of the Options 1, 2, and 3 are able to "handle" crowds and vehicles. Specifically, the commentator requests the consultant to study what would happen if 1,000 people worked downtown, 5,000 worked downtown, and 50,000 people visited for a community event.

What the commentator refers to as "Option 3," was considered as the "Restoration and Completion" alternative to the Project but was dismissed from further review based upon its inability to meet the project objectives. (See Section 6.2.1 of the Draft EIR.)

Option 1 and Option 2 were studied in the traffic impact study in Appendix 11. Option 1 and Option 2 were not found by the traffic consultant to have a significant difference in operation, and for purposes of impacts to circulation were studied as having the same impacts. Both were found to enhance accessibility to the area. For purposes of safety and hazard impacts, Option 2 was found to create more potential impacts. Due to the design of a curve through the vignette areas, the speed limit would need to be reduced to 25 miles per hour compared to 30 miles per hour outside of the vignette area. Therefore, it is reasonable to expect that it will take longer for cars to clear the Project area under the Option 2 than the Option 1 scenario for cars parked on Fulton Street. The traffic impact study did not find a difference between Option 1 and Option 2 for access by emergency vehicles. Both Option 1 and Option 2 were found not to create a significant impact to transportation or traffic. The commentator has not provided any substantial evidence to support an alternative conclusion or question the Draft EIR conclusions or analysis. Therefore, no further response is required. (CEQA Guidelines, Section 15088.)

Response to Comment E-4

No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no further response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Cole E. Judge [colelai@gmail.com]
Sent: Friday, December 06, 2013 1:50 PM
To: Elliott Balch
Subject: Public Comments for Fulton Mall Project

Follow Up Flag: Follow up
Flag Status: Completed

Comments for Fulton Mall Project:::

I am writing to express my support of Option 1 to restore the Fulton Corridor to a Main Street. A straight street is the most convenient for transit, autos, and bicyclists. If we are going to make a complete street, let's do it to get the most efficiency out of it and to make it the least confusing. I would like to see trees, lighting, bike facilities (perhaps a few dedicated parking spaces to become bicycle corrals), crosswalks, parallel on-street parking, outdoor dining capability, and wayfinding signage. F-1

Thank you.
Cole Judge
Former Resident of Downtown Fresno
Current Fresno Citizen

--
Ms. Cole E. Judge, M.U.R.P.
Fresno, California
Email: colelai@gmail.com

"Every time I see an adult on a bicycle, I no longer despair for the future of the human race." -HG Wells

Letter F: Cole E. Judge, December 6, 2013

Response to Comment F-1

This comment states it supports Option 1 as being the most convenient for transit, autos and bicycles. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Dixie Salazar [dsalazar@csufresno.edu]
Sent: Friday, December 06, 2013 9:34 AM
To: Elliott Balch
Subject: Re: Downtown Revitalization: December 2013

Follow Up Flag: Follow up
Flag Status: Completed

I am responding to your request for comments re. the EIR and Fulton Mall. After reading the e-mail you sent out, I have no faith that any comments I make will be considered. I am opposed to turning the mall back into a street. However, your e-mail made it very clear that the mayor and everyone on this staff has decided on Option 1. I also attended many meetings that I felt were directed toward this same end. It is very sad that this administration does not consider the needs and wants of those it serves, but instead drives them in directions they have already chosen. I find it insulting to my intelligence that this is being presented so as to appear to give me input. Turning the mall into a street is a huge mistake and the people of Fresno, once again, are the ones who will pay in the end. Sincerely, Dixie Salazar G-1

----- Original Message -----
From: Elliott Balch, Downtown Revitalization Manager <elliott.balch@fresno.gov>
To: Dixie Salazar <dsalazar@csufresno.edu>
Sent: Fri, 06 Dec 2013 04:25:06 -0800 (PST)
Subject: Downtown Revitalization: December 2013

Letter G: Dixie Salazar, December 6, 2013

Response to Comment G-1

The commentator states that she believes turning the mall into a street is a huge mistake and that she does not believe any comments she makes will actually be considered. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Cliff Tutelian [cliff@tutelian.com]
Sent: Saturday, December 07, 2013 4:02 PM
To: Elliott Balch
Subject: Re: Draft EIR

Follow Up Flag: Follow up
Flag Status: Completed

Thanks for your response
And interest I accommodating my request. Given the diverse locations of investment , the appendix will be needed. A complete copy will be appreciated. If necessary, a duplicate copy from a print shop
Will be easier than the printer at the office
I'll look forward to your call on Monday. Have a pleasant weekend
Thank you

Sent from my iPhone
Cliff Tutelian

On Dec 7, 2013, at 2:16 PM, "Elliott Balch" <Elliott.Balch@fresno.gov> wrote:

> Cliff:
>
> Thank you for your email. It will be treated as a comment on the Draft EIR and included in the Final EIR, along with a response.
>
> I'll plan on giving you a call Monday. I do have a few printed copies of the EIR (without the appendices) and should be able to provide you one, with the understanding that I may recall it from you if I am running out. As you may know, a printed EIR with all appendices is available for review anytime during business hours at the Downtown Partnership office, as well as the City Clerk's office and Central Library.
>
> Elliott Balch
> Downtown Revitalization Manager
> and Interim Government Affairs Manager
> City of Fresno
> 2600 Fresno Street
> Fresno, CA 93721
> (559) 621-8366
>
> ---
>
> From: Cliff Tutelian [cliff@tutelian.com]
> Sent: Friday, December 06, 2013 11:25 AM
> To: Elliott Balch
> Cc: Terry Baro
> Subject: FW: Draft EIR
>
> ---
>
> From: Cliff Tutelian
> Sent: Friday, December 06, 2013 11:01 AM
> To: 'elliot.balch@fresno.gov'

H-1

Cc: Terry Baro
Subject: Draft EIR

Elliot,

Thank you for including Tutelian Co. on the mailing list .
I am pleased as to the progress regarding the opening of Fulton and related planning.

With this email , I would like to request a printed copy of the Draft EIR for our review. H-1 (cont)

Additionally, at your convenience, I would appreciate an opportunity to have a phone conversation regarding
The Fulton Corridor in general, as I have some questions. Please let me know a good time to schedule a call, or
to come to my office, if time permits. I will look forward to discussion.

Regards,

Cliff Tutelian
Tutelian & Co.
1401 Fulton Street, Suite 210
Fresno, CA 93721
(559) 266-8000 x 225 Office
(559) 269-2632 Cell

Letter H: Cliff Tutelian, December 6, 2013

Response to Comment H-1

The commentator requests copies of the Draft EIR and to speak with Project Manager Balch. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Steven Weil [sweilhorizon@gmail.com]
Sent: Monday, December 09, 2013 8:01 AM
To: Elliott Balch
Subject: Fulton Mall Draft EIR -- S. Weil Comments

Follow Up Flag: Follow up
Flag Status: Completed

Comments by Steve Weil
Draft Environmental Impact Report
Fulton Mall Reconstruction Project

Elliott:

While in support of the Fulton Green Proposal outlined in Section 6.2.5 of the Draft EIR, the primary purpose of the comments below is to correct statements in the Draft EIR that mischaracterize certain aspects of the Fulton Green Proposal, point out errors and flaws in the Draft EIR's discussion of this alternative and recommend corrective action to remedy those flaws in the Draft EIR.

Based on comments and drawings I submitted in response to the Notice of Preparation, it appears I am the author of much of the source material that serves as the basis of the Fulton Green Proposal as described in Section 6.2.5 of the Draft EIR. As such, I believe I am qualified to point out inconsistencies between my proposal, as delineated in my earlier comments and drawings, and the Draft EIR's description of the Fulton Green Proposal.

Section 6.2.5 of the Draft EIR does a good job of describing the basic urban design concept of the Fulton Green Proposal described in my drawings. However, statements in the Draft EIR that the community garden component of the Fulton Green Proposal would eliminate certain existing mall elements, namely two tot lots, four fountains and three seating areas, are based on an incorrect interpretation of my drawings, which I would like to hereby correct for the record. I-1

In my drawings, community garden locations were shown schematically without any implementation details. The actual intent is that, in limited locations, community gardens will be inserted as an adaptive reuse of existing mall features, not a replacement of them. There is no reason whatsoever that use of a limited part of the mall environment for community gardens, through careful placement and design, cannot coexist with each and every existing element and feature of the mall. Statements in the Draft EIR to the contrary should be removed.

Addressing other flaws in the Section 6.2.5 of the Draft EIR, the document seems to assume, incorrectly, that infill multistory housing proposed for underutilized parcels will not contain an appropriate amount of ground-floor commercial space. This, in turn, leads to a flawed and incorrect mischaracterization of the Fulton Green Proposal as somehow incompatible with the "sustainable development and economic productivity" objectives of the overall project. The inaccurate assumption and its flawed follow-up conclusion are incorrect and not based on any substantial evidence.

To further amplify this point, the Fulton Green Proposal explicitly includes the retention and adaptive reuse of all of the legacy "high rise" neoclassical buildings along the mall, and the retention, for that matter, of all structures three stories and above. New infill housing and surface parking are proposed only for underutilized parcels, which are defined as those with current structures of two stories or less. This approach provides exactly the

right balance of supply, demand, access and convenience for a viable mixed-use district, with an ample supply of ground-floor retail and upper-floor office space.

Statements in Section 6.2.5 of the Draft EIR that the Fulton Green Proposal is inconsistent with the 2025 Fresno General Plan and the Central Area Community Plan are inaccurate, and perhaps even more to the point, simply conclusionary and stated without any supporting evidence. The same is true of the incorrect statement that the Fulton Green Proposal somehow does not "maximize sustainable development and economic productivity in conjunction with other downtown redevelopment projects". To the contrary, the Fulton Green Proposal is the only urban design alternative put forward to date that addresses the vehicular access and surface parking needs of the mall district while at the same time protecting the mall itself, in its entirety, as one of downtown's most significant open space, historic and cultural resources.

Finally, statements in the Draft EIR that currently available federal funding cannot be utilized to implement the transportation-related elements of the Fulton Green Proposal (convenient surface parking accessed via upgraded alleys) are conclusionary and stated without supporting evidence. Indeed, the fact that under the Fulton Green Proposal (as a by-product of the development of new surface parking) a significant number of sites for infill multistory housing adjacent to the mall become available, simply increases the attractiveness and cost-effectiveness of the Fulton Green Proposal. I-1 (cont)

In summary, Section 6.2.5 of the Draft EIR should be amended and corrected as indicated in the foregoing comments. Furthermore, the Draft EIR should be revised to include a full and complete analysis and evaluation of the Fulton Green Proposal equivalent in scope and detail to the analysis and evaluation of those alternatives considered and already actually evaluated.

A few final points: As is clearly documented in the Draft EIR, the Fulton Mall complex is not just any downtown outdoor mall built in accordance with mid 20th century urban renewal theories. This urban landscape and sculpture garden is the work of Garrett Eckbo, an acknowledged midcentury modern master of landscape architecture -- his largest work and possibly the largest surviving work of its kind and of its era (perhaps in the world).

The mall is also a unique piece of Fresno's remarkably extensive and intact, but woefully under appreciated, legacy of midcentury modern architecture and art, created by two to three generations of architects and artists who reflected the general spirit of the era but did so with a remarkably local result. A well-known example of this is architect Robert Steven's brilliant interpretation of midcentury modern building design executed with local materials such as stabilized adobe. The mall is imbued with exactly that same combination of expressing the general spirit of the era but being uniquely about Fresno through locally significant design themes and materials (e.g. A mall fountain as valley wetlands; A mall fountain sculpture as irrigation stand pipes). This has been documented in this Draft EIR and in written comments by others in response to the Notice of Preparation. I-2

The Draft EIR heavily emphasizes objectives that "maximize sustainable development and economic productivity". Perhaps, therefore, this document should take note of and analyze the significant potential of Fresno's overall legacy of midcentury modern architecture as an economic development multiplier (an approach successfully utilized in communities such as Palm Springs, California). In that kind of analysis, removal of the mall may turn out to be a significant economic and cultural setback for the entire community. In that context, an alternative such as the Fulton Green Proposal, which provides the mall district many, if not all, of the functional features of the full street alternatives, while retaining the mall and its place in Fresno's midcentury modern legacy, might be given greater consideration. I-3

Respectfully,

Steve Weil

Letter I: Steven Weil, December 9, 2013

Response to Comment I-1

This comment argues that the Fulton Green Proposal alternative discussed at Section 6.2.5 is an alternative that the commenter submitted to the City and that it has been mischaracterized and that the alternative should be corrected and analyzed with the same level of detail as those alternatives considered and evaluated in the Draft EIR.

Specifically, the commenter states that the Draft EIR incorrectly provides that the community garden element of the alternative would not displace the tot lots, four fountains, and three seating areas. The commenter states that his submitted drawings did not include details that would show that the community gardens are intended to coexist with existing mall features. Additionally, the commenter states that the Draft EIR incorrectly assumes that the multistory housing proposed by the alternative will not have ground-floor commercial and that this misunderstanding allows the incorrect conclusion that the project will not support economic productivity. The commenter states that new infill is only proposed for current sites with two stories or less and new buildings would have ground floor retail. The commenter states that the statements that the alternative is inconsistent with the 2025 Fresno General Plan and the Central Area Community Plan are inaccurate, conclusory, and made without supporting evidence. The commenter also argues that the statement that the currently available federal funding cannot be used to implement the Fulton Green Proposal are not supported. The commenter requests that the description of the Fulton Green be revised consistent with his letter and the alternative be considered for full review as an alternative to the Project.

The commenter's request to make modifications to the Fulton Green Proposal would not change the EIR's conclusion in considering and evaluating the alternative and as such it is not required to be included. An EIR is not required to include multiple variations on an alternative when the relative advantages and disadvantages of the alternatives can be assessed from a review of the alternative presented in the EIR.

The Fulton Green Proposal is a variation on the restoration alternatives in that it would not allow vehicles on Fulton Street. The City is not required to consider an alternative that "cannot achieve the project's fundamental purpose." (In re Bay-Delta (2008) 43 Cal.4th 1143, 1165.) Alternatives that are not at least potentially feasible may be excluded before being studied in the draft EIR. (CEQA Guidelines, Section 15126.6(a); *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1504, n.5.) As discussed in the EIR, the only funds that have been identified as available for the Project are TIGER grant funds and TCSP funds. Both of these awards were made for the construction of street facilities in the Fulton Mall for the purpose of reintroducing vehicles on Fulton Street. (Please see Response to Comment W-7 for a further discussion of the TIGER Grant funds purpose to construct a "complete street.") As provided in the Draft EIR and the Response to Comment W-7, the City has not identified any other available funds to reconstruct and or restore the Fulton Mall. Please see Response to Comment T-8 regarding various possible funding and their limitations. The commenter has not provided any available source of funds to construct the Fulton Green Proposal. Based upon this, the Fulton Green Proposal as described in the Draft EIR is not feasible because there are no funds to construct it. This conclusion does not change if the proposed modifications

were made as requested in the commenter's letter. Based upon this, the City is not required to modify the Fulton Green Proposal and study it further as an alternative in the Draft EIR.

Response to Comment I-2

These comments take note of the importance of the Fulton Mall in the context of the legacy of midcentury modern architecture. The commentator concludes that this context has been documented in the Draft EIR, as well as comments by others in response to the NOP. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment I-3

The comment states that the Draft EIR should analyze the significant potential of Fresno's overall legacy of midcentury modern architecture as an economic development multiplier, such as in the City of Palm Springs. The comment speculates that in that context the removal of the mall may turn out to be a significant economic and cultural setback and the Fulton Green Proposal might be given more consideration.

The Fulton Mall Urban Decay Study, Fulton Corridor Specific Plan prepared by Rosehow Spevacek Group, Inc. (see Attachment A in this Response to Comment Document) considered the economic development effects of restoring the Fulton Mall under the original "Option 3" design. This option would fully maintain the historic midcentury modern features identified by the commentator. The result of the study showed that the economic development potential would be substantially lower under this option. Gross retail sales revenue increased by $6.1 million. Whereas, restoring vehicle traffic resulted in expected gross retail sales revenue increase by $47 million. Therefore, a retention of the Fulton Mall's design features would not maximize the economic development of the area and therefore, would not meet the Project's objective.

The commentator provides no specific comment on the environmental conclusions of the Draft EIR. Additionally, the commentator's speculation about the potential of the Fulton Mall to act as an economic development multiplier does not provide any substantial evidence. Therefore, no response is required and there is nothing that provides a basis for further analysis. (CEQA Guidelines, Section 15088.)

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.21
310. "FF"
550.30 "FF"

December 10, 2013

Mr. Elliot Balch
Downtown Revitalization Manager
City of Fresno, City Manager's Office
2600 Fresno Street, 2nd Floor
Fresno, CA 93721

Dear Mr. Balch

Fresno Metropolitan Flood Control District Comments
to the Draft Environmental Impact Report
City of Fresno Fulton Mall Reconstruction Project

The District has reviewed the Draft EIR for the City of Fresno Fulton Mall Reconstruction Project and requests the following revisions on:

- **Page ES-19, Section 5.9 Hydrology and Water Quality**
- **Page 5-96, Section 5.9.1 Water Quality Standards and Requirements**
- **Page 7, Appendix 8, Sole-Source Aquifer – Water Quality Assessment**

J-1

Revise each section as shown below in bold italics:

Prior to the issuance of a grading permit, specific locations of relocated storm drain inlets within the existing malls shall be ***reviewed and*** approved by the ~~City of Fresno Public Works Department~~ ***Fresno Metropolitan Flood Control District prior to implementation.***

The comments previously provided in the Notice of Preparation of an Environmental Impact Report and Notice of Scoping Meeting letter dated November 12, 2013 are still applicable to this subsequent request for comment for the DEIR for the City of Fresno Fulton Mall Reconstruction Project. A copy of this letter is attached for your reference. J-2

Thank you for the opportunity to comment. Please keep our office informed on the development of this project. If you should have any questions or comments, please contact the District at (559) 456-3292. J-3

Very truly yours,

Gary Chapman

Gary Chapman
Engineering Technician III

GC/lrl

5469 E. OLIVE • FRESNO, CA 93727 • (559) 456-3292 • FAX (559) 456-3194

K:\Letters\Environmental Impact Report Letters\DEIR fulton mall reconstruction(ff)(gc).docx

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.21
310. "FF"
550.30 "FF"

November 12, 2013

Mr. Elliott Balch
Downtown Revitalization Manager
City of Fresno, City Manager's Office
2600 Fresno Street, 2nd Floor
Fresno, CA 93721

Dear Mr. Balch

Fresno Metropolitan Flood Control District (District) Comments for Notice of Preparation of an Environmental Impact Report and Notice of Public Scoping Meeting for the City of Fresno Fulton Mall Reconstruction Project Drainage Area "FF"

There are existing storm drain facilities located throughout the project area. Any proposed relocation, construction of proposed or reconstruction of existing storm drainage facilities will need to be reviewed and approved by the District prior to implementation. Any storm drainage facilities that are not located within the public street right-of way shall be within a pipeline easement dedicated to the District. No encroachments into the easement shall be permitted including, but not limited to, foundations, roof overhangs, swimming pools, and trees.

The District requests that the Engineer contact the District as early as possible to review the proposed storm drain replacement for routing and pipe sizing. The District will need to review and approve the final improvement plans for all development (i.e. grading, street improvement and storm drain facilities) within the boundaries of the proposed project to insure consistency with the approved Storm Drainage Master Plan. J-4

Any proposed new structures within the Fulton Mall Reconstruction Area with street level entry may be at risk for flooding during a large event storm. Therefore, any new development within the project area is required to provide street capacity calculations and/or check the overflow point to determine the finish floor that provides protection of the structure from flooding during a large event storm.

If there are to be storm water discharges from private facilities to the District's storm drainage system, they shall consist only of storm water runoff and shall be free of solids and debris. Landscape and/or area drains are not allowed to connect directly to District's facilities.

k:\letters\environmental impact report letters\eir-fulton mall reconstruction(ff)(gc).docx

5469 E. OLIVE • FRESNO, CA 93727 • (559) 456-3292 • FAX (559) 456-3194

Roof drains from the buildings fronting the Fulton Mall may be currently connected to the existing storm drain facilities. The District encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff. J-4 (cont)

The District requests the following correction to the Initial Study comments:

Regarding Subsection 3.9(a): The Initial Study does not take into account the District's regional stormwater basins. The third sentence should be replaced to read.....Once within the storm drain system, these materials are conveyed to regional stormwater basins and could be discharged into receiving waters. J-5

Thank you for the opportunity to comment. Please keep our office informed on the development of these plans. If you should have any questions or comments, please contact the District at (559) 456-3292. J-6

Very truly yours,

Gary Chapman

Gary Chapman
Engineering Technician III

GC/lrl

Letter J: Gary Chapman, Fresno Metropolitan Flood Control District, December 10, 2013

Response to Comment J-1

The requested corrections have been made in the errata. These changes do not require new analysis. No further response is required. (CEQA Guidelines, Section 15088.)

Response to Comment J-2

No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment J-3

No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment J-4

The comment provides requirements that will be made of the Project by the Fresno Metropolitan Flood Control District (FMFCD). The City will comply with all FMFCD requirements in the design and implementation of the Project. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment J-5

This comment requested a change to a comment in the initial study. The sentence requested is included in the Draft EIR in Impact analysis section 5.9.1 on page 5-94. No further response is required. (CEQA Guidelines, Section 15088.)

Response to Comment J-6

No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Eddie Clement [eclement@nccrc.org]
Sent: Thursday, December 12, 2013 10:25 AM
To: Elliott Balch
Subject: Comments on Draft EIR for Fulton Mall project

Follow Up Flag: Follow up
Flag Status: Completed

Elliott Good Morning;

You asked for comments, mine would be this: ensure the City of Fresno provides opportunity to employ residents for the Fulton Mall Project in the form of Local Hire and Apprenticeship language, just as apprentices and local residents of our past built the Historic Fulton Mall and it's beautiful structures. Awarding the project to the lowest bidder isn't always the best value if it doesn't include provisions to employ local workers who re-invest within the community. Time and time again we have seen our local tax dollars support communities outside of Fresno.

The youth of our community coming out of High School looking for a career here at home will not be given the opportunity to work for those contractors who already have a work force (usually sent in from out of the area) and who do not have the ability and simply said, cannot hire apprentices. K-1

I guess my comment is this, please do not allow such an opportunity for our local people pass through our hands and not afford our local folks and young future workers this chance at a true career. By providing local hire/apprenticeship language for the Fulton Mall contract, this will ensure our community, our city, and our Mayor all get their project completed on time and under budget. Giving our Residents a chance at a living wage is a Win Win for us all.

So when do we meet for lunch?

Eddie Clement
Marketing / Field Representative
Carpenters Union
Fresno, Madera, Kings and Tulare Counties
559-268-3895 (Office)
559-268-2004 (fax)
559-994-9266 (Cell)

Letter K: Eddie Clement, December 12, 2013

Response to Comment K-1

The comment requests that the City will consider using Local Hire and Apprenticeship requirements in contracts to construct the Project. The commentator does not provide any specific comment on the environmental conclusions of the Draft EIR. The comments do not relate to environmental issues, but social and economic impacts. Therefore, no response is required. (CEQA Guidelines, Sections 15088 and 15131.)

City of FRESNO

Development and Resource Management Department

2600 Fresno Street, Third Floor, Room 3065
Fresno, California 93721-3604
(559) 621-8003, FAX (559) 498-1012

Jennifer K. Clark AICP
Director

December 18, 2013

Mr. Elliott Balch
Downtown Revitalization Manager
2600 Fresno Street
Fresno, CA 93721

Dear Mr. Balch:

The City's Historic Preservation Commission held a hearing on Monday, December 16, 2013 and received public testimony regarding the Draft Environmental Impact Report for the Fulton Mall Reconstruction Project. On a 4-1 vote the Commission adopted a resolution in support of Option 1 of the DEIR with the following comments: Option 1 puts people in closer contact to the Mall and amenities while protecting/retaining most features. It offers the most vitality in bringing the public to these spaces. L-1

The Commission also was asked to comment on any impacts to the eight designated historic buildings on the Mall (the Bank of Italy, the Helm Building, etc). Commissioners agreed with the opinion articulated in the staff report: "...the proposed Fulton Mall Reconstruction Project will not adversely impact or cause a significant adverse change to these historic buildings, as none of these properties will be demolished or altered and all were constructed prior to the period of significance of the Fulton Mall (1964) when Fulton Street had vehicular traffic and functioned as Fresno's 'Main Street.'" L-2

Please let me know if you have any questions about the Commission's comments.

Sincerely,

Karana Hattersley-Drayton, M.A.
Secretary, Historic Preservation Commission
Historic Preservation Project Manager
City of Fresno

Letter L: Karana Hattersley-Drayton, City of Fresno Historic Preservation Commission, December 18, 2013

Response to Comment L-1

The comment provides that the Historic Preservation Commission (HPC) adopted a resolution supporting Option 1. No response is required. (CEQA Guidelines, Section 15088.)

Response to Comment L-2

The comment provides that the HPC found the Draft EIR correctly concluded that the Project will not result in any adverse impacts to the eight designated buildings adjacent to the Fulton Mall. No response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: DeMonte, Celeste [CelesteD@FamousSoftware.com]
Sent: Friday, January 10, 2014 4:44 PM
To: Elliott Balch
Subject: Fulton Mall

Fresno needs to value the treasure that is the Fulton Mall and give it the care and attention it has long been lacking. Tearing it out and returning traffic to Fulton will do nothing to enhance downtown and may likely cost much more than anticipated. The loss of the historically significant mall would be a black mark on our community's record. Efforts to restore Fulton Mall and to work diligently toward fulfilling its tremendous potential as a place for Fresnans of all demographics are worthy goals. M-1

Celeste DeMonte

Letter M: Celeste DeMonte, January 10, 2014

Response to Comment M-1

This commenter states that Fresno needs to value the treasure that is Fulton Mall, and restoring the Fulton Mall is a worthy goal. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Mitch Freund [mitchelljfreund@gmail.com]
Sent: Friday, January 10, 2014 10:29 AM
To: Elliott Balch
Subject: Fulton Mall Reconstruction Project

To Whom It May Concern:

As a resident and employee in downtown Fresno, I am excited to support Option 1 of the Fulton Mall Reconstruction Project and to confirm the adequacy of the project's EIR. This project is essential to the prosperity and future success of downtown and the entire City of Fresno.

A strong downtown is necessary for a strong, competitive economy. Downtown Fresno should be the hub of commerce, arts, culture, employment, entertainment, dining, creativity, density, architecture, and the identity for the City. Having secured a $16 million TIGER grant from the United States Federal Government, the City of Fresno has the perfect opportunity to make this happen. Plus, this money can ONLY be used for this project, restoring Fulton to a street. N-1

While transforming the Fulton Mall into a complete main street isn't the entire answer, it is a key piece of everything else that is happening including cooperation between public and private partners, High Speed Rail, Bus Rapid Transit, partnership with federal agencies via Strong Cities Strong Communities, Lowell Neighborhood revitalization, and Downtown's first Business Improvement District.

Thanks much,

Mitchell J. Freund

2890 Huntington Blvd. #150

Fresno, CA 93721

mitchelljfreund@gmail.com

Letter N: Mitch Freund, January 10, 2014

Response to Comment N-1

This commenter supports Project Option 1 and states that it is needed for the future success of downtown and the City. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Susan C. McCline

1516 West Escalon Ave.

Fresno, CA 93711

January 9, 2014

Mr. Elliot Balch

Downtown Revitalization Manager

2600 Fresno Street, 2nd floor

Fresno, CA 93721

Dear Mr. Balch,

I am enclosing a comment concerning the Draft EIR for the Fulton Mall project and also a comment concerning the National register of Historic Places.

Sincerely,

Susan C. McCline

Susan C. McCline

January 2, 2014

Comment 1

Referring to: **Draft EIR**

City of Fresno-Fulton Mall Reconstruction Project, Air Quality Analysis Report, Introduction and Project Description, page 2

Project Option 1 (Alternative 1)

"Option 1 consists of reopening the Fulton Mall with two-way streets, with one lane of vehicular traffic in each direction alongside bicycle, pedestrian and potentially other travel modes.....

Comment:

The description of the new streets and alleys does not offer any space for the entry or exit of emergency vehicles or maintenance equipment. O-1

Alternative 3, retaining the Fulton Mall, does have a one vehicle either way slightly winding roadway through the center of the Mall expressly for emergency and other occasionally needed vehicles.

Fulton Street originally was a narrow street. I remember parking on Fulton Street before the Mall to be difficult. The plan being touted has too many things in too spare a space. Parking will be harder and also expensive, especially if the unpopular parking meters are installed. O-2

Sue McCline

1516 West Escalon Ave.

Fresno, CA 93711

559-439-6966

January 2, 2014

Comment 2

Referring to: City of Fresno DNCP and FCSP, page 42

Historical Resources Technical Report

"Listing in the National Register assists in preservation of historic properties in several ways:

- recognition that a property is of significance to the nation, the state, or the community;
- consideration in the planning for federal or federally assisted projects;
- eligibility for federal tax benefits;
- **Qualifications for Federal assistance for historic preservation, when funds are available**."

O-3

Comment:

The Fulton Mall is listed as a "No Build Alternative", new streets would not be constructed and the Mall would remain as it now exists.

The Fulton Mall has not been sufficiently maintained, if not purposely neglected in past years. The Mall has been determined to be eligible for listing on the National Register of Historic Places. The listing has not been obtained because the City claims the property owners on the Mall do not want the listing. This "No Build Alternative" has been set aside because the current money available from the Federal government is only for developing vehicular traffic on Fulton.

Money could be available for the "No Build" alternative if the Mall was actually listed. Other grants are likely available, but the City has not attempted to obtain those funds due to the desire to replace the Mall with returning streets.

Susan C. McCline, 1516 West Escalon Ave., Fresno, CA 93711 559-439-6966

Letter O: Susan McCline, January 9, 2014

Response to Comment O-1

This comment states that the proposed streets under Project Option 1 and the adjacent alleys would not provide any space for the entry or exit of emergency vehicles or maintenance vehicles. As discussed in Section 2.3, Project Description of the Draft EIR, Project Option 1 includes an 11-foot-wide vehicle travel lane in both directions along Fulton Street from Inyo Street to Tuolumne Street. Access to the existing businesses and the future landscape within Fulton Mall would be increased with the proposed streets. Emergency vehicles or maintenance vehicles could continue to use the alleys that are located east and west of Fulton Mall or travel along the new streets within Fulton Mall. The provision of 11-foot wide lanes would be adequate to accommodate emergency vehicles.

Response to Comment O-2

This commenter states that the proposed project includes too many things in too sparse a space and parking will be too expensive. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment O-3

This comment states that Fulton Mall is listed as the No Build Alternative and states money in the form of grants are likely to be available for this alternative. As discussed in Section 6 of the Draft EIR, the No Project/No Development Alternative is required to be evaluated for any project requiring the preparation of an EIR. Under this Alternative, the features of Fulton Mall would remain. No additional maintenance activities would occur beyond those activities that are currently provided within Fulton Mall. Therefore, this Alternative would not require funding to implement this Alternative.

To whom it may concern:

I have personally researched over 150 cities across the nation and contacting numerous experts throughout the country. I have come to the conclusion that a majority of once famous pedestrian malls throughout the nation have made a transition into prosperous transit malls. The need for transformation was due to either a disruption in centralized traffic, a lack of pedestrian traffic, or a lack of prominent retail companies within the mall.

My research shows that there are successful pedestrian malls throughout the nation. The success of these malls is created by a direct link between the pedestrian mall and a pedestrian traffic generator such as a tourist attraction, a beach, a river or a College. Additionally, pedestrian malls that are in towns that have a population less than 45,000 citizens have success because the mall is viewed as a centralized hub.

P-1

Nonetheless, research proves that after a pedestrian mall has transitioned into a transit mall. The new mall and surrounding area can be transformed into a setting of prosperity. A majority of expert testimony and research proves that there are two key elements that must be prevalent in the transformation of a pedestrian mall. The first, a transition is not revitalization. The process of altering the area should be perceived as a complete transformation. Experts have testified that when an organization uses the term revitalize, citizens distinguish the area as they remember it. This creates the need for a second element. A city's societal perception of the area must be changed. Experts also insist that citizens will respond when this paradigm takes place.

Many American cities have indulged in the court of prosperity after making the transformation from a pedestrian mall. However, changing the psyche of the citizens will take time. As any physicist or ship captain can explain; the bigger the ship, the longer the turn.

With admiration,

Richard J. Roman
Business Owner/ Citizen

ROMAN & ASSOCIATES INC.
8313 E. Sanders Ct.
Fresno, CA 93737
(559) 243-6366

Letter P: Richard J. Roman, January 10, 2014

Response to Comment P-1

This comment states that pedestrian malls throughout the nation have transformed into transit malls. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Maxine Spencer [violinhorn@sbcglobal.net]
Sent: Friday, January 10, 2014 6:30 PM
To: Elliott Balch
Subject: Downtown alternatives

I want to support Alternative 2 or something close to it. I first moved to Fresno in 1956 so I enjoyed the Fulton Mall when it was new. That was then. I don't look the same and of course neither does the mall. Change is inevitable so we need to accept change and have some part in making the change. There will always be those who resist change. Who is enjoying the art work now? I believe that Alternative 2 would eventually make the art work enjoyed by thousands instead of a few hundred. Q-1

Submitted by Maxine Madden Spencer, retired violinist and music teacher.
violinhorn@sbcglobal.net
559-304-5713
5515 N. Fresno, 213
Fresno, CA 93710

Sent from my iPad

Letter Q: Maxine Spencer, January 10, 2014

Response to Comment Q-1

This commenter supports Project Option 2 and states that change is inevitable. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Scott Barton [scottb100@hotmail.com]
Sent: Monday, January 13, 2014 3:10 PM
To: Elliott Balch
Subject: Mall

Hi Elliot,

I wanted to make my comments on the Fulton Mall plans. While I think a couple of blocks should be kept as a walking section, that isn't an option, so I would like to see the curving road with large sidewalks. On of the most obvious needs in Fresno is outdoor dining, and the wide sidewalks would still allow that. I think special attention needs to go to the preservation and placement of the art pieces; if marketed well they would be an attraction on their own. Shade tree (oak, ash, elm) should be preserved as much as possible and added where possible. R-1

Good luck with this project, I think it's finally time for its success.

Best,
Scott

Letter R: Scott Barton, January 13, 2014

Response to Comment R-1

This comment provides support for a curving road with large sidewalks, which is Project Option 2. In addition, this comment states that special attention needs to be provided for the art pieces and shade trees. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

CITY OF FRESNO
JAN 13 2014
RECEIVED BY

Stan Bitters SCULPTOR

January 13, 2013

Elliott Balch
Downtown Revitalization Manager
City of Fresno, City Manager's Office
2600 Fresno Street, 2nd Floor
Fresno, CA 93721

RE: EIR for Fulton Mall Reconstruction Project

Dear Mr. Balch:

This letter is to convey my comments regarding the draft Environmental Impact Report (EIR) pursuant to the notice published on or about November 27, 2014.

EXISTING SETTING

The reason the overall appearance looks run down is that there has been no appreciable interest in preserving or maintaining the Fulton Mall. It is therefore assumed that there will be little change in what ever form the mall is left in with regards to fountains, sculpture or any artwork. It is a basic non-interest or non-understanding of the wealth that now exists on the mall. The vandalism that has happened is because of months of no water in pools and fountains making it easier to get close to the artwork and vandalize. In some cases years have gone by with no attempt to replace pool lights, cracked pool walls and or maintain the original art concept. The City would be better served by authorizing a citizens group to guide them in maintaining the mall and adhering to their suggestions. S-1
The former Downtown Association, current Downtown Fresno Partnership does not fulfill such a role.

With the availability of over 2,000 parking spaces in garage structures and surrounding spaces, there is no need to pursue putting in more streets for the sole purpose of adding parking meters and additional pollution. That concept is shallow in comparison to the real needs of people in producing more park and green environments. To have already paid for an established park in the heart of the City is a much needed and enjoyed plus. To call for its removal only points out the selfish and ignorant point of view of person or persons intent on interests beyond the needs of their community. S-2

1471 N. WHITNEY AVE. • FRESNO, CA 93703 • TEL / FAX (559) 453-7020 • www.stanbitters.com

The significance of downtown revitalization would be best served in thinking outside the box. I believe to concentrate and invest in the tourist market place would best serve the direction of the downtown core. Instead of ripping out the mall one should look at the existence of the world class collection of art and add to the collection of fountains, sculpture, and park setting. With the high speed rail, buses and the airport bringing tourists from afar to view one of the largest and most exciting collections of art in the country, the local commerce will be inundated with monies spent on hotels, restaurants, gifts and entertainment. The TIGER grant will then be best served in replacing the old cement floor with a new and same replacement to then allow the expansion of the "Park" and sculpture garden. S-3

CUMULATIVE IMPACTS

To replace a " Peoples Park " with asphalt is insane. This visual enhancement to an otherwise dreary and mundane City core is to be valued and preserved. How many opportunities does a city have to take 6 blocks of downtown real estate and convert into a unique park for people? And we already have it. S-4

TREES

The trees have not been pruned and maintained leading to some concerns of them not being as majestic as could be. To eliminate these tree forms which are mature and decrease the summer heat by 10 degrees or more and plant insignificant 15 gallon bushes will not come close to the original garden enjoyment. S-5

STOREFRONTS

Opening the mall to vehicular traffic only reiterates what is bad about most communities. While pollution rises, the gas engine also produces a mindset of shop owners to bad signage and winking lights. The whole concept of parking meters which people absolutely hate causes a great deal of stress and a bad feeling to their visit. The idea of a parking ticket costing more than the gift they bought is not justified when they can go to the north end of town and shop all day without seeing a parking meter. S-6

The whole idea of assuming that vehicular traffic will bring back the old days of downtown usage is not relevant anymore and a new and different form of usage of the downtown core needs to be reviewed. Mariposa plaza can hardly take on any increase in the number of community events or usage when you eliminate the plaza for cars and traffic.

All the comments of hotels and neighborhoods being a part of a haven of greatness when the cars come are utterly preposterous. At the steering committees there was

overwhelming response in keeping the mall and doing away with any introduction of vehicles. S-6 (cont)

If it is true that the TIGER money cannot be used for retaining the mall, the bigger question is what is best for the community and for the future of downtown? Reverting to old and non-thinking ideas is not relevant when it comes to a future for City growth in downtown Fresno.

"Put the roads in and people will come" – to what?

The City has spent thousands of dollars on downtown traffic patterns and downtown redevelopment projects and investments of business efforts around the City. There always seems to be a selfish interest of a few people that promote these endeavors. The values of the people and their community are rarely in play. And this is another one of those boondoggle efforts. S-7

We can do just what the Mayor did to get the TIGER grant by going after a grant to do the very thing that is really needed in preserving what we have and improving upon it.

Sincerely,

Stan Bitters

Stan Bitters

Letter S: Stan Bitters, January 13, 2014

Response to Comment S-1

This comment states that the mall needs to be maintained. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment S-2

This comment states that the placement of additional parking is unnecessary and will provide additional pollution. This comment argues that the City has already paid for an established park in the heart of the City that is needed and enjoyed. As discussed in Response to Comment T-7, the Fulton Mall is not a park. Additionally, as identified in Section 5.3 of the Draft EIR, there are no identified air quality impacts. The commenter has provided no evidence to support his conclusions of air pollution and loss of park space. Therefore, no further response is required.

Response to Comment S-3

This comment suggest the downtown revitalization would be best served by concentrating and investing in the tourist market place. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment S-4

This comment suggests that Fulton Mall should be valued and preserved and maintain it as a unique park. Please see Response to Comment T-7 regarding the Fulton Mall as a park issue. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment S-5

This comment states that the proposed 15-gallon replacement trees will not be adequate. As discussed in Section 4.1 of the Draft EIR, the replacement trees will not provide substantial visual relief and shade until the trees mature which could be for approximately 5 to 10 years. As such, the Draft EIR concludes that development of Project Options 1 and 2 would result in significant and unavoidable visual character impacts during the short-term.

Response to Comment S-6

This comment suggests that vehicular traffic is not needed. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment S-7

This comment states that a grant should be obtained to preserve the Fulton Mall. Please see Response to Comment W-7 regarding the use of the TIGER grant funds.

Law Office of

Sara Hedgpeth-Harris
A Professional Law Corporation

January 13, 2014

Via Electronic Mail and U.S. Mail

Mr. Elliott Balch
Downtown Revitalization Manager
City of Fresno
City Manager's Office
2600 Fresno Street
Fresno, CA 93721
Email: Elliott.Balch@fresno.gov

Dear Mr. Balch,

I have been retained by the Fresno Downtown Coalition to provide you with my opinion regarding whether the Draft Environmental Impact Report ("DEIR") for the Fulton Mall Reconstruction Project ("Project") was prepared in compliance with the California Environmental Quality Act ("CEQA"") and whether it is consistent with the 2025 General Plan. In addition to the DEIR and its appendices, before reaching my opinion I considered information contained in the following documents:[1]

- 2013 TIGER Grant Application and supporting documents as they appear on the City of Fresno's website (www.fresno.gov/NR/.../TIGERnarrative_mediumcompression.pdf; www.fresno.gov/NR/rdonlyres/4DD73165.../allTIGERletters.pdf; www.fresno.gov/NR/.../Fresno_FultonMall_TIGER_letters.pdf);

- 2012 Notice of Preparation of the EIR for Downtown Neighborhoods Community Plan ("DNCP"), Fulton Corridor Specific Plan ("FCSP"), and Downtown Development Code (http://fresnodowntownplans.com/media/files/Fresno_NOP_Signed.pdf);

- 2012 Draft DNCP and Draft FCSP (www.fresnodowntowplans.com);

- 2013 Fulton Mall Reconstruction Project, Finding of Adverse Effect, prepared by Caltrans, dated December 2013 (http://www.dot.ca.gov/dist6/media/hpsr_fulton_mall/docs/fulton_mall_foe_1.pdf);

T-1

[1] Documents containing information that is not included in the DEIR and appendices are referenced by the document URL. I request that all referenced documents be included in the administrative record. (Pub. Resources Code, § 21167.6.)

2125 Kern Street, Suite 301 ♦ Fresno CA 93721 ♦ (559) 233-0907
sara.hedgpethharris@shh-law.com

- November 2013 Fulton Mall Reconstruction, Alternatives Analysis Report (http://www.fresno.gov/NR/rdonlyres/E74E6B88-33E5-4191-A4CA-44E6F57D6C79/0/AA_Report_Final_sm.pdf);

- 2013 Historic Property Survey Report for the Fulton Mall Reconstruction Project (http://www.dot.ca.gov/dist6/media/hpsr_fulton_mall/docs/hpsr_fulton_mall_final092013.pdf);

- OPEN SPACE/RECREATION ELEMENT of the 2025 General Plan (http://www.fresno.gov/NR/rdonlyres/C9764782-00C3-464D-8F08-527AEB17DCAE/0/2025GPChapter4SectionFOpenSpace.pdf);

- PUBLIC FACILITIES ELEMENT of the 2025 General Plan (http://www.fresno.gov/NR/rdonlyres/AFCF0095-472D-4F10-B96C-138E80A8D51D/0/2025GPChapter4SectionEPublicFacilities.pdf); and

- Public Utilities and Services Element of the Draft 2035 General Plan Update (http://www.fresno.gov/NR/rdonlyres/B69EAB66-46EF-490A-A096-FE40248F643A/0/GPUCh6PublicUtilitiesApril292013.pdf).

T-1 (cont)

Based upon my review, as explained below, it is my opinion that the DEIR is legally deficient in numerous respects and that the Project does not square with policies, goals and objectives in the 2025 Fresno General Plan.[2]

Guiding Legal Principles Regarding CEQA

The purpose of an EIR is to act as an "environmental alarm bell" and to demonstrate to the public that the environmental implications of governmental actions have, in fact, been analyzed and considered.[3] CEQA defines the "environment" as "the physical conditions which exist within the area which will be affected by a proposed project."[4] An EIR must contain detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects the project might be minimized; and to compare reasonable alternatives to the project. (Pub. Resources Code, § 21061.) The discussion must include enough detail[5] to enable those who did not participate in its preparation to understand and to consider meaningfully the issues raised by the proposed project.[6] It must present information in such a manner that the foreseeable impacts of pursuing the project can actually be understood

[2] My opinion is limited to the 2025 General Plan because the Draft 2035 General Plan has not yet been approved.
[3] *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 392.
[4] Pub. Resources Code, § 21083.3.
[5] For example, the absence of detailed maps and/or diagrams that identify the location of key elements of existing infrastructure makes it difficult to understand the impacts that physical changes caused by the Project will have on existing conditions in the area.
[6] *Association of Irritated Residents v. County of Madera* (2003) 107 Cal.App.4th 1383, 1390-91.

2125 Kern Street, Suite 301 ♦ Fresno CA 93721 ♦ (559) 233-0907
sara.hedgpethharris@shh-law.com

and weighed before the decision to go forward is made.[7] This DEIR fails as an informational document.

CEQA defines "project" to mean "the whole of an action" that may result in either a direct or reasonably foreseeable indirect physical change in the environment. (CEQA Guidelines, § 15378, subd. (a).) "In evaluating the significance of the environmental effect of a project, the lead agency shall consider direct physical changes in the environment which may be caused by the project *and reasonably foreseeable indirect physical changes in the environment which may be caused by the project*." (CEQA Guidelines, §15064, subd. (d) [emphasis provided].) In describing what is required in an EIR, CEQA Guidelines section 15126.2, subdivision (a), provides:

> "Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects. The discussion should include relevant specifics of the area, the resources involved, physical changes, alterations to ecological systems, and changes induced in population distribution, population concentration, the human use of the land (including commercial and residential development), health and safety problems caused by the physical changes, and other aspects of the resource base such as water, historical resources, scenic quality, and public services. *The EIR shall also analyze any significant environmental effects the project might cause by bringing development and people into the area affected.*"

T-1 (cont)

CEQA defines "direct effects" as "primary effects which are caused by the project and occur at the same time and place." (CEQA Guidelines, § 15358, subd. (a)(1).) "Indirect effects" are "secondary effects which are caused by the project and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems." (CEQA Guidelines, §15358, subd. (a)(2).)

While understanding the potential *economic* effects of revitalizing the Fulton Mall is critical to the determination of whether to approve the Project, the purpose of an EIR is to focus on the *environmental* effects of the Project. CEQA defines "environment" as "the physical conditions which exist within the area which will be affected by a proposed project." (Pub. Resources Code, § 21083.3.) As pointed out in the Guidelines, "[I]ncreases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects." (CEQA Guidelines, §15126.2, subd. (d).) One cannot ignore the economic costs of failing to realistically consider the chain of cause and potential effect to aging and inadequate public infrastructure. Perhaps the Fulton Mall might not have deteriorated had the true impacts of suburban sprawl been recognized and mitigated. The point is that the City Council and the public cannot engage in an informed cost/benefit analysis without a much clearer understanding of the environmental issues discussed below.

[7] *Santiago County Water Dist. v. County of Orange* (1981) 118 Cal.App.3d 818, 829.

2125 Kern Street, Suite 301 ♦ Fresno CA 93721 ♦ (559) 233-0907
sara.hedgpethharris@shh-law.com

Environmental Issues

The discussion of Population Growth fails to address the increase in population that will occur if this Project is successful in inducing more people to work, shop, conduct business, visit and live in the Fulton Corridor and Downtown Fresno. (CEQA Guidelines, Appendix XIII (a).) Without a good faith estimate of how many more people will be drawn to the area as a reasonably foreseeable consequence of the Project, it is not possible to understand the Project's potential impacts on traffic conditions, air quality, sewer and water infrastructure, and public services (such as police and fire) in the Fulton Corridor and Downtown area. T-2

The discussion of Traffic Conditions fails to take into account the foreseeable effects of increased traffic volume in the Fulton Corridor area if the underlying goals of the Project are achieved. The DEIR's conclusion that the Project will not attract additional vehicle traffic is inconsistent with projections in the TIGER grant narrative that the Project is expected to increase parking revenue in the area by 482%. (TIGER Narrative, p. 6.) It is unreasonable to assume that parking revenues will increase by such a phenomenal amount without an associated increase in vehicle traffic. The DEIR should provide a good faith estimate of how many more vehicles will be drawn to the area as a reasonably foreseeable consequence of the Project and address the potential for increased congestion. T-3

As a consequence of the faulty assumption that the Project will not cause increased vehicle traffic in the area, the DEIR significantly underestimates air quality impacts and greenhouse gas emissions.

The DEIR acknowledges that carbon monoxide "hot spots" are created by "traffic congestion and idling or slow moving vehicles." (DEIR, p. 5-34.) The DEIR *does not* address the potential for Fulton Street to become a CO hotspot as a consequence of traffic congestion on a street designed to create slow moving traffic. Nor does it address whether it is possible to avoid or mitigate this impact. (Pub. Resources Code, § 21061; CEQA Guidelines, § 15370.) T-4

The DEIR does not address the potential for higher levels of emissions from traffic congestion and slow moving traffic to impact sensitive receptors such as children, elderly and disabled pedestrians along the shared public space. (Guidelines Appendix G, III (d).) Nor does it address whether it is possible to avoid or mitigate this impact. (Pub. Resources Code, § 21061; CEQA Guidelines, § 15370.) T-5

The DEIR acknowledges that water and sewer facilities in the area are inadequate to serve increased use. Yet the DEIR fails to address the reasonably foreseeable effects of increased use of these facilities if the Project induces more people to work, shop, conduct business, visit and live in the Fulton Corridor and Downtown Fresno. Nor does the DEIR discuss mitigation measures that should be imposed and enforced in order to avoid overwhelming these critical public facilities. (Pub. Resources Code, § 21061; CEQA Guidelines, § 15370.) T-6

It is widely acknowledged that the downtown area has a severe shortage of park space. The City's website identifies the Fulton Mall as a park. According to the Caltran's 2013 Findings of T-7

2125 Kern Street, Suite 301 ♦ Fresno CA 93721 ♦ (559) 233-0907
sara.hedgpethharris@shh-law.com

Adverse Effect the Fulton Mall is an urban park. (See p.11.) The hundreds of elderly, disabled and low-income families who visit the Fulton Mall every day consider it a park. The DEIR does not address the loss of park space and does not discuss how this loss can be avoided or mitigated. (Pub. Resources Code, § 21061; Guidelines Appendix G, XIV; CEQA Guidelines, § 15370.) The discussion of impacts to landfills fails to provide a good faith estimate of current capacity in existing landfill facilities or the amount of debris that demolition and reconstruction will generate. Without this information it is not possible to understand the basis for the DEIR's conclusion that the debris generated is not expected to exceed landfill capacity at the intended facility. T-7 (cont)

In April 2012 the City issued a notice that it was preparing an EIR for the "Downtown Plans." One of the plans, the Fulton Corridor Specific Plan ("FCSP"), encompasses the Fulton Mall. In fact, the FCSP's list of projects identifies the revitalization of the Fulton Mall as the number one project. An entire chapter of the FCSP is devoted to the Fulton Mall project. The introduction to the discussion in the FCSP declares:

> "Revitalizing the Fulton Mall is key to revitalizing Downtown Fresno. If no provisions of this Specific Plan were implemented other than improving the function of the Fulton Mall, it would mark a huge step forward for the future of the Downtown economy." (FCSP, p. 4:1.)

According to the TIGER grant narrative, the environmental impacts of Project on the Fulton Corridor area would be reviewed in the EIR for the FCSP. (TIGER Narrative, p. 16.) However, in October 2013 the City gave notice that it was preparing a separate EIR for the Fulton Mall Reconstruction Project. T-8

Despite its acknowledged central role in changing the Fulton Corridor and Downtown area, the DEIR for the Project fails to consider the reasonably foreseeable physical changes or the impacts on the area. CEQA prohibits piecemeal or segmented environmental review. The requirements of CEQA cannot be avoided by carving the Fulton Mall Reconstruction Project out of the Fulton Corridor Specific Plan EIR and then failing to consider the reasonably foreseeable effects of the Project on the area.

Eliminating this Project from environmental review in the EIR for the FCSP also reflects a pre-approval commitment to the Project that CEQA forbids. (CEQA Guidelines, § 15004, subd. (b)(2)(B).)

Eliminating renovation and rehabilitation from the scope of environmental review and comparison is improper because (1) it is identified in the FCSP as a feasible alternative for revitalizing the Fulton Mall, and (2) renovation and rehabilitation is the current plan for the area according to the Central Area Community Plan. (CEQA Guidelines, § 15126.6.)

Since the current plan for the Fulton Mall is renovation and rehabilitation, the current plan is the "no-build" alternative. (CEQA Guidelines, § 15126.6, subd. (e).) The DEIR improperly uses current baseline conditions as the "no-build" alternative. T-9

General Plan Inconsistencies

California law forbids the approval of a project that will frustrate a general plan's goals and policies unless the project includes definite and affirmative commitments to mitigate the inconsistency. (*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 379.) T-10

The demolition of the Fulton Mall is inconsistent with the 2025 General Plan's commitment to "[s]afeguard Fresno's heritage by preserving resources which reflect important cultural, social, economic, and architectural features so that community residents will have a foundation upon which to measure and direct physical change." (Policy Objective G-11.) Nor is eliminating the Fulton Mall compatible with the General Plan's strategy to "[p]erpetuate, protect, enhance, and revitalize historic resources." (Policy G-11-c.) This incompatibility cannot be mitigated.

The Project is inconsistent with the policy against auto-oriented development. (Policy Objective E-9.) There is no discussion of mitigation. T-11

The Project is inconsistent with the policy against approving a project without determining whether it will exceed the capacity of existing water and sewer facilities. (Policy Objectives E-18, E-20, Policy E-22-d.) There is no discussion of mitigation. T-12

The Project is not compatible with the General Plan goal of equitably distributing park space to meet the needs of primarily minority inner city neighborhoods. It eliminates park space that accommodates the specialized needs of a predominantly and senior citizen neighborhood without any discussion of mitigation. T-13

Conclusion

The Fresno Downtown Coalition believes there is nothing of cultural or historical significance in the San Joaquin Valley that approaches the stature of Garrett Eckbo's Fulton Mall masterpiece and the incredible artwork that is integrated into his design. Caltran's 2013 Finding of Adverse Effect confirms their belief. The DEIR acknowledges the significance of losing this cultural and historical resource. However, my clients believe that the loss is greatly underestimated.

Furthermore, as discussed above, it is unreasonable to believe that the demolition of the Fulton Mall and the reconstruction of Fulton Street to increase the number of people to live, work, do business, shop and visit the area will not have a significant impact beyond the loss of the Fulton Mall. T-14

Nor would it be acceptable for the City Council to approve the Project without a binding commitment to cure or mitigate the Project's inconsistencies with the 2025 General Plan's goals and policies.

2125 Kern Street, Suite 301 ♦ Fresno CA 93721 ♦ (559) 233-0907
sara.hedgpethharris@shh-law.com

I appreciate the opportunity to submit this comment letter on behalf of the Fresno Downtown Coalition.

Sincerely,

Sara Hedgpeth-Harris

cc: Fresno Downtown Coalition

2125 Kern Street, Suite 301 ♦ Fresno CA 93721 ♦ (559) 233-0907
sara.hedgpethharris@shh-law.com

Letter T: Sara Hedgpeth-Harris, January 13, 2014

Response to Comment T-1

This comment identifies the documents reviewed and applicable parts of the CEQA regulations. The commenter states that the Draft EIR is legally deficient and that the Project does not "square" with the policies, goals and objectives in the 2025 General Plan. This comment does not provide specific deficiencies of the Draft EIR, but merely provides a summary of CEQA requirements and an overview of the comments that follow. Since no specific comment on the environmental conclusions of the Draft EIR was provided; no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment T-2

This commenter argues that the discussion of population growth in the Draft EIR fails to address the increase in population that will occur if the project is successful in inducing more people to work, shop, conduct business, visit, and live in the Fulton Corridor and Downtown Fresno. In addition, this commenter argues that the discussion of traffic conditions fails to take into account the foreseeable effects of increased traffic volume in the Fulton Corridor area if the underlying goals of the Project are achieved. Furthermore, this commenter argues that as a consequence of the faulty assumption that the Project will not cause increased vehicle traffic in the area, the Draft EIR significantly underestimates air quality impacts and greenhouse gas emissions.

In response, the City first refers this commenter to the project description which identifies the geographic limits of the project as having two components: The first is the Fulton Mall, described as pedestrian areas between adjoining buildings located on the former City street of Fulton, Mariposa, Merced, and Kern, which function as an integrated pedestrian mall. The second is the parcel located at the Fresno County Economic Opportunities Commission campus located near the intersection of Mariposa and Congo Alley that has been identified as the location to relocate the two tot lots currently located within the Fulton Mall. The Mall does not include the adjoining buildings or their facades. Furthermore, the project is limited to reconstructing the Fulton Mall to create a complete street that will accommodate one lane of vehicular traffic in each direction, within the current right-of-way of the Fulton Mall. The project does not propose the construction of any new buildings, or the adoption of any new land uses or zoning uses that allow or incentivize, any new residential or commercial buildings or the rehabilitation of any of the buildings adjoining the Fulton Mall to accommodate such uses. Additionally, the Project does not directly fund or provide any direct financial incentives to the construction (new or remodeled/rehabilitated) or adaptive reuse of any buildings.

The rationale for creating the complete streets within the Fulton Mall is set forth in the Urban Decay Study provided in Attachment A-1 of this Response to Comments Document which concludes that improved vehicular access to the buildings adjoining the Fulton Mall and greater access to parking in close proximity to the adjoining buildings along the mall will facilitate the reduction in the abnormally high office space and retail space vacancy rates in the buildings that adjoin the Fulton Mall. In other words, by reintroducing vehicular traffic and parking to the Fulton Mall, the City will

eliminate a significant barrier to improving the economic productivity of the buildings that adjoin the Fulton Mall.

Therefore, the project is an infrastructure project that has the potential to cause "growth inducing" indirect impacts. The Draft EIR provides a general discussion of these potential growth-inducing impacts in Section 7.2 of the Draft EIR. In addition, the Draft EIR analyzes the potential cumulative impacts associated with this project and other current and reasonably anticipated future projects in the Sections 4 and 5 for each impact category. This approach to addressing this type of indirect impact complies with CEQA. In summarizing the rationale for such an approach, Practice Under the California Environmental Quality Act (2d ed. Cal CEB 2008.) at p. 674 states,

> While it may not be difficult to predict the ways in which a project might foster or facilitate growth, the particular growth that can be attributed to a project can be difficult to predict, given the large number of variables at play, including uncertainty about the nature, extent, and location of growth and the effect of other contributors to growth besides the project. As such, the Napa Citizens [Napa Citizens for Honest Government v. Napa County Board of Supervisors (2001) 91 Cal.App.4th 342, 370] concluded that it would not be reasonable to require the EIR "to undertake a detailed analysis of the results of such growth."

Furthermore, the Court in Napa Citizens, supra, at p. 371 held that an EIR is not required to forecast and mitigate development described as induced growth, stating, "Neither CEQA itself, nor the cases that have interpreted it, require an EIR to anticipate and mitigate the effects of a particular project on growth in other areas."

With regard to this Project, the City has concluded, based upon various studies that have been prepared and included as appendices to the Draft EIR and the Final EIR, that providing vehicular access and parking to the buildings that adjoin the Fulton Mall will remove one significant physical barrier (the barrier to vehicular access and parking) that has hindered the viability of these buildings for use by retail establishments and other businesses requiring office space. It is believed that by removing this physical barrier, eventually the retail and office vacancy rates in these buildings will mirror the rates in other buildings located in the downtown. This would potentially result in economic growth in the form of additional retail jobs and other types of employment that would be housed in these buildings and the development of residential uses in the area. However, as noted by the court in Napa Citizens the particular growth that can be attributed to this project, which is basically a street improvement project, can be difficult to predict, given the large number of variables at play, including uncertainty about the nature, extent, and location of growth and the effect of other contributors to growth besides the project.

Finally, this Project does not propose any new buildings, or land uses or zoning uses than what is set forth in the 2025 Fresno General Plan and the City's current Zoning Ordinance, nor does the Project call population growth beyond what was projected in the 2025 Fresno General Plan. As such, all of the growth inducing impacts associated with this particular Project have already been evaluated and assessed in the 2025 Fresno General Plan, Master Environmental Impact Report No. 10130 prepared for the 2025 Fresno General Plan ("MEIR") as well as in Plan Amendment No. A-09-02 that updated

the Air Quality Element of the 2025 Fresno General Plan and the Environmental Assessment No. A-09-02 prepared for that Plan Amendment. For instance, Table VA-1: Anticipated Population Per Community Plan Area 2025 Fresno General Plan anticipates the population for the area within the boundaries of the Central Area Community Plan to be 27,760 at build-out of the 2025 Fresno General Plan. This Project does not propose to increase this population projection in any way. The 2025 Fresno General Plan, MEIR, Plan Amendment A-09-02 and Environmental Assessment No. A-09-02 may be accessed at the following link: http://www.fresno.gov/Government/DepartmentDirectory/DARM/AdvancedPlanning/2025FresnoGeneralPlan.htm.

Therefore, the generalized discussion of the growth inducing impacts associated with the Project, which is also consistent with the City's General Plan, complies with the requirements of CEQA.

Response to Comment T-3

Please see Response to Comment T-2, above regarding growth-inducing impacts.

Response to Comment T-4

The commenter suggests that the Draft EIR significantly underestimates air quality impacts and greenhouse gas emissions. Please see Response to Comments T-2 regarding growth-inducing impacts.

The commenter also state that carbon monoxide "hot spots" for Fulton Street were not addressed. As discussed on pages 5-34 and 5-35 of the Draft EIR, the intersections in the project area with the greatest amount of traffic volumes and degraded levels of service were evaluated. The Fresno Street/Van Ness Avenue (existing plus project conditions) and Ventura Street/ H Street (cumulative plus project conditions) intersections represent locations with the greatest traffic volumes and operate at LOS D, E, or F during the peak hour. Since CO concentrations are worse at intersections with the greatest traffic volumes and degraded levels of service, the two intersections that were evaluated represent a worst-case CO hot spot analysis. Since the worst-case intersections would not exceed the federal or state CO concentration standards as shown in Table 5-11 on page 5-35 of the Draft EIR, it is reasonable to assume that intersections in the project area with less traffic volumes would not exceed the CO concentration standards.

As a comparison, the intersections along Fulton Street between Inyo Street and Tuolumne Street (i.e., Tuolumne Street/Fulton Street, Fresno Street/Fulton Street, Tulare Street/Fulton Street, and Inyo Street/Fulton Street) have less peak hour traffic volumes and better levels of service. The intersections along Fulton Street have peak hour traffic volumes at the intersections that range from 240 trips to 1,080 trips during the existing plus project peak hour condition and peak hour levels of service that range from LOS A to LOS B. The Fresno Street/Van Ness Avenue intersection have peak hour traffic volumes that range from 1,765 during the AM peak hour with a LOS C and 1,800 trips during the PM peak hour with a LOS D during the existing plus project peak hour condition. In addition, the intersections along Fulton Street between Inyo Street and Tuolumne Street have peak hour traffic volumes at the intersections that range from 410 trips to 2,190 trips during the cumulative plus project peak hour condition and peak hour levels of service that range from LOS A to

LOS C. The Ventura Street/H Street intersection have peak hour traffic volumes that range from 2,540 during the AM Peak hour with a LOS F and 3,010 trips during the PM peak hour with a LOS F during the cumulative plus project peak hour condition.

As described above, the Draft EIR adequately addressed CO "hot spots" within the project area including along Fulton Street.

Response to Comment T-5

This comment states that air quality impacts from higher levels of emissions from traffic congestion and slow moving traffic on sensitive receptors was not addressed. As discussed in Section 5.3.4 of the Draft EIR, three toxic air contaminants/hazardous air pollutants (i.e., Mobile Source Air Toxics [MSAT], Naturally Occurring Asbestos [NOA], and Diesel Particulate Matter [DPM]) were evaluated. The discussion identified the sensitive receptors in the project area. With the addition of Fulton Street between Tuolumne Street and Inyo Street, traffic congestion in the project area would reduce overall (although some area will increase and some will decrease due to the redistribution of existing traffic) because an additional roadway would be provided that would redistribute existing traffic volumes. As stated in Section 5.3.4, traffic volumes are not high enough to cause significant toxic air contaminants/hazardous air pollutants impacts on sensitive receptors.

Response to Comment T-6

This comment states that the Draft EIR does not address the reasonably foreseeable effects of increased use of water and sewer facilities. As discussed in Sections 5.17.1 of the Draft EIR, no wastewater would be directly generated under Project Options 1 or 2, and therefore, Project Options 1 and 2 would result in no direct impacts to wastewater facilities. As discussed in Section 5.17.2 of the Draft EIR, as modified in Section 4, Errata, of this Response to Comments Document, Project Option 1 would result in a less than significant impact on the existing water facilities and Project Option 2 would result in no impacts to existing water facilities. Furthermore, Sections 5.17.1 and 5.17.2 of the Draft EIR describe the potential for Project Options 1 and 2 to induce growth by the reoccupation of existing vacant space within the vicinity of Fulton Mall. This potential growth is part of cumulative projects, and the potential impacts on existing water and wastewater facilities from cumulative growth were determined to be significant. The evaluation further states that Project Options 1 and 2 would not considerably contribute to the significant cumulative impact on water and wastewater facilities. As a result, Project Options 1 and 2 would result in a less than significant cumulative impact and therefore, no mitigation measures to reduce the project's contribution would be required. As cumulative development occurs, the wastewater and water facility improvements identified in Sections 5.17.1 and 5.17.2 of the Draft EIR would be required.

Response to Comment T-7

This comment states that the Draft EIR does not address the loss of park space or how this loss can be avoided or mitigated.

In response, the City notes first that the Fulton Mall is not and has never been designated as a "park" by the City of Fresno. The City of Fresno established the Fulton Mall as a "pedestrian mall" pursuant

to the Pedestrian Mall Law of 1960 (California Streets & Highways Code, section 11000 et seq.) Streets & Highways Code, section 11006 states "Pedestrian Mall" means "one or more 'city streets,' or portions thereof, on which vehicular traffic is or is to be restricted in whole or in part and which is or is to be used exclusively or primarily for pedestrian travel." To stress the fact that a "pedestrian mall" remains a street, Streets & Highways Code, section 11603 reads:

> . . . No action taken pursuant to this part shall be interpreted or construed to be a vacation or abandonment, in whole or in part, of any city street or any right therein, it being intended that the establishment of a pedestrian mall pursuant to this part be a matter of regulation only.

The City holds only an easement for the right-of-way that comprises the Fulton Mall. The owners of the property abutting the Fulton Mall own the underlying fee simple interest in the Fulton Mall right-of-way. In contrast, City parks are on land that that the City owns in fee simple.

Neither the 2025 General Plan nor the Central Area Community Plan (CACP) have designated the Fulton Mall as any type of "park" or referred to the Fulton Mall as a "park." In fact, the Central Area Community Plan, which takes precedence over the 2025 Fresno General Plan, has distinguished the pedestrian mall from parks in its Exhibit 18 entitled "Central Area - Urban Design/Streetscape Plan." As envisioned by the Gruen Plan, the Fulton Mall was supposed to be the centerpiece of the City's effort to renew the Central Area as the retail shopping center of the six-county trade area. (CACP, p. 5) As such, the Fulton Mall was intended to facilitate retail shopping in the retail spaces of the buildings fronting the Fulton Mall and compete with the other shopping malls that had opened in the northern part of Fresno. It was never intended to be a "park." Finally, the Fresno Municipal Code regulates the Fulton Mall as a type of street, not as a park. (See FMC, Chapter 14, Article 18).[1] This is confirmed by the fact that individuals seeking to conduct special events on the Fulton Mall must obtain an encroachment permit from the City's Public Works Department, not a Special Activity Permit which is issued by the PARCS Department for special events conducted in City parks.

Because the Fulton Mall is not, and never has been, a "park," the introduction of vehicular traffic to the Fulton Mall portion of Fulton Street does not result in the loss of park space. As such, CEQA does not require mitigation for the loss of park space as part of the implementation of this proposed Project.

With regard to the two children's playgrounds ("tot lots") currently located on the Fulton Mall, the Project calls for them to be relocated and consolidated into one larger tot lot (approximately 1,772 square foot area) at the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley. As such, this preserves the children's' playground in a place that is in close proximity to the tot lots' current locations. (Draft EIR, p. ES-3).

---

[1] Because the Fulton Mall is included in a list of "parks" on the PARCS Department's webpage does not change the legal designation of the Fulton Mall as a pedestrian mall. PARCS stands for "Parks, After-School-, Recreation and Community services," so its management is not limited to parks. The PARCS Department manages the Fulton Mall because it has traditionally been best equipped and staffed to maintain the fountains and other landscape features, but other City departments/divisions, such as Community Sanitation and Facilities also help to operate the Fulton Mall.

It should be noted, aside from park impact issues and for informational purposes, the current designs for Build Options 1 and 2 both devote a majority of the Fulton Mall right-of-way to pedestrian space. (See Fulton Mall Reconstruction Alternatives Analysis Report, November 13, 2013, "Alternatives Comparison Table," p. 26.). As such, the Project will continue to provide substantial opportunities for pedestrian oriented activities.

This comment also states that the amount of demolition debris during reconstruction needs to be estimated to determine if the existing landfill capacity will be exceeded. As stated in Section 5.17.6 of the Draft EIR, the amount of demolition material generated by the Project Options 1 or 2 is not expected to result in a substantial amount of material that would substantially affect the existing landfill capacity. The demolition material that would be produced by the project includes concrete pavement, soil, as well as trees and shrubs. Based on the construction assumptions provided on pages 5-31 and 5-32 in the Draft EIR, the project would generate up to approximately 6,070 cubic yards of concrete, up to approximately 6,707 cubic yards of soil for export, and trees and shrubs. It is anticipated that the concrete, soil, and green waste (trees and shrubs) would be recycled; however, assuming that it may be sent to the existing landfill, American Avenue Landfill, that provides service to the City of Fresno, approximately 12,700 cubic yards of concrete and soil material as well as green waste would be generated. Based on a review of the remaining capacity of the American Avenue Landfill as of 2005 from the CalRecycle website at http://www.calrecycle.ca.gov/SWFacilities/Directory/10-AA-0009/Detail/ which was 29,358,535 cubic yards and a maximum permitted throughput of 2,200 tons per day as well as an estimated closure date of 2031 (36 years), the estimated average daily throughput is approximately 3,094 cubic yards. Based on the concrete and soil generated as a result of the proposed project, approximately 0.04 percent of the landfill capacity as of 2005 or approximately two days of landfill capacity would be used by the project. Based on the above information, the project's generation of solid waste would not substantially affect the existing landfill capacity.

Response to Comment T-8

This comment states that the Fulton Mall Reconstruction Project was carved out of the Fulton Corridor Specific Plan EIR, which is considered segmenting the environmental review, and the commenter stated that Fulton Mall Reconstruction Project Draft EIR failed to consider the reasonably foreseeable effects of the Project area.

The City disagrees that it has improperly piecemealed or segmented the environmental review of the document and would refer the commenter to Section 1.2 of the Draft EIR. As discussed in the Project History of the Draft EIR, Section 1.2, the City has been awarded a TIGER Grant for the Project of nearly $16 million. These grants are highly competitive and are subject to timelines and deadlines outside of the City's control. The City is complying with the mandates of the TIGER Grant and CEQA by ensuring that the Project has been environmentally assessed prior to proceeding with the Project.

Additionally, there are very few state or federal grant programs that offer the amount of money that the Department of Transportation TIGER Grant program offers. Several comment letters have stated or suggested there are other available grants and monies to rehabilitate or rebuild the Fulton Mall

and the City has limited itself to TIGER Grant funds to put a street in rather than use other monies. The City staff has extensive experience pursuing available grant funds from private and public sources to revitalize the Fulton Mall and other areas of the Downtown (as well as other areas of the City). City staff is not aware of any other grant program that would provide a comparable amount of money to rehabilitate or revitalize the Fulton Mall.

The City staff has been successful and unsuccessful pursuing funding for several Downtown capital improvement projects, and has had ongoing contact with other agencies about the status of downtown projects. Following are the various possible funding sources to rehabilitate or revitalize the Fulton Mall and their limitations.

A. Land and Water Conservation Fund (LWCF)

Per the State Department of Parks and Recreation website (www.parks.ca.gov/?page_id=21360), eligible activities for federal LWCF funding include acquisition or development of outdoor recreation areas and facilities. Priority development projects include trails, campgrounds, picnic areas, natural areas and cultural areas for recreational use. Property acquired or developed under the program must be maintained in perpetuity for public outdoor recreation use.

LWCF will fund up to 50% of project costs. The maximum grant request amount is $2 million, however, the total funding apportioned to California and available for local agency competitive grants statewide is approximately $1.8 to $2.4 million per year, and of that, 60% is reserved for southern California. Therefore, any Fresno projects find themselves in the running with others from throughout northern and central California for a total pot of roughly $720,000 to $960,000 per year.

Not surprisingly, according to Irma Yepez-Perez who was the previous grant writer in the City's Parks, After-School, Recreation & Community Services (PARCS) Department. LWCF is heavily oversubscribed with applications every year. LWCF was the federal source used to fund approximately $58,000 of the cost of the tot lot renovations along the Fulton Mall in 2008.

B. Community Development Block Grant (CDBG) Program

The federal CDBG program funds local community development activities such as affordable housing, antipoverty programs, and infrastructure development. City of Fresno budget documents (at www.fresno.gov/Government/DepartmentDirectory/Finance/Budget/CDBG.htm and www.fresno.gov/Government/DepartmentDirectory/Finance/Budget/PreviousYears.htm) provide a breakdown of CDBG appropriations for the current and past fiscal years. The adopted CDBG spending plans for fiscal years 2013 and 2014 appropriate a total of $6,298,200 and $5,138,900, respectively, for CDBG purposes, down from $9,875,300 in FY 2008-09. Categories funded include housing acquisition and rehabilitation (such as code enforcement, anti-graffiti, housing programs), public services (policing, senior hot meals), planning and administration (grant monitoring, historic preservation, housing administration), and economic development (see discussion below). Public facilities and improvements are also an eligible category of funding, but the City did not allocate any funding in this category in either of the past two fiscal years.

For economic development purposes, CDBG also includes the Section 108 loan guarantee program. Section 108 loans are a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development projects. Local governments borrowing funds for such projects pledge their current and future CDBG allocations to cover the loan amount. The City has, in the past, approved Section 108 projects; the allocation for repayment of these loans in the 2013 and 2014 fiscal years was $443,900 and $461,200, respectively.

Because of the nature of the services provided by the City using its CDBG funding allocation, any funding not dedicated to these services because of a reallocation to infrastructure projects, either in single years or on a multiyear basis through additional Section 108 borrowing, would result in service cuts, or impacts to the City General Fund to make up the difference, or both.

C. Proposition 84 Urban Greening Project Grants

Per the State of California Strategic Growth Council website (http://sgc.ca.gov/urban_greening_grants.html), concept proposals for the third and final round of urban greening project grants were due in April 2013. A total of $70 million was appropriated over the three rounds for urban greening projects that reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits. Funded projects must either (a) use natural systems, or systems that mimic natural systems, or (b) create, enhance, or expand community green spaces. Matching contributions were encouraged, but not required.

In the first two grant rounds, a total of 73 grants were awarded for an average of $511,673 each. Per phone conversation with SGC staff in early 2013, the program was oversubscribed and projects that provide urban recreational opportunities without enhanced greening benefits were not eligible. The City prepared two applications for $45,000 each from this fund for community gardens at Hinton Park and Romain Neighborhood Park, but these applications were not funded.

D. Historic preservation funding

Per the National Park Service website (www.nps.gov/history/hps/HPG), Save America's Treasures grants are available for preservation and/or conservation work on nationally significant intellectual and cultural artifacts and historic structures and sites. Historic structures and sites include historic districts, sites, buildings, structures, and objects. A dollar-for-dollar, non-Federal match is required. The minimum grant request for historic property projects is $125,000 Federal share; the maximum request is $700,000 Federal share.

Per the same website, the Preserve America matching-grant program provides planning funding to designated Preserve America Communities to support preservation efforts through heritage tourism, education, and historic preservation planning. Projects are funded between a range of $20,000 and $250,000. Successful projects involve public-private partnerships and require a 50/50 non-federal match.

Although these program descriptions remain posted online, funding for both programs was discontinued with the 2012 Federal budget.

Historic Preservation Fund apportionments are made each year to States and Territories. These funds may be used for a range of eligible activities, including acquisition or development, authorized by the National Historic Preservation Act and guidelines issued by NPS. At least 10% of the funding to each State must be passed through to Certified Local Governments (of which Fresno is one) to assist in documenting and revitalizing their historic resources. In Fiscal Year 2014, California received a total of $228,458 from this fund.

E. Fresno County Measure C TOD program

Program guidelines (at www.fresnocog.org/measure-c-transit-oriented-development) stipulate that the TOD program provides funding to three types of projects/programs: (a) infrastructure improvements, (b) planning programs, and (c) incentives for infill housing. Eligible areas are Downtown Fresno and along proposed BRT corridors (Blackstone and Kings Canyon/Ventura). An estimated $14 million is available from the program over the 20-year life of the Measure C extension.

The City has applied to the Measure C TOD program and been awarded a total of approximately $1.6 million from this source for preconstruction engineering and environmental expenses related to the proposed Fulton Mall Reconstruction Project. A request for an additional $1.8 million in construction funding (or roughly 9% of the Project construction budget of $20 million) is currently proposed as part of a match for the $15.9 million TIGER award. This will bring the portion of the Measure C TOD fund dedicated to the proposed Project to a total of approximately $3.4 million, or 24% of the program over the life of the Measure.

Meanwhile approximately $2,000,000 has been awarded to the City for a combination of downtown development incentives (in the form of impact fee waivers) and capital projects related to downtown housing developments. A downtown developer has asked the City to apply for over $500,000 in funding for additional small capital projects related to downtown housing developments this year. Given these and other demands on this fund, it seems unlikely that it could be expected to provide a larger portion of the $20 million needed to reconstruct the Fulton Mall.

Summary

Based on the City staff's experience with grants and other funding sources and the information presented above, there is no reasonable expectation for the City of Fresno to obtain adequate funding to rehabilitate or revitalize the Fulton Mall.

The City does not agree with the commenters that CEQA requires the City to forego the use of the TIGER Grant funds to wait and assess the Project in a future plan document, when neither the Project nor these draft plans (2035 General Plan, the Downtown Neighborhoods Community Plan or the Fulton Corridor Specific Plan) are dependent on the other or foreseeably the result of each other.

Finally, as discussed in Response to Comment W-8, the City has not pre-committed to the Project. CEQA does not preclude City staff and policymakers from pursuing a particular project that supports

a policy goal. Pursuing a project is not the same as committing to the project. The City has pursued the Project, including its funding through TIGER Grant funds. However, the City is not committed to the Project or the use of the TIGER Grant Funds until the City Council certifies the EIR and approves the Project.

Response to Comment T-9

This comment suggests that the current plan for the Fulton Mall is renovation and rehabilitation and should be considered the "no build" alternative. In addition, the commenter states that the Draft EIR improperly uses current baseline conditions as the "no build" alternative. Section 6 includes a description of the alternatives discussed in the Draft EIR. The renovation and rehabilitation alternative that is referenced in this comment is assumed to be similar to the Restoration and Completion Alternative which is to substantially reconstruct Fulton Mall and retain the pedestrian-oriented mall. The "no build" alternative is considered the No Project/No Development Alternative discussed in Section 6.3.1 of the Draft EIR. The No Project/No Development Alternative would retain the existing pedestrian Mall in its current state and as a result the current baseline condition is appropriate as the condition that would occur under this alternative.

Response to Comment T-10

The commenter argues that demolition of the Fulton Mall is inconsistent with the 2025 General Plan commitment to "[s]afeguard Fresno's heritage by preserving resources which reflect important cultural, social, economic, and architectural features so that community residents will have a foundation upon which to measure and direct physical change. (Policy Objective G-11.)" The commenter also argues that eliminating the Fulton Mall is incompatible with the General Plan's strategy to "[p]erpetuate, protect, enhance, and revitalize historic resources." (Policy G-11-c.) Commentator further argues that this incompatibility cannot be mitigated.

Achieving the objectives of the Project to maximize sustainable development and economic productivity will encourage the investment in and rehabilitation and preservation of the currently designated historic properties in and around the Project Area. As discussed on page 4.2-13 of the Draft EIR, of the 54 resources evaluated adjacent to the Fulton Mall, (including the Mall), three resources were identified as currently listed or designated, 12 as eligible (other than the Mall), including a potential Historic District based upon the historic buildings in the area. Vacancy rates in and around the Project Area are disproportionately high from other areas of the City and the downtown. Office and large retail vacancies are more than triple the downtown average. The historic resources have twice the vacancy rate of those nearby. Vacancies will be reduced if the Project objectives are met, and that will mean money will be available to invest in, rehabilitate in some cases and preserve buildings that date back to the City's beginnings.

Response to Comment T-11

The commenter argues that the project is inconsistent with the "policy against auto-oriented development. (Policy Objective E-9.)" The commenter misrepresents Policy Objective E-9, which reads as follows:

> "Provide quality, convenient, and reliable public transportation service through an efficient and effective public transportation system."

The Project is consistent with this Policy in that it will restore the traditional street grid in an area that is directly adjacent to the future High Speed Rail Station and the BRT hub. The Project also will create a complete street that will allow pedestrian, bicycles, cars and mass transit to all of the buildings and users of the buildings in the Project Area. As such, the Project will encourage, and assist providing quality, convenient, and reliable public transportation service through an efficient and effective public transportation system.

Response to Comment T-12

The commenter argues that the Project is inconsistent with the policy against approving a project without determining whether it will exceed the capacity of existing water and sewer facilities. (Policy Objectives E-18, E-20, Policy E-22-d.) The Draft EIR addressed the Projects impacts to water and sewer facilities to determine if it will exceed the capacity of water and sewer facilities. (See Draft EIR, Section 5.17.)

Response to Comment T-13

The commenter argues that the Project is not compatible with the General Plan goal of equitably distributing park space to meet the needs of primarily minority inner city neighborhoods. It eliminates park space that accommodates the specialized needs of a predominately and senior citizen neighborhood without any discussion of mitigation." Please see Response to Comment T-7 regarding parks and Fulton Mall.

Response to Comment T-14

The commenter states that the Fresno Downtown Coalition believes there is nothing of cultural or historical significance in the San Joaquin Valley to compare to the "Garrett Eckbo's Fulton Mall masterpiece." The Draft EIR identified the impact to the historical significance of the Fulton Mall from the Project as a significant and unavoidable impact. The commenter has provided no substantial evidence that disputes the Draft EIR's conclusions on this impact.

The commenter states that the Fulton Mall Reconstruction Project will have a significant impact beyond the loss of the Fulton Mall. As discussed in Sections 4 and 5 of the Draft EIR, the implementation of Project Options 1 or 2 will result in significant impacts in addition to the significant impacts that will result from the removal of Fulton Mall as a historic resource. These issues include: biological resources, cultural resources (archaeology, paleontology, and human remains), hazards and hazardous materials, hydrology and water quality, land use and planning, and transportation/traffic. Mitigation measures are recommended for each of these issues to reduce the potential impact to less than significant. In addition, the project will result in significant and unavoidable impacts on the visual character of the Fulton Mall due to the removal of the existing trees within Fulton Mall. This potential significant and unavoidable impact would occur because the trees that are proposed to be replanted will not be mature for approximately 5 to 10 years.

The commenter states that it would not be "acceptable" for the Project to be approved without a binding commitment to cure or mitigate the Project's inconsistencies with the 2025 General Plan goals and policies. As discussed in the Response to Comment T-10, the Project includes amendments to the 2025 General Plan and otherwise, the Project is consistent with the 2025 General Plan. (See Response to Comment BB-9.)

Elliott Balch

From: Jill Fields [jfields@csufresno.edu]
Sent: Monday, January 13, 2014 4:52 PM
To: Elliott Balch
Subject: DEIR Comment

Dear Elliott Balch -- The following are my comments on the DEIR regarding Mayor Swearengin's proposal to destroy the historic, award-winning Fulton Mall, one of the few urban parks and the only pedestrian mall with public art in Fresno.

Fresno holds the dubious distinction of being among the three worst places for air pollution in the entire United States. Sadly, this -- like the resultant high rates of asthma in Fresno children -- is not news and hasn't been for many years. Nonetheless, the past several months of record-breaking air pollution levels which included day after day of Red/"Unhealthy" determinations broken up by a few days of Orange/"Unhealthy for Sensitive Groups" actually was reported on in the local press because it was extraordinarily appalling. Yet do we hear from civic leaders about this environmental and health crisis? Do they focus on this urgent problem and come up with common sense, well-known policy solutions like increasing access to public transportation, supporting in-fill construction rather than further sprawl, creating more parks and green space, and promoting clean energy? Sadly, again, the answer is no. The dominating "response" from civic leaders about the dangers from air pollution Fresno adults, children, and animals, including wildlife face daily is silence. There is, however, a notable exception to this resounding silence. Fresno Mayor Swearengin some months ago boldly declared Fresno to be a "car culture" and vigorously argued for us all to not just accept the status quo, but to encourage even more traffic and particulates in downtown Fresno by tearing up the one pedestrian mall/urban art park in the entire polluted region we call home. U-1

The DEIR makes two contradictory arguments regarding the claim that putting a street through the Fulton Mall (which cannot be accurately called a Fulton Mall Reconstruction Project when its stated goal is the Destruction of the Mall), will magically revitalize commerce in downtown. This presumptive outcome cannot be taken seriously because holding the Fulton Mall responsible for all the problems of downtown (and therefore that removing it will solve them) ignores the many factors that led to its current state. Past and current approval for residential, commercial and office buildings further and further away from downtown is one of the easiest to grasp. However, lets take the Mayor and her staff at their word, that destroying the Mall will bring more cars and therefore more commerce to downtown. How is it then that the DEIR somehow also claims that destroying the Mall will not bring more traffic and air pollution to Fulton because the automobile drivers will just be choosing to drive down Fulton rather than say Van Ness. (Van Ness, by the way, like a number of other streets in Fresno, has a number of empty storefronts despite their visibility to passing cars). This doesn't add up. If there are already plenty of folks driving around downtown looking for restaurants, stores, and cultural events, then what's the problem with restoring rather than destroying our unique, award-winning civic resource? U-2

In addition, the plans to destroy the Mall tout the purported safety of the reestablished street by incorporating design features and speed limits that will keep traffic slow. As anyone who drives knows, optimal speed for maximizing fuel efficiency is not 15 miles per hour. The very plan to keep traffic slow on the former pedestrian mall will actually increase particulate levels significantly. The safety currently enjoyed by Fulton Mall pedestrians and the disabled will be diminished not only by the presence of cars, but also by breathing higher amounts of particulate matter. U-3

The plan to destroy the Mall is so backward, so inside the box that it is hard to believe it has reached this stage of discussion. It is a stagnant twentieth-century proposal when we desperately need vital twenty-first century solutions. Deciding to restore rather than destroy the Mall holds the potential to be a turning point for Fresno. U-4

Embracing this urban park, its public art, and the benefits of walking, and improving the infrastructure and amenities that support its potential to flourish, like new signage and lighting, refurbished parking structures, free mall wireless access, solar power and in-fill incentives, increased public transportation, and multi-cultural events is the healthiest path for our environment and all who live in it. Following this path can be the beginning of a turn around for Fresno. Wouldn't it be amazing for Fresno to be known for its efforts to build, sustain and cherish the greenest pedestrian mall in America instead of being known as a polluted and corrupt wasteland? In 1964, we had leadership, both public and private, that was forward thinking, celebrated the arts, appreciated the need for park space, and knew how to get things done. Fifty years later, the best idea the Mayor can come up with is more asphalt and exhaust? We're in deep trouble if that passes for progress and creative civic planning. As the Associated Press accurately noted last September when the TIGER grant was announced, "While many U.S. cities are converting urban cores into walkable oases where people can stroll to restaurants and shops, bike and be green, Fresno is going the opposite direction." Thankfully, we still have the opportunity to instead move forward to a healthier environment with more parks and public art, more places to walk, fewer cars, and less pollutants with a restored and revitalized Fulton Mall in downtown Fresno.

U-4
(cont)

Sincerely,

Jill Fields, Ph.D.
Professor of History
Founding Coordinator, Jewish Studies Certificate Program
California State University, Fresno

Letter U: Jill Fields, California State University, Fresno, January 13, 2014

Response to Comment U-1

This comment expresses views regarding the need for policy solutions to reduce air pollutant emissions. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment U-2

This comment states that the Draft EIR includes two contradictory arguments regarding the placement of a street through Fulton Mall. The commenter states that the Draft EIR states that the project will revitalize commerce downtown and that the project will not bring additional traffic to Fulton. As stated in Section 2.2 of the Draft EIR, one of the objectives is to increase mobility and access in the Fulton Mall area. The placement of a street along Fulton between Inyo Street and Tuolumne Street will meet this objective. Meeting this objective is anticipated to provide a catalyst (or an inducement) for future project development as well as the reoccupation of existing vacant office and retail space in the Fulton Mall area. Although the project does not include land use generating traffic, the project is expected to create growth inducing indirect impacts as discussed in Response to Comment T-2.

Response to Comment U-3

The commenter states that the project includes speed limits of 15 miles per hour (mph) which will increase particulate matter. The project speed limit may range from 15 mph to 20 mph. The speed limit along the streets in the project vicinity is 30 mph. Based on the amount of project traffic (210 average daily trips) along Fulton Street and cumulative traffic (2,310 average daily trips) along Fulton Street, particulate matter would not substantially differ compared to particulate matter generated from vehicular traffic travelling at speeds limit of 30 mph.

The commenter also states that pedestrian safety will also diminish. Pedestrians will be required to use the sidewalk areas and the crosswalks at the intersections and midblocks. The use of sidewalk areas and crosswalks would provide safety for pedestrians.

Response to Comment U-4

This commenter argues that restoring the Fulton Mall could be a benefit to the City. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

RESOURCE MANAGEMENT AGENCY

Community and Economic Development
Department of Planning and Building

Norman L. Allinder, AICP
Director

- 2037 W. Cleveland Avenue
- Mail Stop G
- Madera, CA 93637
- (559) 675-7821
- FAX (559) 675-6573
- TDD (559) 675-8970
- mc_planning@madera-county.com

January 10, 2014

Ms. Jennifer Clark
Development & Resource Management Director
2600 Fresno Street, Room 3065
Fresno CA 93721

Re: Fulton Mall Reconstruction Project
Draft Environmental Impact Report

Dear Ms. Clark,

On November 5, 2013 the Madera County Board of Supervisors directed staff to participate in all active regional planning projects being undertaken by the City of Fresno. I am therefore submitting this letter on the Draft Environmental Impact Report (DEIR) for the Fulton Mall Reconstruction Project, which will have significant impact upon the citizens of Madera County, and the region as a whole.

Madera County submitted comments on the Notice of Preparation for the Fulton Mall EIR on November 14, 2013 which discussed several items which should have been analyzed within the published Draft EIR for the project. However, in review of the Draft EIR which was published on November 26, 2013, 11 days following the close of the comment period on the Notice of Preparation, it appears that the City of Fresno failed to address a number of items in our NOP comment letter. Madera County is concerned that with only 11 days to review all NOP comment letters and prepare a Draft EIR the City has not provided this agency or those other agencies and individual's just consideration of the regional impacts this project will have. This EIR is being utilized according to Section 2.4 of the document to amend the City of Fresno General Plan Circulation and Land Use Elements and therefore is considered to be a project of Statewide, Regional, or Area wide Significance according to CEQA Guideline section 15206(b)(1). V-1

The County would request that the City of Fresno amend the Draft EIR for the Fulton Mall Reconstruction Project to address the following inadequacies in accordance with the California Environmental Quality Act (CEQA).

AIR QUALITY

- The DEIR substantially underestimates the air quality impacts associated with the project, by failing to appropriately address and analyze the traffic impacts of the project as identified in the attached memorandum from the Madera County Road Department. CEQA mandates that a project provide mitigation for a significant impact. A quantifiable and appropriate mitigation measure for this regional project would be for the City of Fresno to enter into a Voluntary Emissions Reduction Agreement (VERA) with the San Joaquin Valley Air Pollution Control District. There is no arguing that by providing additional street network within downtown Fresno will result in significant air quality impacts. By the City entering into a VERA it will mitigate the regional air quality impacts V-2

of the project. Section 15126.4 of the California Environmental Quality Act states the following:

> *"Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified."*

The City of Fresno has not discussed the basis or reasoning by not mitigating the projects air quality impacts by requiring a VERA. V-2 (cont)

GREENHOUSE GAS EMMISSION

- The proposed DEIR underestimates the traffic impacts of the project as identified in the attached memorandum from our Road Commissioner. The failure of the City to appropriately identify the traffic impacts hinders the validity and accuracy of the greenhouse gas emissions analysis. As previously stated above this project must enter into a VERA with the San Joaquin Valley Air Pollution Control District. V-3

HYDROLOGY

- The proposed DEIR severally underestimates the Groundwater supplies that could potentially be used by the project. The project objectives of this EIR are stated on page 2-1 of the document includes goals of maximizing sustainable development and economic productivity. This DEIR does not address growth inducing impacts that economic productivity brings and its effect on groundwater supplies. In addition, the DEIR does not address impacts to groundwater supply throughout the region, as the County of Madera shares a groundwater supply with the project area. The County is very concerned about the potential significant impacts on this shared source of water. The DEIR must address these impacts. V-4

TRAFFIC

- In addition to the concerns contained within the attached memorandum from the Road Department, this project has failed to identify or quantify in any fashion the traffic patterns of those individuals which will be served by the proposed project. Currently the project site does not include any residential densities sufficient to serve the Fulton Mall, by expanding the commercial nature of the mall the City is thereby increasing the vehicle miles traveled of individuals traveling to the project site that would otherwise shop in any number of the city's existing commercial centers. V-5

The City of Fresno is currently preparing a comprehensive General Plan Update, Downtown Revitalization Plan, and the Fulton Mall Reconstruction Project. These plans are all interrelated and therefore the City must process and analyze the impacts of the three projects concurrently, rather than piece-mealing the City of Fresno's planned development. This clear violation of CEQA and court rulings must be addressed. V-6

In closing the County of Madera continues to be concerned regarding the City of Fresno's expansion of its commercial and industrial centers. This will exacerbate the City's trade area capture imbalance. The City has failed to provide a sufficient number of housing units to serve the city's commercial development. This results in importing a significant amount of traffic and tax dollars from Madera County residents into the City of Fresno that should occur within other parts of the region. This has been well documented in previous letters to the City of Fresno. The DEIR fails to adequately consider alternatives to the proposed project in accordance with CEQA guideline 15126.6. The DEIR simply discards eight alternatives as not being feasible with no V-7

technical analysis. The County of Madera would request that our comments be addressed and that the DEIR be re-circulated. Please contact me with any questions or concerns. V-7 (cont)

Sincerely,

Norman L. Allinder for
Planning Director

CC: Madera County Board of Supervisors
Mayor Ashley Swearengin
Fresno City Council
Eric Fleming, County Administrative Officer
Doug Nelson, County Counsel
Bruce Rudd, City Manager
Elliott Balch, Downtown Revitalization Manager

RESOURCE MANAGEMENT AGENCY
Road Department

Johannes J. Hoevertsz, Road Commissioner

• 2037 W. Cleveland Ave., MS 'D'
• Madera, CA 93637-8720
• (559) 675-7811
• FAX (559) 675-7631
• TDD (559) 675-8970

MEMORANDUM

TO: Norman Allinder, Planning Director, Madera County Planning Department

FROM: Johannes J. Hoevertsz, Road Commissioner

DATE: January 13, 2014

RE: Fulton Mall Reconstruction Project Draft Environmental Impact Report- Traffic Analysis

We have reviewed the Environmental Impact Report for the Fulton Mall Reconstruction project in Downtown Fresno and have identified the following concerns which have not been addressed within the EIR for the project. This project will result in significant impacts on our regional road network, we therefore would request that the City of Fresno take the necessary steps to address the following issues:

- The traffic analysis evaluated 18 intersections and 16 roadway segments. Those intersections and roadway segments are restricted to a limited geographical area within downtown Fresno. This is a significant concern and should be amended to include regional intersections and roadway segments serving the project. V-8

- Traffic delays should be mitigated by a combination of traffic calming measures, traffic control devices, and/or new facilities not by lowering existing capacity requirements.

A project of similar nature in the County of Madera would not be limited to such a narrow scope. Limiting the traffic analysis to such a narrow scope will result in insufficient and understated impacts being identified within the EIR for the proposed project. The Department would strongly urge the City of Fresno to take the necessary steps to mitigate for the identified issues in compliance with the California Environmental Quality Act.

Letter V: Norman Allinder, Madera County Resource Management Agency, Department of Planning and Building, January 10, 2014

Response to Comment V-1

This commenter is concerned that potential regional impacts from the project were not considered. As discussed in the Draft EIR, the potential regional impacts associated with the project are air pollutant emissions discussed in Section 5.3, greenhouse gas emissions discussed in Section 5.7, and land use impacts discussed in Section 5.10. Traffic impacts discussed in Section 5.16 are limited to Downtown Fresno since the project would redistribute existing traffic volumes. Although cumulative projects could contribute to significant cumulative traffic impacts, the identified cumulative traffic impacts would occur in Downtown Fresno and would not impact facilities within the County of Madera or other regional facilities. The commenter has not provided any substantial evidence to support their arguments or that otherwise demonstrate that the Draft EIR conclusions and analysis are in error.

Response to Comment V-2

The commenter suggests that the Draft EIR substantially underestimates project air quality impacts. Air quality impacts are discussed in Section 5.2 of the Draft EIR. As discussed, air quality impacts associated with the project would not substantially increase or exceed the criteria pollutant thresholds during construction and operational activities. Since project emissions would not exceed existing thresholds, no mitigation measures are required. However, as stated in Section 5.3.2, mitigation measures are included to further reduce a potential less than significant impact. The commenter suggests that the City enter into a Voluntary Emissions Reduction Agreement (VERA) with SJVAPCD that would reduce project emissions. The City acknowledges that a VERA is a potential measure to reduce potential significant air pollutants; however, the proposed project would not result in significant air pollutant impacts. Therefore, the implementation of a VERA between the City and SJVAPCD would not be required. The commenter has not provided any substantial evidence to support their arguments that the Draft EIR underestimates air quality impacts or that the Draft EIR analysis and conclusions are otherwise inadequate or in error. Please also see Response to Comment T-2 regarding growth-inducing impacts.

Response to Comment V-3

This comment states that the Draft EIR underestimates the traffic impacts associated with the project and the underestimation hinders the accuracy of the greenhouse gas analysis. This comment also states that the project must enter into a VERA. The Draft EIR does not underestimate traffic impacts. The proposed project will include the placement of roadways within Fulton Mall. The placement of the roadways will not directly increase traffic volumes in the Downtown area. The project will result in the redistribution of existing traffic so that some intersections may experience an increase in traffic volumes and other intersections will experience a decrease of traffic volumes. As described in the Traffic Study (see Appendix 11), the project under Project Options 1 or 2 would result in the redistribution of trips, and the substantive changes associated with the redistribution of trips would occur within the Downtown area. In addition, since the proposed project would not

result in significant air quality impacts, a VERA is not required for the proposed project. The commenter has not provided any substantial evidence to support their arguments that the Draft EIR fails to accurately identify greenhouse gas emissions or that the Draft EIR analysis and conclusions are otherwise inadequate or in error.

Response to Comment V-4

This comment states that the Draft EIR underestimates the project's potential use of groundwater supplies due to the project's inducement for maximizing economic productivity. The proposed project includes the construction of proposed roadways, installation of landscaping and water-related artwork (i.e., fountains). The future operation of the roadways and related features will not result in a substantial use of water as described in Section 5.17.2, as modified in the Errata within this Response to Comments Document. Section 5.9.2 of the Draft EIR states that the project and cumulative development will increase the demand on water supplies. The City's future water supply plan is to reduce the amount of groundwater that is used to meet future water demand as discussed in the City's Urban Water Management Plan (UWMP). The City's future water supply is planned to be provided by groundwater, treated surface water, recycled water, and conservation efforts. The UWMP has forecasted development consistent with the 2025 General Plan. Any development induced by this Project or other cumulative development in the Downtown Area is expected to be consistent with the 2025 General Plan and the UWMP. Therefore, future development consistent with the 2025 General Plan, including any growth induced development from this Project, and the identified cumulative development in the Downtown Area is anticipated to result in a reduced impact on the existing groundwater supplies. The commenter has not provided any substantial evidence to support their argument that the Draft EIR underestimates the groundwater use of the Project or that the Draft EIR analysis and conclusions are otherwise inadequate or in error.

Response to Comment V-5

This comment asserts that the project does not identify or quantify the traffic patterns of individuals that will be served by the proposed project. This comment also states that the project will expand commercial and therefore increase the vehicle miles travelled of individuals that would otherwise shop in other areas of the City. As described in Section 2 of the Draft EIR, the project includes the construction of roadways within Fulton Mall as complete streets. The project does not include the construction of commercial. As stated in Response to Comment T-6, Sections 5.17.1 and 5.17.2 of the Draft EIR describe the potential for Project Options 1 and 2 to induce growth by the reoccupation of existing vacant space within the vicinity of Fulton Mall. This potential growth is part of cumulative projects, and the potential cumulative impacts were assessed for each environmental issue in Sections 4 and 5 of the Draft EIR. The project does not propose any additional traffic generating land uses and would only redistribute trips. Therefore, the project would not result in an additional vehicle miles travelled compared to the baseline conditions because the project would result in the redistribution of existing trips.

Traffic patterns under baseline conditions, baseline plus project, and cumulative plus project conditions were assessed in the Traffic Study (see Appendix 11) and potential impacts were

summarized in Section 5.16 in the Draft EIR. The implementation of the project will result in the redistribution of traffic within the Fulton Mall area due to the addition of new roadways.

In addition to the above, the commenter argues that the Project does not include residential densities sufficient to serve the Fulton Mall. As identified in Chapter 2.0, the Project does not change any adopted land use plans or zoning for buildings around the Project Area. The Project installs a roadway. The existing land use plans and zoning in the project area allows for residential development, and residential projects are being proposed as identified in Section 3.2, Cumulative Environmental Setting.

Response to Comment V-6

This comment asserts that the environmental effects associated with the City of Fresno General Plan Update, Downtown Plans, and the Fulton Mall Reconstruction Project must be processed and analyzed concurrently, rather than piece-mealing each project. The commenter states that evaluating them separately would be a violation of CEQA. Please see Response to Comment T-8 regarding piece-mealing.

Response to Comment V-7

This comment identifies a concern that the City of Fresno's expansion of its commercial and industrial centers will cause a significant export of traffic and tax dollars from Madera County to the City of Fresno. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required for this portion of the comment. (CEQA Guidelines, Section 15088.)

This comment further identifies that the Draft EIR fails to adequately consider alternatives to the project. The Draft EIR addresses alternatives to the project in Section 6. There is a discussion of eight alternatives that were considered, but rejected. A discussion of each of these alternatives was provided and reasons why each were rejected. The commenter provides no substantial evidence to support their argument that the Draft EIR failed to adequately consider alternatives.

Response to Comment V-8

This comment states that the proposed project would result in significant impacts on the Madera County regional road network. The commenter does not provide information to support the statement that the project would result in significant traffic impacts outside of Downtown Fresno. Since no specific comment on the environmental conclusions of the Draft EIR was provided; no further response is required. (CEQA Guidelines, Section 15088.)

January 13, 2013

Elliott Balch, Downtown Revitalization Manager
City of Fresno
City Manager's Office
2600 Fresno Street
Fresno, CA 93721

VIA Email: Elliott.Balch@fresno.gov

Re: Comments on the Draft Environmental Impact Report for the Fulton Mall Reconstruction Project

Dear Mr. Balch:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the Fulton Mall Reconstruction Project. We are a coalition of non-profit organizations that includes representatives from The National Trust for Historic Preservation, The Cultural Landscape Foundation, California Historical Society, and The California Preservation Foundation. The Coalition members have a collective interest in the preservation of historical resources, and are particularly concerned with the rate at which historically significant sites from the Modern era are being lost.

The members of the Coalition are highly cognizant of the opportunity for the City of Fresno to obtain a Federal Highway Administration grant to revitalize its historic downtown core. But, while we are very supportive of the City's goal to restore its downtown as a thriving business and residential district, we are greatly concerned with the proposed impacts to the historic Fulton Mall. We oppose any option that would significantly alter the qualities that make the Mall eligible for the National Register of Historic Places and urge the City to select an alternative that is more respectful of its unique history.

I. Significance of the Fulton Mall

The Fulton Mall, opened to the public in 1964, is a shining example of Modern landscape architecture. The AIA award-winning landscape for the city's Main Street was one of the most significant projects of Garrett Eckbo's career and the linchpin of a downtown master plan prepared for the City of Fresno by Victor Gruen. The design, which constitutes one of the first displays of public modern art outside of a campus/institutional setting, is highly significant, so much so that we would recommend an exploration of the site's eligibility for National Historic Landmark designation. Equally unique to Eckbo's design is its preference for accommodating pedestrians and encouraging walkability. The exclusion of vehicular traffic on six blocks of Fulton Street makes the mall an oasis of designated open space where visitors can appreciate a significant collection of both international and local and regional artwork that lines the street, W-1

without interference from automobile traffic.[1] In 2010 the Fulton Mall was determined eligible for the National Register of Historic Places, the first of Eckbo's projects to achieve this designation. W-1 (cont)

II. The City's Proposal Would Risk Destroying the Historic Significance of the Fulton Mall

The Draft EIR analyzes in-depth two build options for reconfiguration of the Fulton Mall. Both would remove the entire pedestrian Fulton Mall for the purpose of opening it to two-way vehicular traffic. As a result, each would require a complete re-grading of Fulton Street and considerable realignment of Eckbo's design features. Both options also call for the removal of most shade trees and shrubs, water features and fountains, shade pavilions, seating areas, and artwork. Both would cause significant changes to the historic resource, likely destroying its eligibility for the National Register of Historic Places. Further, the project would require the City to amend its General Land Use plan to remove the Open Space designation for the entire area. W-2

III. The City's Rationales for Rejecting Preservation and Rehabilitation Alternatives are Not Properly Supported

Section 6 of the DEIR discusses the City's rationale for considering but rejecting eight alternatives. Five additional alternatives were considered and evaluated. While our preferred option is described in Section 6.2.1 – Restoration and Completion – we feel that a hybrid project could be devised that would incorporate multi-modal transportation on a portion of the site. This could be an acceptable alternative allowing the City to address the businesses along the pedestrian mall that are experiencing high rates of vacancy and not meeting the goal of downtown revitalization, while still meeting the Secretary of the Interior's Standards.[2] For instance, the Alternative described in Section 6.3.4 would keep three central blocks of Fulton Street as a pedestrian mall, but open up traffic on some side streets and cross streets. It would allow for more vehicular and multi-modal transit options while retaining parts of the Mall as exclusively pedestrian. The central pedestrian core could retain key Eckbo features and the significant relationship between art and landscape and include amenities such as outdoor dining, more lighting, new restrooms, and added signage. It is our belief that the key bases on which this alternative was rejected are unsupported. W-3

A) The Draft EIR Contains No Reliable Economic Data to Reject Alternative 6.3.4

The City discloses that the Alternative described in Section 6.3.4 was not evaluated in the Economic Impact Analysis. Nonetheless the DEIR concludes that this alternative W-4

> is not expected to result in as much of a reduction [in ground floor vacancies] … and as much of an increase in annual gross retail sales as Options 1 and 2 because Project

[1] The artwork along Fulton Mall was acquired at a cost of over $200,000 in 1964, an amount that would equal over $1.5 million today.

[2] Attached as Exhibit A is a Summary White Paper prepared by Charles Birnbaum, FASLA, FAAR with a detailed description of how a hybrid configuration could retain the site's eligibility for the National Register of Historic Places. Its most similar counterpart in the EIR was evaluated in the DEIR at Section 6.3.4.

> Options 1 and 2 includes the installation of a two-way, two lane street as well as parking along the entire Fulton alignment.

DEIR at 6-19. Because the City admits in the Draft EIR that it did not evaluate this alternative in its Economic Impact Analysis, the City's judgment on the effects of this alternative on ground floor vacancies and gross retail sales is pure conjecture. In fact, there is a trend in cities like Los Angeles and Phoenix to increase pedestrian-only corridors, discourage more vehicle use and open up streets to pedestrian, bike traffic, and public transit.[3]

We also take issue with the following statement, which the City uses for rejecting Alternative 6.3.4, as well as a number of other alternatives:

> This Alternative would not maximize sustainable development and economic productivity in conjunction with other downtown redevelopment projects while complying with the requirement to receive federal transportation grant funds to minimize harm to the historic site resulting from the Project.

W-4 (cont)

DEIR at 6-19. On the contrary, we find that Alternative 6.3.4 goes much farther than Options 1 and 2 in maximizing sustainable development by lessening reliance on automobiles. With three blocks of purely pedestrian access, tenants could utilize more of the street for retail activities, a move which would encourage pedestrian flow through the historic site. In addition, this alternative would meet the criteria demanded by Federal Highway Administration in its grant criteria that it minimize harm to historic sites (See Section III.C, *infra*). Selecting an alternative that opens the Mall entirely to vehicular traffic would constitute a far greater adverse impact on historic resources than a hybrid that would retain key features of Eckbo's design.

B) Impact on Historic Resources

We strongly disagree with the City's determination that the Alternative described in Section 6.3.4 would cause a significant impact on an historical resource. The Summary White Paper prepared by Charles Birnbaum of The Cultural Landscape Foundation, and attached as Exhibit A, acknowledges that there would be diminished integrity of design in opening up the Mall to moving and parked vehicles. However, in supporting an alternative that retains the core of the pedestrian Mall, he states that "changes to accommodate vehicles will need to be viewed on a case-by-case basis, ideally guided by a set of overarching design principles that balance use, design and historic preservation." In contrast, the City relied on no credible expert to support its conclusion that a hybrid alternative would cause an unavoidable and significant impact to the Fulton Mall.

W-5

C) TIGER Grant Requirements

A primary reason the City rejects alternatives like that described in Section 6.3.4 is its assertion that "the current federal grants secured by the City for the Fulton Mall Reconstruction Project

W-6

[3] For information on LA's Sunset Triangle Plaza, a recent street to pedestrian mall conversation, see http://la.curbed.com/archives/2012/03/check_out_sunset_triangle_plaza_las_first_pedestrian_plaza_1.php ; For information on Phoenix's plans to make its downtown more pedestrian friendly, see http://www.azcentral.com/community/phoenix/articles/20130214walking-downtown.html?nclick_check=1

would not qualify for use."[4] In late 2013 the Federal Highway Administration awarded the City nearly $16 million from the Transportation Investments Generating Economic Recovery (TIGER) program. The only information about the grant conditions contained in the DEIR is that the program requires the obligation of construction funds by September 30, 2014 (DEIR 1-3).

The determination whether one of the partial-build or "hybrid" alternatives analyzed in Section 6 of the DEIR would allow the City to qualify for funds under the TIGER program is obviously critical. We would like to see the City obtain these federal funds to revitalize its historic downtown core. However, the City is well aware that the use of transportation grant funds also obligates Caltrans to perform additional substantive reviews of whether there are feasible and prudent alternatives, including compliance with the requirements of Section 4(f) of the Department of Transportation Act.[5] (DEIR at 1-3). It is highly likely that the stringent requirements of Section 4(f) will mandate modification of the alternative described in the original grant proposal.

W-6
(cont)

For this reason, the TIGER grant terms and conditions allow some discretion in their definition of which types of projects are eligible for funding. The FY 2013 TIGER Grant Agreements Exhibit Template, which FHWA requires to be included as part of all FY 2013 TIGER Grant Agreements, indicates that the receipt of, and approval of an application constitutes the Government's determination that the Project qualifies, explaining that:

> ... an Eligible Project for TIGER funding as it provides a highway or bridge project, public transportation project, passenger or freight rail transportation project, or a port infrastructure project, or **other such eligible project as authorized**, and that the Project will have a significant impact on the Nation, a metropolitan area, or a region (emphasis added).[6]

Based on this language, there is no basis for the City to assert that a hybrid alternative that preserves a portion of the Fulton Mall landscape for pedestrian use would result in an absolute disqualification.[7] The project would still substantially improve mobility in and around the Mall and allow for more vehicular and multi modal access in the downtown core. In addition, selecting a hybrid option would be justified on the basis that it would substantially reduce the harm to a historic resource eligible for listing on the National Register, which clearly factors into its judgment in awarding grants.[8]

---

[4] This rationale is used to reject eight additional alternatives. See DEIR at 6-3; 6-4; 6-6; 6-8; 6-13; 6-16; 6-19; 6-22; 6-23.

[5] 49 U.S.C. § 303(c). Environmental review under Section 4(f) as well as Section 106 of the National Preservation Act and the National Environmental Policy Act is concurrently being conducted by Caltrans under its assumption of federal responsibility pursuant to 23 U.S.C. § 327.

[6] Attached as Exhibit B, Section 7, available at http://www.ops.fhwa.dot.gov/freight/infrastructure/tiger/fy2013_gr_exhbt_tmp.

[7] If an additional grant condition exists that indicates the City must have its plans approved as submitted, that must be disclosed in the EIR.

[8] Exhibit C of the TIGER Grant Agreement contains a lengthy list of applicable Federal laws and Executive Orders as applicable portions of the Agreement, including Section 4(f).

The FHWA is also clearly on notice that alternatives to the City's proposal that would avoid and minimize harm to historic resources would need to be considered by CalTrans and, under the substantive mandate of both CEQA and Section 4(f), must be adopted if feasible. The TIGER grant application submitted by the City stated very clearly that CEQA review would be required.[9] It would have been legally impermissible, for instance, for the City to have absolutely committed to its plan in advance of environmental review. In *Laurel Heights Improvement Ass'n v. Regents of the University of California*, (1988) 47 Cal.3d 376, the California Supreme Court stated inexplicably that W-7

> "[a] fundamental purpose of an EIR is to provide decision makers with information they can use in deciding *whether* to approve a proposed project, not to inform them of the environmental effects of projects that they have already approved. If post-approval environmental review were allowed, EIRs would likely become nothing more than *post hoc* rationalizations to support action already taken."

W-8

Id. at 394.

Finally, there is a flaw in the City's logic asserting that the only alternatives that can meet the condition of federal funding are those that would have significant and unavoidable impacts to a historic resource. FHWA grants require compliance with three critical federal laws, all of which operate to protect historic resources – the National Environmental Policy Act, National Historic Preservation Act, and Section 4(f) of the Department of Transportation Act. None of these environmental reviews have been completed or are likely to be completed by the time of the City seeks to have its EIR certified. Needless to say, it would be wholly inconsistent with the intent of these federal laws for FHWA to have conditioned grant approval on a plan that has no alternative but the loss of a resource eligible for listing on the National Register. Indeed, Section 4(f) would arguably prohibit awarding the TIGER grant for the project as originally proposed, because there are feasible and prudent alternatives to the loss of the Mall's historic character, and because the project as originally proposed failed to include "all possible planning to minimize harm" to historic resources. W-9

IV. Conclusion

The Coalition would very much like to see the City of Fresno take positive steps to reinvigorate its historic downtown, and to sensitively redevelop the Fulton Mall as a part of that process. We believe that the City has the clear authority to adopt a hybrid alternative that will not compromise the integrity of the Fulton Mall to a degree that it would be ineligible for the National Register. Further, because several alternatives were analyzed in the DEIR, but rejected, selection of such an alternative will not require re-circulation of the DEIR. W-10

[9] See Section V, Planning and Environmental Approvals; *available at* http://www.fresno.gov/NR/rdonlyres/E25FC8C3-FC25-4751-B374-F597E9B3DD9F/27257/TIGERnarrative_mediumcompression.pdf.

We look forward to working with Mayor Swearengin and City staff to ensure that approvals are timely in order to allow the City to qualify for TIGER grant funding and revitalize its downtown in a way that respects, celebrates, and capitalizes upon its historic character.

Sincerely,

Brian Turner
Senior Field Officer and Attorney
National Trust for Historic Preservation
San Francisco Field Office

Charles Birnbaum, FASLA, FAAR
The Cultural Landscape Foundation

Anthea M. Hartig
Executive Director
California Historical Society

Cindy Heitzman
Executive Director
California Preservation Foundation

Encl.: Exhibit A: Summary White Paper – Fulton Mall, October 15, 2010
Exhibit B: FY 2013 TIGER Grant Agreements Exhibit Template

Cc:

Carol Legard, Charlene Vaughn, and Reid Nelson, Advisory Council on Historic Preservation
Carol Roland-Nawi, Susan Stratton, and Natalie Lindquist, California Office of Historic Preservation
Mary Ann Naber, Federal Preservation Officer, Federal Highway Administration
G. William "Trais" Norris III, Senior Environmental Planner, Caltrans

MEMORANDUM

Charles Birnbaum, FASLA, FAAR
Assessment Summary
Fresno Mall Charrette
October 15, 2010

This memorandum serves to document initial thoughts and impressions from my trip to Fresno on September 25-27. As background, some of these ideas were captured in the 15-minute public presentation made on September 27, while others were included in a Birnbaum Blog that was published on *The Huffington Post*, titled, "Modernism, Fresno and the Future of a City's Heart" (October 8). Finally, a detailed summary is included that weighs the opening and closing of both cross streets and three blocks of the Mall.

Background

The face of US Post War urban planning was irrevocably changed with the pedestrian mall – among the earliest, Fresno, California's Fulton Mall in 1964. This pioneering attempt at revitalizing a city's center was one of more than 200 urban pedestrian malls constructed in North America from 1959 to the mid-1980s. Midway through this period, educator, author and landscape architect Harvey Rubenstein, in his comprehensive 1978 survey "Central City Malls", buoyantly declared, *"Pedestrian malls have become an exciting part of the revitalization of downtown business districts."*

Thirty-two years later, some malls, such as that in Virginia's city of Charlottesville remain economically viable, while others in Sacramento, CA, Minneapolis, MN, Allentown, PA, and elsewhere have been reopened to vehicular traffic. In Fresno, where the mall was determined eligible for listing on the National Register of Historic Places on August 20, it is a classic case of *high integrity* and *poor condition* from a historic preservation perspective.

So, what are the options today for balancing historic values, design, and economic stability for the Fulton Mall? Pioneering landscape architect Garrett Eckbo's design unified the original architecture and planning by Victor Gruen Associates – it was the centerpiece of Gruen's master plan … and an initial hit. Like other pedestrian malls, Fulton has seen its share of decline. Because of demographic and population shifts, the

mall's only real usage is during business hours. After 5PM, it's largely dormant. This is bad for retail, revenue and city spirit.

Since the big issue is how to integrate or re-integrate this pioneering modernist work into Fresno's broader revitalization efforts, this white paper will attempt to avoid the trap of complaining about the poor state of the mall's historically-significant landscape features such as planters and fountains (though collectively, these are important and unique, in the overall design). The reality is that as a designed landscape, Fulton Mall still has great bone structure, and I would suggest it's a potential National Historic Landmark. In addition, it is worth noting that before the recent determination of eligibility to the National Register and California Register of Historic Places, there were no Eckbo designations.

Preservation Issues and Considerations

The issue of how to preserve and manage the Mall's significant historic design while balancing critical economic and programmatic requirements is the core question. To this end, it is worth noting that what's happening in Fresno is playing out elsewhere in towns and cities with modernist urban landscape architecture. The nation's rich and diverse legacy of modernist landscape architecture is still struggling for visibility that will result in change and continuity in equal measure. For example, two of Eckbo's designs – Ambassador College in Pasadena and the Tucson Convention Center – are in serious trouble and in the end may meet the wrecking ball. And, as we have all heard at one time or another, city planning and design decisions about the fate of such places are frequently made under unusual, sometimes secretive circumstances. Occasionally, the actual outcome isn't clear until the first bulldozer shows up. Clearly based on the response and the comments made at the public forum on September 27, Fresno's approach is different and Fresnans know the mall is important. This was echoed in Mayor Swerengin's spirited opening, when she noted that unlike previous attempts at revitalizing the mall that had thwarted Fresnans, this time is different: "There is something powerful going on here," she declared to a boisterous crowd. "We are going to be moving mountains as a community. This is monumental."

During that evening there were 8 alternative designs presented by the consulting team which ranged from “do nothing” to “restoration” or “opening the street to vehicles” with variations on these themes. Foundational to this planning process was a mission statement crafted by the community, which notes that “Fulton will be a destination for the region due to the vibrancy and vitality that exists. At the core, Fulton is built upon commerce, community, culture and connectedness and uses the values of the past in a manner that authentically resonates with the opportunities of the future.”

Following on that meeting I have had adequate time to reflect on the eight original alternatives as well as a ninth alternative which opens three of the six blocks of the Mall. Here are my broader recommendations and considerations:

On the Significance of the Mall:

- The Mall is a masterwork of Garrett Eckbo’s professional career and is potentially significant as a National Historic Landmark, both as the work of a master and a rare surviving example with a high degree of design integrity;
- In addition to Eckbo’s contributions, the Mall is significant for the visionary leadership of the Downtown Mall Art Selection Committee, chaired by O. J. Woodward II, and the public display of modern art that grew out of that committee’s patronage. The art was fully funded by private citizens, with the intent to provide “an outdoor museum of art.” The combination of sculpture, mosaics (drinking fountains and benches), and clock tower, which cost over $200,000 in 1964, is an early if not the first large-scale display of contemporary art by both internationally-recognized and local artists – *and not physically attached to a museum as a sculpture garden*. Therefore, the placement of the work and their integrity of setting are of great significance.

On the Need for Detailed Economic Analysis and Metrics for Success:

- During the charrette process I had the opportunity to spend time with Bob Gibbs, consulting economist for the Fulton Mall visioning project. It is clear from our conversations that there is much we do not know about the economics and exactly how many streets to open. How is success measured? What are the economic models for leveraging the value of an

"authentic" modernist mall? In fact, during one of several site walks, Gibbs noted that the opening of Kerin Street between Van Ness and Fulton Street had done little to affect retail and street life. So what does this mean? It does not seem reasonable or possible to opine about the number of streets that require opening without solid, defensible, quantifiable economic analysis. To this end there may also be the prospect of phasing this work. For example, what about phasing the work so that selected cross streets are open first, then the two blocks – one at the south end and one at the north end - are opened. Following those efforts, evaluating and measuring the impact at these critical junctures could take place.

On the Alternatives:

Cross Streets - As discussed during the charrette, the idea of opening some of the cross streets to vehicular traffic has great merit. For example, in Charlottesville, VA, two of the cross streets along the eight block mall have successfully been opened in recent years. Here in Fresno, the most critical cross street to be opened is the central spine of the mall at Mariposa. As I suggested in the public forum, the idea of viewing the Mall and Courthouse Park as "one campus" is critical - after all, they are of the same period and Modernist in their designs. This is also timely with the light-rail proposed just west of the mall as a justification for pulling folks through the Mall.

As part of opening Mariposa between Van Ness and Fulton, the underground connection should be abandoned and the street-level cross reinstated. With the two arcaded buildings flanking this street just south of Van Ness there is a tremendous opportunity to energize the street, which is wide enough for outdoor dining. As part of this work *La Grande Laveuse* (Washer Woman) will need to be relocated.

The block moving south on Mariposa, between Fulton and Broadway, should also be reopened. As part of this work the *Clock Tower* by Jan de Swart should remain in place with the road moving around it and the *Big A* by Peter Voulkos may be re-sited in this southernmost block.

Moving north, the two blocks of Merced between Van Ness and Broadway may also be opened. Further study should be undertaken as to how such sculpture/fountain

compositions as the *Rite of the Crane* by Bruno Groth and *Talos* by Lee Hansen may actually remain as part of a new road construction.

Moving south, the block of Kern between the Fulton Mall and the Stadium requires further research. Since the building envelope and the sculptural ensemble of *Spreading, Leaping and Smoldering Fire* by Clare Falkenstein have such a high degree of integrity of design and setting, every effort should be made to protect these character-defining landscape features while still acknowledging that a strong visual relationship between the Stadium and the Mall is desired.

Fulton Mall - In general, by opening the Mall to moving/parked vehicles there is a diminished integrity of design. In addition, the size and character of most of the fountains and sculpture is at a pedestrian scale and is therefore diminished when there are contiguous parked vehicles adjacent to the art and fountains. Parking bays have a significant impact on a street's appearance, making it look like any other street. These changes to accommodate vehicles will need to be viewed on a case-by-case basis, ideally guided by a set of overarching design principles that balance use, design and historic preservation. For example, "no cars will be parked within X feet of a human scale sculpture; every effort will be made to preserve canopy trees when…"

Following the development of agreed-upon principles, the following general comments regarding the ninth alternative, which opens three blocks of Fulton Mall, should be considered:

North and South Perimeter Blocks - The two blocks at either end of the Mall have suffered the greatest losses to their building envelopes, and are today surrounded by parking or buildings which ignore the original setbacks, and therefore it can be suggested that they have greater potential to absorb change. With that stated, these two end-blocks are also the locations for two unique signature linear fountain/art features that run the longest horizontal lengths of the Mall. They bookend and/or bracket the Mall while serving as gateways with *The Visit* by Clement Renzi to the north and *Obos* by George Tsutakawa to the south. As gateways, the recommended treatment in Alternative Nine of having parking flanking both sides at the entrance to the Mall at Toulumne and Inyo is the wrong arrival statement; it suggests "Street" and not "Mall." At Inyo, this situation is even less desirable because the small-scale fountain on

the north side of the street has been given over to parking and ideally should be preserved.

In sum, I think that the idea of “arrival experience” is important in the historic design and should be considered in this and any other rehabilitation solution when opening these two critical perimeter blocks. I think that opening the northernmost block at Toulumne is extremely desirable not just for accommodating a more attractive development proposal but also for connecting with the neighborhood immediately to the north, which seems to be moving towards the Mall.

In general, as stated above, when significant landscape features are surrendered to parking there should be a unified series of guidelines established that balance use, design and historic preservation concerns.

Beyond these two blocks, Alternative Nine also proposes opening an additional block between Merced and Fresno Streets. I believe that if that block was also opened the Mall may reach its tipping point and the adverse affect would severely compromise its integrity. It is important to remember that this is a very balanced design, with Mariposa and its associated plaza space in the middle, serving as the central spine. To open the block at either end of the mall and to open an additional one to north upsets the balance and is not recommended.

Finally, a note about vegetation: Due to time limitations and available information during the charrette, an in-depth analysis of trees and plant materials was not possible. However, although it is clear that many trees are in decline, some have outgrown their design intent, and other inappropriate plant materials have been introduced, a richer and deeper understanding of Eckbo’s design intent should be undertaken to guide change. For example, I believe that in much the same way that Lawrence Halprin was abstracting nature during this same period with his design for Lovejoy Park in Portland (his palette was abstracting nature with concrete and water), Eckbo was interpreting the regional plant palette through his purposeful tree selections. This historic design intent is essential in assessing which trees remain and which can be replaced as part of any rehabilitation plan.

Closing

Today, just one month before the 100-year anniversary of Eckbo's birth, it seems fitting that a vibrant community-based exercise regarding the future of this nationally-significant Modernist landscape is underway. Eckbo would have embraced such a public process, as part of a plea for well-organized and well-planned landscapes, from garden to nature, stressing our relationship with the land without apologizing for the human presence.

I look forward to working with the consulting team and the city as this process advances and to participating in this exciting balancing act of guiding this National Historic Landmark into the future, to become a more fully-integrated, economically-viable community asset for all Fresnans.

------ END ------

Completed by Charles Birnbaum
Copyright The Cultural Landscape Foundation 2010

EXHIBIT A

LEGISLATIVE AUTHORITY

1. The U.S. Department of Transportation ("DOT" or "Government") is authorized to award $473.847 million in FY 2013 TIGER Discretionary Grants pursuant to the Consolidated and Further Continuing Appropriations Act, 2013 (Pub. L. 113-6, March 26, 2013), (the "Act"). This appropriation is similar, but not identical to the appropriation for the Transportation Investment Generating Economic Recovery, or "TIGER Discretionary Grant", program authorized and implemented pursuant to the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), the FY 2010 TIGER Discretionary Grants pursuant to Title I (Department of Transportation) of Division A of the Consolidated Appropriations Act, 2010, the FY 2011 TIGER Discretionary Grants pursuant to Title XII (Transportation, Housing and Urban Development, and Related Agencies) of Division B of the Department of Defense and Full-Year Continuing Appropriations Act, 2011 (Pub. L. 112-10, Apr. 15, 2011), and the FY 2012 TIGER Discretionary Grants pursuant to The Consolidated and Further Continuing Appropriations Act, 2012 (Pub. L. 112-055, Nov. 18, 2011). Because of the similarity in program structure and objectives, DOT is referring to the grants for National Infrastructure Investments under the Act as the "FY 2013 TIGER Discretionary Grants" or "TIGER Discretionary Grants".

2. The grant awards made under TIGER Discretionary Grant program are in full compliance with the Act and the Notice of Funding Availability published in the *Federal Register* (78 FR 24786, April 26, 2013).

3. Funds for the TIGER Discretionary Grant program are being awarded on a competitive basis for projects that will have a significant impact on the Nation, a metropolitan area or a region. Additionally, the awards ensure an equitable geographic distribution of funds, an appropriate balance in addressing the needs of urban and rural areas, and the investment in a variety of transportation modes.

4. The Act specifies that not less than $120 million of the funds provided for FY 2013 TIGER Discretionary Grants be used for projects located in rural areas.

EXHIBIT B

GENERAL TERMS AND CONDITIONS

1. The Grantee shall be responsible for ensuring that the Project is financed, constructed, operated and maintained in accordance with this Agreement, and all applicable Federal laws, regulations and policies of the Federal Highway Administration ("FHWA" also referred to herein as the "Government") will apply to the Project.

2. The maximum obligation of the Government payable under this award, hereinafter referred to as the "Grant," shall be the award as specified in section 1.3 of the Agreement, subject to all the terms and conditions in this Agreement and of all other Federal grant awards funding the Project. Once the Government executes this Agreement for the Project, or a segment of the Project, the Grant funds will then be authorized for obligation.

3. Reimbursement of costs incurred pursuant to the Agreement will be made pursuant to and in accordance with 49 C.F.R. Part 18 (and 49 C.F.R. Part 19 to the extent that a non-governmental Grantee receives grant funding), and the provisions of such regulations and procedures as the Government may prescribe. Determination of allowable costs incurred by the Grantee under the Grant shall be made in accordance with applicable government-wide cost principles under 2 C.F.R. 225 (State and Local Governments); 2 C.F.R. 215 (Higher Education Institutions); and 2 C.F.R. 230 (Non-Profit Organizations). Closeout of the Grant shall be based upon a determination that all applicable administrative actions and all required work of the Grant have been completed in accordance with 49 C.F.R. Part 18 or Part 19. Upon the Government's review of all financial, performance, and other reports required as a condition of the Grant, the Government may make any upward or downward adjustments to the allowable costs in accordance with 49 C.F.R. Parts 18 and 19, and 2 C.F.R. Parts 225 and Parts 230.
If there are any differences between the requirements of 49 C.F.R. Parts 18 and 19 and Title 23 of the United States Code and Code of Federal Regulations, the Title 23 requirements will take precedence.

4. The Grantee agrees to notify the Government within 14 calendar days of any change in circumstances or commitments that adversely affect the Grantee's plan to complete the Project as is described in Attachments A-C to this Agreement. In its notification, the Grantee shall advise the Government of what actions it has taken or plans to take to ensure completion of the Project and shall reaffirm its commitment to the Government as set forth in this Agreement. The Grantee is solely liable for any funding shortfalls pertaining to the Project as agreed to in the Agreement. The TIGER Discretionary Grant Amount will remain unchanged. (See Section 5 of the Agreement regarding termination).

5. The Grantee agrees to carry out and complete the Project without undue delays and in accordance with the terms of this Agreement, including the Project Schedule set out in Attachment B, and comply with such regulations and procedures as the Government may prescribe.

6. The Grantee has submitted a request for Federal assistance, hereinafter referred to as the "Technical Application," hereby incorporated by reference into this Agreement and the Government is relying upon the Grantee's assurances, certifications, and other representations made in the Technical Application, or any other related documents submitted to the Government; and, in its submissions, the Grantee has demonstrated justification for the Project, and has demonstrated the financial and technical feasibility of the Project, including the ability to start construction quickly upon receipt of the Grant; to expend Grant funds once construction starts; and to receive all necessary environmental, state and local planning, and legislative approvals necessary for the Project to proceed in accordance with the Project Schedule.

7. The Government has determined that the Project is an Eligible Project for TIGER funding as it provides a highway or bridge project, public transportation project, passenger or freight rail transportation project, or a port infrastructure project, or other such eligible project as authorized, and that the Project will have a significant impact on the Nation, a metropolitan area, or a region. The Government has determined that Grantee should receive the award of a Grant based on a review of the Project's Technical Application, as it meets the requirements specified in the Act and the March 26, 2013, Federal Register Notice, "Notice of Funding Availability for the Department of Transportation's National Infrastructure Investments Under the Consolidated and Further Continuing Appropriations Act, 2013" (Available at https://www.federalregister.gov/articles/2013/04/26/2013-09889/notice-of-funding-availability-for-the-department-of-transportations-national-infrastructure).

8. The Grantee progress will be monitored periodically by the Government, both programmatically and financially, to ensure that the Project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met. Monitoring will be accomplished through a combination of office-based reviews and onsite monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed. The Grantee is responsible for monitoring award activities, to include sub-awards, and accountable to the Government for the use of the funds provided and to assure that the Federal award is administered in compliance with applicable requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining adequate financial records, and refunding disallowed expenditures.

9. The Grantee agrees to take all steps, including initiating litigation, if necessary, to recover Federal funds if the Government determines, after consultation with the Grantee, that such funds have been spent fraudulently, wastefully, or in violation of Federal laws, or misused in any manner in undertaking the Project. For the purposes of this Agreement, the term "Federal funds" means funds however used or disbursed by the Grantee that were originally paid pursuant to the Agreement.

10. The Grantee agrees to retain all documents relevant to the Grant award for a period of three years from completion of the Project and receipt of final reimbursement from the Government. The Grantee agrees to furnish the Government, upon request, all documents and records pertaining to the determination of the Grant amount or to any settlement, litigation,

negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Grantee, in court or otherwise, involving the recovery of such Grant amount shall be approved in advance by the Government.

11. The Government is subject to the Freedom of Information Act (FOIA). The Grantee should therefore be aware that all applications and related materials submitted by the Grantee related to this Agreement will become agency records and thus are subject to FOIA and to public release through individual FOIA requests.

12. The Government shall not be responsible or liable for any damage to property or any injury to persons that may arise from, or be incident to, performance or compliance with this Agreement.

13. The Government encourages the Grantee and the State Department of Transportation acting as the limited agent on behalf of the Grantee (if applicable), to adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies that bar text messaging while driving company-owned or –rented vehicles, or government-owned, leased, or rented vehicles or privately-owned vehicles when on official government business or when performing any work for or on behalf of the Government. See Executive Order 13513 "Federal Leadership on Reducing Text Messaging While Driving", Oct. 1, 2009 (available at http://edocket.access.gpo.gov/2009/E9-24203.htm) and DOT Order 3902.10 "Text Messaging While Driving", Dec. 30, 2009, as implemented by Financial Assistance Policy Letter (No. FAP-2010-01, Feb. 2, 2010, available at http://www.dot.gov/ost/m60/Financial_Assistance_Management_Home/FAPL_2010-01.pdf). This includes, but is not limited to, the Grantee and the State Department of Transportation acting as the limited agent on behalf of the Grantee:

a) considering new rules and programs or re-evaluating existing programs to prohibit text messaging while driving;
b) conducting education, awareness, and other outreach for employees about the safety risks associated with texting while driving; and
c) encouraging voluntary compliance with the agency's text messaging policy while off duty.

The Grantee is encouraged to insert the substance of this clause in all assistance awards.

Where a Grantee, and the State Department of Transportation if acting as a limited agent for the Grantee, is located within a State that already has enacted legislation regarding texting while driving, that State's law controls and the requirements of this paragraph will not apply to or be a part of this Agreement.

EXHIBIT C

APPLICABLE FEDERAL LAWS AND REGULATIONS

By entering into the Agreement for a FY 2013 TIGER Discretionary Grant, the Grantee assures and certifies, with respect to this Grant, that it will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines, and requirements as they relate to the application, acceptance, and use of Federal funds for this Project. Performance under this Agreement shall be governed by and in compliance with the following requirements, as applicable, to the type of organization of the Grantee and any applicable sub-recipients. The applicable provisions to the Agreement include, but are not limited, to the following:

General Federal Legislation

a. Davis-Bacon Act - 40 U.S.C. §§ 3141, et seq.
b. Federal Fair Labor Standards Act - 29 U.S.C. §§ 201, et seq.
c. Hatch Act - 5 U.S.C. §§ 1501, et seq.
d. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 Title - 42 U.S.C. §§ 4601, et seq.
e. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. § 470f
f. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. § 469a through § 469c.
g. Native American Graves Protection and Repatriation Act - 25 U.S.C. §§ 3001, et seq.
h. Clean Air Act, P.L. 90-148, as amended
i. Section 404 of the Clean Water Act, as amended 33 U.S.C. §§ 1251, et seq.
j. Section 7 of the Endangered Species Act, P.L. 93-205, as amended.
k. Coastal Zone Management Act, P.L. 92-583, as amended.
l. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. § 4012a
m. Age Discrimination Act of 1975 - 42 U.S.C. §§ 6101, et seq.
n. American Indian Religious Freedom Act, P.L. 95-341, as amended
o. Drug Abuse Office and Treatment Act of 1972, as amended, 21 U.S.C. §§ 1101, et seq.
p. The Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, P.L. 91-616, as amended - 42 U.S.C. §§ 4541, et seq.
q. Sections 523 and 527 of the Public Health Service Act of 1912, as amended, 42 U.S.C. §§ 290dd through 290dd-2
r. Architectural Barriers Act of 1968 - 42 U.S.C. § 4151, et seq.
s. Power Plant and Industrial Fuel Use Act of 1978, P.L. 100-42 - Section 403 - 42 U.S.C. § 8373
t. Contract Work Hours and Safety Standards Act - 40 U.S.C. § 3701, et seq.
u. Copeland Anti-kickback Act, as amended - 18 U.S.C. § 874 and 40 U.S.C. § 3145
v. National Environmental Policy Act of 1969 - 42 U.S.C. §§ 4321, et seq.
w. Wild and Scenic Rivers Act, P.L. 90-542, as amended – 16 U.S.C. §§ 1271, et seq.
x. Federal Water Pollution Control Act, as amended - 33 U.S.C. §§ 1251-1376
y. Single Audit Act of 1984 - 31 U.S.C. §§ 7501, et seq.
z. Americans with Disabilities Act of 1990 - 42 U.S.C. § 12101, et seq.
aa. Title IX of the Education Amendments of 1972, as amended - 20 U.S.C. § 1681 through § 1683, and § 1685 through § 1687

bb. Section 504 of the Rehabilitation Act of 1973, as amended - 29 U.S.C. § 794
cc. Title VI of the Civil Rights Act of 1964 - 42 U.S.C. §§ 2000d *et seq*.
dd. Title IX of the Federal Property and Administrative Services Act of 1949 - 40 U.S.C. §§ 1101 -1104 541, et seq.
ee. Limitation on Use of Appropriated Funds to Influence Certain Federal Contracting and Financial Transactions – 31 U.S.C. § 1352
ff. Freedom of Information Act - 5 U.S.C. § 552, as amended
gg. Magnuson-Stevens Fishery Conservation and Management Act – 16 U.S.C. § 1855
hh. Farmlands Protection Policy Act of 1981 – 7 § U.S.C. 4201
ii. Noise Control Act of 1972 – 42 U.S.C. § 4901, et seq.
jj. Fish and Wildlife Coordination Act of 1956 – 16 U.S.C. § 661
kk. Section 9 of the Rivers and Harbors Act and General Bridge Act of 1946 - 33 U.S.C. § 401
ll. Section 4(f) of the Department of Transportation Act of 1966, 49 U.S.C. 303 and 23 U.S.C. § 138
mm. Resource Conservation and Recovery Act of 1976 (RCRA), as amended -- 42 U.S.C. §§ 6901, et seq.
nn. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended --42 U.S.C. §§ 9601-9657
oo. Safe Drinking Water Act -- 42 U.S.C. §§ 300F-300J-6
pp. Wilderness Act -- 16 U.S.C. §§ 1131-1136
qq. Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976 -- 42 U.S.C. § 6901, et seq.
rr. Migratory Bird Treaty Act 16 U.S.C. § 760c-760g
ss. The Federal Funding Transparency and Accountability Act of 2006, as amended (Pub. L. 109–282, as amended by section 6202 of Public Law 110–252)
tt. Cargo Preference Act of 1954 – 46 U.S.C. § 55305

Executive Orders

a. Executive Order 11246 - Equal Employment Opportunity
b. Executive Order 11990 - Protection of Wetlands
c. Executive Order 11988 – Floodplain Management
d. Executive Order 12372 - Intergovernmental Review of Federal Programs
e. Executive Order 12549 – Debarment and Suspension
f. Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
g. Executive Order 13166 – Improving Access to Services for Persons With Limited English Proficiency

General Federal Regulations

a. Suspension and Debarment – 23 C.F.R. Parts 180, 1200
b. Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations – 2 C.F.R. Part 215
c. Cost Principles for State and Local Governments – 2 C.F.R. Part 225
d. Non-procurement Suspension and Debarment – 2 C.F.R. Part 1200
e. Investigative and Enforcement Procedures - 14 C.F.R. Part 13

f. Procedures for predetermination of wage rates - 29 C.F.R. Part 1
g. Contractors and subcontractors on public building or public work financed in whole or part by loans or grants from the United States - 29 C.F.R. Part 3
h. Labor standards provisions applicable to contracts governing federally financed and assisted construction (also labor standards provisions applicable to non-construction contracts subject to the Contract Work Hours and Safety Standards Act) - 29 C.F.R. Part 5
i. Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and federally assisted contracting requirements) - 41 C.F.R. Parts 60, et seq.
j. Contractor Qualifications - 48 C.F.R. Part 9
k. Uniform administrative requirements for grants and cooperative agreements to state and local governments - 49 C.F.R. Part 18
l. New Restrictions on Lobbying – 49 C.F.R. Part 20
m. Nondiscrimination in Federally Assisted Programs of the Department of Transportation – Effectuation of Title VI of the Civil Rights Act of 1964 – 49 C.F.R. Part 21
n. Uniform relocation assistance and real property acquisition for Federal and Federally assisted programs - 49 C.F.R. Part 24
o. Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance - 49 C.F.R. Part 25
p. Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance - 49 C.F.R. Part 27
q. DOT's oversight of DOJ's ADA regulations for non-transit programs, including the ADA Accessibility Guidelines, required by the DOJ regulations at 28 C.F.R. Part 35
r. Enforcement of Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Department of Transportation – 49 C.F.R. Part 28
s. Denial of public works contracts to suppliers of goods and services of countries that deny procurement market access to U.S. contractors - 49 C.F.R. Part 30
t. Governmentwide Requirements for Drug-Free Workplace (Financial Assistance) – 49 C.F.R. Part 32
u. DOT's implementing ADA regulations for transit, including the ADA Accessibility Guidelines in Part 37, Appendix A - 49 C.F.R. Parts 37 and 38
v. Procedures for Transportation Workplace Drug and Alcohol Testing Programs – 49 C.F.R. Part 40
w. Participation by Disadvantaged Business Enterprises in Department of Transportation Financial Assistance Programs – 49 C.F.R. Part 26

Office of Management and Budget Circulars

a. A-87 – Cost Principles Applicable to Grants and Contracts with State and Local Governments (See 2 C.F.R. Part 225)
b. A-102 – Grants and Agreements with State and Local Governments (See 49 C.F.R. Part 18)
c. A-133 - Audits of States, Local Governments, and Non-Profit Organizations
d. Any other applicable OMB Circular based upon the specific FY 2013 TIGER Discretionary Grant Recipient

Highway Federal Legislation

a. Highways – Title 23, U.S.C.
b. Brooks Act (for FHWA projects, this incorporates Title IX of the Federal Property and Administrative Services Act of 1949 (formerly 40 U.S.C. § 541, et seq)) - 40 U.S.C. §§ 1101-1104
c. Highway Design and Construction Standards, 23 U.S.C. § 109
d. Planning, 23 U.S.C. §§ 134 and 135 (except for projects that are not regionally significant that do not receive funding under Title 23 or Chapter 53 of Title 49)
e. Tolls, 23 U.S.C. § 301 (to the extent the recipient wishes to toll an existing free facility that has received Title 23 funds in the past)
f. Size, Weight, and Length Limitations - 23 U.S.C. § 127, 49 U.S.C. § 31101 et seq.
g. Buy America Act – 23 U.S.C. § 313 (see http://www.fhwa.dot.gov/construction/contracts/buyam_qa.cfm)
h. Nondiscrimination – 23 U.S.C. § 140

Highway Federal Regulations

a. Planning 23 – C.F.R. Part 450 (except for projects that are not regionally significant that do not receive funding under Title 23 or Chapter 53 of Title 49)
b. National Highway System Design Standards – 23 C.F.R. Part 625
c. Manual on Uniform Traffic Control Devices – 23 C.F.R. Part 655
d. Environmental Impact and Related Procedures – 23 C.F.R. Part 771
e. Procedures for Abatement of Highway Traffic and Construction Noise -- 23 C.F.R. Part 772
f. Procedures Implementing Section 4(f) of the Department of Transportation Act – 23 C.F.R. Part 774
g. Permitting Requirements under the National Pollutant Discharge Elimination System – 40 C.F.R. Part 122
h. Required Contract Provisions – 23. C.F.R. Part 633 (Form 1273)
i. External Programs – 23 C.F.R. Part 230.

Specific assurances required to be included in the FY 2013 TIGER Discretionary Grant Agreements by any of the above laws, regulations, or circulars are hereby incorporated by reference into the Agreement.

EXHIBIT D

GRANT ASSURANCES

EXHIBIT D 1

TITLE VI ASSURANCE
(Implementing Title VI of the Civil Rights Act of 1964, as amended)

ASSURANCE CONCERNING NONDISCRIMINATION IN FEDERALLY-ASSISTED PROGRAMS AND ACTIVITIES RECEIVING OR BENEFITING FROM FEDERAL FINANCIAL ASSISTANCE

(Implementing the Rehabilitation Act of 1973, as amended, and the Americans With Disabilities Act, as amended)

49 C.F.R. Parts 21, 25, 27, 37 and 38

The United States Department of Transportation (USDOT)

Standard Title VI/Non-Discrimination Assurances

DOT Order No. 1050.2A

By signing and submitting the Technical Application and by entering into the Agreement under the FY 2013 TIGER Discretionary Grant program, the Grantee (also herein referred to as the "Recipient"), **HEREBY AGREES THAT**, as a condition to receiving any Federal financial assistance from the U.S. Department of Transportation (DOT), through the Federal Highway Administration (FHWA), is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq*., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin);
- 49 C.F.R. Part 21 (entitled *Non-discrimination In Federally-Assisted Programs Of The Department Of Transportation—Effectuation Of Title VI Of The Civil Rights Act Of 1964*);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory cites hereinafter are referred to as the "Acts" and "Regulations," respectively.

General Assurances

In accordance with the Acts, the Regulations, and other pertinent directives, circulars, policy, memoranda, and/or guidance, the Recipient hereby gives assurance that it will promptly take any measures necessary to ensure that:

"No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity," for which the Recipient receives Federal financial assistance from DOT, including the FHWA.

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress, with respect to Title VI and other Non-discrimination requirements (The Age Discrimination Act of 1975, and Section 504 of the Rehabilitation Act of 1973), by restoring the broad, institutional-wide scope and coverage of these non-discrimination statutes and requirements to include all programs and activities of the Recipient, so long as any portion of the program is Federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Recipient agrees with and gives the following Assurances with respect to its Federally assisted FY 2013 TIGER Discretionary Grant program:

1. The Recipient agrees that each "activity," "facility," or "program," as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. § 21 will be (with regard to an "activity") facilitated, or will be (with regard to a "facility") operated, or will be (with regard to a "program") conducted in compliance with all requirements imposed by, or pursuant to the Acts and the Regulations.

2. The Recipient will insert the following notification in all solicitations for bids, Requests For Proposals for work, or material subject to the Acts and the Regulations made in connection with the FY 2013 TIGER Discretionary Grant and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

   "*The Grantee, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively ensure that any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full and fair opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.*"

3. The Recipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.

4. The Recipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Recipient.

5. That where the Recipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.

6. That where the Recipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.

7. That the Recipient will include the clauses set forth in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Recipient with other parties:

    a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
    b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.

8. That this Assurance obligates the Recipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Recipient, or any transferee for the longer of the following periods:

    a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
    b. the period during which the Recipient retains ownership or possession of the property.

9. The Recipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.

10. The Recipient agrees that the United States has a right to seek judicial enforcement with regard to any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the Grantee also agrees to comply (and require any sub-recipients, sub-grantees, contractors, successors, transferees, and/or assignees to comply) with all applicable provisions governing the FHWA's access to records, accounts, documents, information, facilities, and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to FHWA, or its designee in a timely, complete, and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The Grantee gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal-aid and Federal financial assistance extended after the date hereof to the recipients by the U.S. Department of Transportation under the FY 2013 TIGER Discretionary Grants Program. This ASSURANCE is binding on the Grantee, other recipients, sub-recipients, sub-grantees, contractors, subcontractors and their subcontractors',

transferees, successors in interest, and any other participants in the FY 2013 TIGER Discretionary Grants Program.

APPENDIX A

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.

2. **Non-discrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.

4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

   a. withholding payments to the contractor under the contract until the contractor complies; and/or
   b. cancelling, terminating, or suspending a contract, in whole or in part.

6. **Incorporation of Provisions:** The contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Recipient or the FHWA may direct as a means of enforcing such provisions including sanctions for

noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

The following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of
Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation as authorized by law and upon the condition that the Grantee will accept title to the lands and maintain the project constructed thereon in accordance with the Consolidated and Further Continuing Appropriations Act, 2013 (Pub. L. 113-6, March 26, 2013), the Regulations for the Administration of FY 2013 TIGER Discretionary Grant Program**,** and the policies and procedures prescribed by the Federal Highway Administration (FHWA) of the U.S. Department of Transportation in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S Department of Transportation pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Grantee all the right, title and interest of the U.S. Department of Transportation in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto Grantee and its successors forever, subject, however, to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Grantee, its successors and assigns.

The Grantee, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]* (2) that the Grantee will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, U.S. Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended[, and (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the Department will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the U.S. Department of Transportation and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY, OR PROGRAM

The following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Grantee pursuant to the provisions of Assurance 7(a):

A. The (grantee, lessee, permittee, etc. as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add "as a covenant running with the land"] that:

   1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.

B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above Non-discrimination covenants, Grantee will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*

C. With respect to a deed, in the event of breach of any of the above Non-discrimination covenants, the Grantee will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Grantee and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

The following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by Grantee pursuant to the provisions of Assurance 7(b):

A. The (grantee, licensee, permittee, etc., as appropriate) for himself/herself, his/her heirs, personal representatives, successors in interest, and assigns, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.

B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above Non-discrimination covenants, Grantee will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued.*

C. With respect to deeds, in the event of breach of any of the above Non-discrimination covenants, Grantee will there upon revert to and vest in and become the absolute property of Grantee and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq*., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq*.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq*.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq*.), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 – 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq).

EXHIBIT D 2

DISCLOSURE OF LOBBYING ACTIVITIES

Certification for Contracts, Grants, Loans, and Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any grant agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or grant agreement.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or grant agreement, the undersigned shall complete and submit Standard Form-LLL (Rev. 7-97), "Disclosure of Lobbying Activities," in accordance with its instructions.

The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and grant agreements) and that all subgrantees shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352, title. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

EXHIBIT D 3

CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS IN THE PERFORMANCE OF THE FY 2013 DISCRETIONARY GRANT PROGRAM

The Grantee certifies that it will, or will continue, to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Grantee's workplace, and specifying the actions that will be taken against employees for violation of such prohibition.

2. Establishing an ongoing drug-free awareness program to inform employees about:

   (a) The dangers of drug abuse in the workplace;
   (b) The Grantee's policy of maintaining a drug-free workplace;
   (c) Any available drug counseling, rehabilitation, and employee assistance programs; and,
   (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

3. Making it a requirement that each employee to be engaged in the performance of work supported by the grant award be given a copy of the statement required by paragraph 1.

4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment supported by the grant award, the employee will:

   (a) Abide by the terms of the statement; and
   (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.

5. Notifying the agency in writing, within ten calendar days after receiving notice under paragraph (d)(2) from an employee or otherwise receiving actual notice of conviction. Employers of convicted employees must provide notice, including position title, to the Department. Notice shall include the order number of the grant award.

6. Taking one of the following actions, within 30 days of receiving notice under paragraph 4(b), with respect to any employee who is so convicted:

   (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended, or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State or local health, law enforcement, or other appropriate agency.

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

8. The Grantee *may*, but is not required to, provide the site for the performance of work done in connection with the specific grant. For the provision of services pursuant to the Agreement, workplaces include outstations, maintenance sites, headquarters office locations, training sites and any other worksites where work is performed that is supported by the grant award. If the Grantee does so, please insert in Section 4 of the Agreement the following information from subsection (a) below:

   (a) Identify the Places of Performance by listing the street address, city, county, state, zip code. Also identify if there are workplaces on file that are not identified in this section of the Agreement.

EXHIBIT D 4

CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS -- PRIMARY COVERED TRANSACTIONS

2 C.F.R. Parts 180, 1200, 48 C.F.R. Part 9, and 49 C.F.R. Part 32

These assurances and certifications are applicable to all Federal-aid construction contracts, design-build contracts, subcontracts, lower-tier subcontracts, purchase orders, lease agreements, consultant contracts or any other covered transaction requiring FHWA approval or that is estimated to cost $25,000 or more – as defined in 2 C.F.R. Parts 180 and 1200.

By signing and submitting the Technical Application and by entering into the Agreement under the FY 2013 TIGER Discretionary Grant program, the Grantee is providing the assurances and certifications for First Tier Participants and Lower Tier Participants in the FY 2013 TIGER Discretionary Project, as set out below.

1**. Instructions for Certification – First Tier Participants:**

a. The prospective first tier participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective first tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective first tier participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the contracting agency determined to enter into this transaction. If it is later determined that the prospective participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the contracting agency may terminate this transaction for cause of default.

d. The prospective first tier participant shall provide immediate written notice to the contracting agency to whom this proposal is submitted if any time the prospective first tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 C.F.R. Parts 180 and 1200. “First Tier Covered Transactions” refers to any covered transaction between

a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). "Lower Tier Covered Transactions" refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). "First Tier Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers to any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

f. The prospective first tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective first tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," provided by the department or contracting agency, entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the $25,000 threshold.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (https://www.epls.gov/), which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require the establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of the prospective participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph (f) of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

2. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – First Tier Participants:

a. The prospective first tier participant certifies to the best of its knowledge and belief, that it and its principals:

(1) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;

(2) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(3) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (a)(2) of this certification; and

(4) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

b. Where the prospective participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

2. **Instructions for Certification - Lower Tier Participants:**

(Applicable to all subcontracts, purchase orders and other lower tier transactions requiring prior FHWA approval or estimated to cost $25,000 or more - 2 C.F.R. Parts 180 and 1200)

a. The prospective lower tier participant is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "participant," "person," "principal," and "voluntarily excluded," as used in this clause, are defined in 2 CFR Parts 180 and 1200. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations. “First Tier Covered Transactions” refers to any covered transaction between a grantee or subgrantee of Federal funds and a participant (such as the prime or general contract). “Lower Tier Covered Transactions” refers to any covered transaction under a First Tier Covered Transaction (such as subcontracts). “First Tier

Participant" refers to the participant who has entered into a covered transaction with a grantee or subgrantee of Federal funds (such as the prime or general contractor). "Lower Tier Participant" refers any participant who has entered into a covered transaction with a First Tier Participant or other Lower Tier Participants (such as subcontractors and suppliers).

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions exceeding the $25,000 threshold.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any lower tier prospective participants, each participant may, but is not required to, check the Excluded Parties List System website (https://www.epls.gov/), which is compiled by the General Services Administration.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Participants:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

EXHIBIT E

RESPONSIBILITY AND AUTHORITY OF THE GRANTEE

1. Legal Authority.

The Grantee affirms that it has the legal authority to apply for the grant, and to finance and carry out the proposed project identified in its Technical Application; that a resolution, motion or similar action has been duly adopted or passed as an official act of the Grantee's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the Grantee to act in connection with the application and to provide such additional information as may be required.

2. Funds Availability.

Grantee affirms that it has sufficient funds available for that portion of the project costs that are not to be paid by the Government. Grantee also affirms that it has sufficient funds available to assure operation and maintenance of items funded under the Agreement that it will own or control.

3. Preserving Rights and Powers.

Grantee will not take or permit any action that would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the Agreement without the written approval of the Government, and will act promptly to acquire, extinguish, or modify any outstanding rights or claims of right of others that would interfere with such performance by the Grantee. The Grantee agrees that this will be done in a manner acceptable to the Government.

4. Accounting System, Audit, and Record Keeping Requirements.

(a) The Grantee agrees to keep all project accounts and records that fully disclose the amount and disposition by the Grantee of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount or nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that meets the requirements of 49 C.F.R. 18.20 and will facilitate an effective audit in accordance with the Single Audit Act of 1984, as amended (31 U.S.C. §§ 7501-7507).

(b) The Grantee agrees to make available to the Government and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the Grantee that are pertinent to the grant. The Government may require that a Grantee conduct an appropriate audit. In any case in which an independent audit is made of the accounts of a Grantee relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

5. Minimum Wage Rates. It shall include, in all contracts in excess of $2,000 for work on any projects funded under this Agreement that involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. § 3141, et seq.), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

6. Engineering and Design Services. It will award each contract or sub-contract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under the Brooks Act (40 U.S.C. §§ 1101-1104) or an equivalent qualifications-based requirement prescribed for or by the Grantee as approved by the Secretary.

7. Foreign Market Restrictions. It will not allow funds provided under this grant to be used to fund any project that uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

8. Relocation and Real Property Acquisition. (1) It will be guided in acquiring real property, to the greatest extent practicable under State law, by the land acquisition policies in Subpart B of 49 C.F.R. Part 24 and will pay or reimburse property owners for necessary expenses as specified in Subpart B. (2) It will provide a relocation assistance program offering the services described in Subpart C and fair and reasonable relocation payments and assistance to displaced persons as required in Subpart D and E of 49 C.F.R. Part 24. (3) It will make available within a reasonable period of time prior to displacement, comparable replacement dwellings to displaced persons in accordance with Subpart E of 49 C.F.R. Part 24.

EXHIBIT F

REIMBURSEMENT OF PROJECT COSTS

1. The Grantee will be reimbursed in accordance with the terms of a Project Agreement between the Government (Modal Administration) or other specified form or agreement as determined by the Government that incorporates this Agreement by reference.

2. The Grantee shall have entered into obligations for services and goods associated with the Project prior to seeking reimbursement from the Government. Reimbursement will only be made for expenses incurred after execution of a project agreement.

3. The Grantee shall ensure that the funds provided by the Government are not misappropriated or misdirected to any other account, need, project, line-item, or unrelated activity.

4. Any Federal funds not expended in conjunction with the Project will remain the property of the Government.

5. Financial Management System: By signing this Agreement, the Grantee verifies that it has, or will implement, a financial management system adequate for monitoring the accumulation of costs and that it complies with the financial management system requirements of 49 C.F.R. Part 18 and Title 23, U.S.C.. The Grantee's failure to comply with these requirements may result in Agreement termination.

6. Allowable Costs: Determination of allowable costs will be made in accordance with the applicable Federal cost principles, e.g., 2 C.F.R. Part 225 (OMB Circular A-87)). Disallowed costs are those charges determined to not be allowed in accordance with the applicable Federal cost principles or other conditions contained in this Agreement.

EXHIBIT G

GRANT REQUIREMENTS AND CONTRACT CLAUSES

1. The Consolidated and Further Continuing Appropriations Act, 2013 (Pub. L. 113-6, march 26, 2013), regarding National Infrastructure Investments (the "Act") (referred to as " FY 2013 TIGER Discretionary Grants" or "TIGER Discretionary Grants") requires that all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of Title 40, United States Code.

2. Pursuant to Reorganization Plan No. 14 and the Copeland Act, 40 U.S.C. § 3145, the Department of Labor has issued regulations at 29 C.F.R. Parts 1, 3, and 5 to implement the Davis-Bacon and related Acts. Regulations in 29 C.F.R. 5.5 instruct agencies concerning application of the standard Davis-Bacon contract clauses set forth in that section. Federal agencies providing grants, cooperative agreements, and loans under the Act shall ensure that the standard Davis-Bacon contract clauses found in 29 C.F.R. 5.5(a) are incorporated in any resultant covered contracts that are in excess of $2,000 for construction, alteration or repair (including painting and decorating).

3. Federal agencies providing grants, grant agreements, and loans under the Act shall ensure that the standard Davis-Bacon contract clauses found in 29 C.F.R. 5.5(a) are incorporated in any resultant covered contracts that are in excess of $2,000 for construction, alteration or repair (including painting and decorating).

4. For additional guidance on the wage rate requirements of the Act, contact your awarding agency. Recipients of grants, grant agreements and loans should direct their initial inquiries concerning the application of Davis-Bacon requirements to a particular federally assisted project to the Federal agency funding the project. The Secretary of Labor retains final coverage authority under Reorganization Plan Number 14.

TRANSPARENCY ACT REQUIREMENTS

[THIS SECTION MAY BE UPDATED BASED ON FURTHER OMB GUIDANCE OR REGULATION]

Pursuant to the Federal Funding Transparency and Accountability Act of 2006, as amended (Pub. L. 109–282, as amended by section 6202 of Public Law 110–252, hereafter referred to as ''the Transparency Act'' or ''the Act'') and the OMB Interim Final Rule (75 FR 55663 (September 14, 2010) (available at http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf) (codified at 2 CFR Part 170), the Grantee is required to report as required under the Act, in addition to including the following clause in all first-tier Subawards:

I. Reporting Subawards and Executive Compensation.
a. Reporting of First-Tier Subawards.

1) Applicability. Unless the Grantee (hereinafter in this section referred to as "you") are exempt as provided in paragraph d. of this section, you must report each action that obligates $25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in subsection e. of this section).

2) Where and when to report.

a. You must report each obligating action described in subsection a.1. of this section to http://www.fsrs.gov.

b. For subaward information, report no later than the end of the month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

3) What to report. You must report the information about each obligating action that the submission instructions posted at http://www.fsrs.gov specify.

b. **Reporting Total Compensation of Recipient Executives.**

1) Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—

a. the total Federal funding authorized to date under this award is $25,000 or more;

b. in the preceding fiscal year, you received—

(1) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. 170.320 (and subawards); and

(2) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. 170.320 (and subawards); and

c. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

2) Where and when to report. You must report executive total compensation described in subsection b.1. of this section:

a. As part of your registration profile at http://www.ccr.gov.

b. By the end of the month following the month in which this award is made, and annually thereafter.

c. **Reporting of Total Compensation of Subrecipient Executives.**

1) Applicability and what to report. Unless you are exempt as provided in subsection d. of this section, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—

a. in the subrecipient's preceding fiscal year, the subrecipient received—

(1) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 C.F.R. 170.320 (and subawards); and

(2) $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and

b. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at http://www.sec.gov/answers/execomp.htm.)

2) Where and when to report. You must report subrecipient executive total compensation described in subsection c.1. of this section:

a. To the recipient.

b. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

d. **Exemptions.**

If, in the previous tax year, you had gross income, from all sources, under $300,000, you are exempt from the requirements to report:

a. Subawards,

and

b. The total compensation of the five most highly compensated executives of any subrecipient.

e. **Definitions. For purposes of this section:**

1) Entity means all of the following, as defined in 2 C.F.R. Part 25:

a. A Governmental organization, which is a State, local government, or Indian tribe;

b. A foreign public entity;

c. A domestic or foreign nonprofit organization;

d. A domestic or foreign for-profit organization;

e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

2) Executive means officers, managing partners, or any other employees in management positions.

3) Subaward:

a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.

b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. —— .210 of the attachment to OMB Circular A-133, “Audits of States, Local Governments, and Non-Profit Organizations”).

c. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.

4) Subrecipient means an entity that:

a. Receives a subaward from you (the recipient) under this award; and

b. Is accountable to you for the use of the Federal funds provided by the subaward.

5) Total compensation means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 C.F.R. 229.402(c)(2)):

a. Salary and bonus.

b. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

c. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.

d. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.

e. Above-market earnings on deferred compensation which is not tax-qualified.

i. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds $10,000.

SINGLE AUDIT INFORMATION FOR RECIPIENTS OF TIGER DISCRETIONARY GRANT FUNDS

1. To maximize the transparency and accountability of funds authorized under the Act as required by Congress and in accordance with 2 C.F.R. 215.21 "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and other Non-Profit Organizations" and OMB Circular A–102/49 C.F.R. Part 18 "Grants and Cooperative Agreements with State and Local Governments." Common Rules provisions, recipients agree to maintain records that identify adequately the source and application of TIGER Discretionary Grant funds. OMB Circular A–102 is available at http://www.whitehouse.gov/omb/circulars/a102/a102.html.

2. For recipients covered by the Single Audit Act Amendments of 1996 and OMB Circular A–133, "Audits of States, Local Governments, and Non-Profit Organizations," recipients agree to separately identify the expenditures for Federal awards under the Act on the Schedule of Expenditures of Federal Awards (SEFA) and the Data Collection Form (SF–SAC) required by OMB Circular A–133. OMB Circular A–133 is available at http://www.whitehouse.gov/omb/circulars/a133/a133.html. This shall be accomplished by identifying expenditures for Federal awards made under the Act separately on the SEFA, and as separate rows under Item 9 of Part III on the SF–SAC by CFDA number, and inclusion of the prefix "FY 2013 TIGER -" in identifying the name of the Federal program on the SEFA and as the first characters in Item 9d of Part III on the SF–SAC.

EXHIBIT H

QUARTERLY PROGRESS REPORTS: FORMAT AND CONTENT

1. The purpose of the calendar quarterly progress reports under the Agreement for the FY 2013 TIGER Discretionary Grants program is to ensure that the project budget and schedule will be maintained to the maximum extent possible, that the project will be completed with the highest degree of quality, and that compliance with Federal regulations will be met. To that end, along with the quarterly progress, as outlined below, the Grantee should also submit a Federal Financial Report (SF-425) with each quarterly progress report.

2. The Grantee should develop a project reporting and tracking system to collect, assess and maintain project status information and data that is timely, independent, and accurate. This system should provide current information on project prosecution, progress, changes, and issues. This information should be used to identify trends and forecast project performance and to identify and proactively address challenges to eliminate major project surprises.

3. The need to continuously and accurately report cost increases; schedule changes; deficient quality items; and the causes, impacts, and proposed measures to mitigate these issues is paramount to effectively managing, administering, and protecting the public investment in the project. Any apparent reporting deficiencies or questionable data should be completely resolved. Ultimately, the Grantee and the Government must be fully aware of the complete status of the project, and therefore be in a position to take appropriate action if necessary.

4. A quarterly cost, schedule, and status report will be produced by the Grantee, and a quarterly status meeting will be held with the Grantee, the Government and other applicable agencies in attendance The quarterly status meetings should discuss the project costs, schedules, quality issues, compliance with Federal requirements, and other status items in sufficient enough detail to allow all involved parties to be fully aware of the significant status issues and actions planned to mitigate any adverse impacts. In addition, significant issues occurring between status meetings must be communicated immediately without waiting for the next regularly scheduled meeting, with any highly significant or sensitive issues elevated immediately to the executive leadership.

5. The following is the required format for the quarterly progress reports. At the discretion of the Government, modifications or additions can be made in order to produce a quarterly reporting format that will most effectively serve both the Grantee and the Government. It is recognized that some projects will have a more extensive quarterly status than others. In the case of smaller projects, the content of the quarterly reports will be streamlined and project status meetings will be held on a less-frequent basis. Please note that the initial quarterly progress report should include a detailed description, and where appropriate, drawings, of the items funded.

(a) Executive Summary. The executive summary should be a clear and concise summary of the current status of the project, including any major issues that have an impact on the project's scope, budget, schedule, quality, or safety. It may be done in a bulleted format. The

following summary information is an example of items that should be covered in the executive summary section:

- Current total project cost (forecast) vs. latest budget vs. baseline budget. Include an explanation of the reasons for any deviations from the approved budget.
- Current overall project completion percentage vs. latest plan percentage.
- Any delays or exposures to milestone and final completion dates. Include an explanation of the reasons for the delays and exposures.
- A summary of the projected and actual dates for notices to proceed for significant contracts, start of construction, start of expenditure of TIGER Discretionary Grant funds, and project completion date. Include an explanation of the reasons for any discrepancies from the corresponding project milestone dates included in the Agreement.
- Any Federal obligations and/or TIFIA disbursements occurring during the month versus planned obligations or disbursements.
- Any significant contracts advertised, awarded, or completed.
- Any significant scope of work changes.
- Any significant items identified as having deficient quality.
- Any significant safety issues.
- Any significant Federal issues such as environmental compliance, Buy America/Buy American (whichever is applicable to this Project), Davis Bacon Act Prevailing Wage requirements, etc.

(b) Project Activities and Deliverables. The purpose of this section is to: (1) highlight the project activities and deliverables occurring during the previous quarter (reporting period), and (2) define the activities and deliverables planned for the next two reporting periods. Activities and deliverables to be reported on should include meetings, audits and other reviews, design packages submitted, advertisements, awards, construction submittals, construction completion milestones, submittals related to any applicable Recovery Act requirements, media or Congressional inquiries, value engineering/constructability reviews, and other items of significance. The two reporting period "look ahead schedule" will enable the Government to accommodate any activities requiring input or assistance.

(c) Action Items/Outstanding Issues. This section should draw attention to, and track the progress of, highly significant or sensitive issues requiring action and direction in order to resolve. In general, issues and administrative requirements that could have a significant or adverse impact to the project's scope, budget, schedule, quality, safety, and/or compliance with Federal requirements should be included. Status, responsible person(s), and due dates should be

included for each action item/outstanding issue. Action items requiring action or direction should be included in the quarterly status meeting agenda. The action items/outstanding issues may be dropped from this section upon full implementation of the remedial action, and upon no further monitoring anticipated.

(d) Project Schedule. An updated master program schedule reflecting the current status of the program activities should be included in this section. A Gantt (bar) type chart is probably the most appropriate for quarterly reporting purposes, with the ultimate format to be agreed upon between the Grantee and the Government. It is imperative that the master program schedule be integrated, i.e., the individual contract milestones tied to each other, such that any delays occurring in one activity will be reflected throughout the entire program schedule, with a realistic completion date being reported. Narratives, tables, and/or graphs should accompany the updated master program schedule, basically detailing the current schedule status, delays and potential exposures, and recovery efforts. The following information should also be included:

- Current overall project completion percentage vs. latest plan percentage.

- Completion percentages vs. latest plan percentages for major activities such as right-of-way, major or critical design contracts, major or critical construction contracts, and significant force accounts or task orders. A schedule status description should also be included for each of these major or critical elements.

- Any delays or potential exposures to milestone and final completion dates. The delays and exposures should be quantified, and overall schedule impacts assessed. The reasons for the delays and exposures should be explained, and initiatives being analyzed or implemented in order to recover the schedule should be detailed.

(e) Project Cost. An updated cost spreadsheet reflecting the current forecasted cost vs. the latest approved budget vs. the baseline budget should be included in this section. One way to track project cost is to show: (1) Baseline Budget, (2) Latest Approved Budget, (3) Current Forecasted Cost Estimate, (4) Expenditures or Commitments to Date, and (5) Variance between Current Forecasted Cost and Latest Approved Budget. Line items should include all significant cost centers, such as prior costs, right-of-way, preliminary engineering, environmental mitigation, general engineering consultant, section design contracts, construction administration, utilities, construction packages, force accounts/task orders, wrap-up insurance, construction contingencies, management contingencies, and other contingencies. The line items can be broken-up in enough detail such that specific areas of cost change can be sufficiently tracked and future improvements made to the overall cost estimating methodology. A Program Total line should be included at the bottom of the spreadsheet. Narratives, tables, and/or graphs should accompany the updated cost spreadsheet, basically detailing the current cost status, reasons for cost deviations, impacts of cost overruns, and efforts to mitigate cost overruns. The following information should be provided:

- Reasons for each line item deviation from the approved budget, impacts resulting from the deviations, and initiatives being analyzed or implemented in order to recover any cost overruns.

- Transfer of costs to and from contingency line items, and reasons supporting the transfers.

- Speculative cost changes that potentially may develop in the future, a quantified dollar range for each potential cost change, and the current status of the speculative change. Also, a comparison analysis to the available contingency amounts should be included, showing that reasonable and sufficient amounts of contingency remain to keep the project within the latest approved budget.

- Detailed cost breakdown of the general engineering consultant (GEC) services (if applicable), including such line items as contract amounts, task orders issued (amounts), balance remaining for tasks, and accrued (billable) costs.

- Federal obligations and/or TIFIA disbursements for the project, compared to planned obligations and disbursements.

(f) Project Funding Status. The purpose of this section is to provide a status report on the non-TIGER Discretionary Grant funds necessary to complete the project. This report section should include a status update of any legislative approvals or other actions necessary to provide the non-TIGER Discretionary Grant funds to the project. Such approvals might include legislative authority to charge user fees or set toll rates, or the commitment of local funding revenues to the project. In the event that there is an anticipated or actual project cost increase, the project funding status section should include a report on the anticipated or actual source of funds to cover the cost increase and any significant issues identified with obtaining additional funding.

(g) Project Quality. The purpose of this section is to: (1) summarize the Quality Assurance/Quality Control activities during the previous month (reporting period), and (2) highlight any significant items identified as being deficient in quality. Deficient items noted should be accompanied by reasons and specifics concerning the deficiencies, and corrective actions taken or planned. In addition, the agency or firm responsible for the corrective action should be documented. Planned corrective actions should then be included as Action Items/Outstanding Issues.

(h) Federal Financial Report (SF-425). The Federal Financial Report (SF-425) (available at http://www.whitehouse.gov/sites/default/files/omb/assets/grants_forms/SF-425.pdf) is a financial reporting form used throughout the Federal Government Grant system. Grantees should complete this form and attach it to each quarterly Project Progress and Monitoring Report.

(i) Other Status Reports. The Grantee and the Government may agree that other reports may be beneficial in ensuring that project status issues are fully and openly communicated. Such reports may include the public relations plan, value engineering and constructability review plan, environmental compliance report, and/or compliance with the Buy America requirements.

Letter W: Brian Turner, National Trust for Historic Preservation; Charles Birnbaum, The Cultural Landscape Foundation; Anthea M. Hartig, California Historical Society; and Cindy Heitzman, California Preservation Foundation, January 13, 2014

Response to Comment W-1

This comment identifies the significance of Fulton Mall as a landscape. It is acknowledged that the Fulton Mall was determined to be eligible for the National Register of Historic Places and was listed on the California Register of Historic Resources. As stated in Section 4.2.5 of the Draft EIR, the implementation of Project Options 1 or 2 would remove most of the original hardscape and landscape features, and the introduction of automobile traffic to a previously pedestrian-only thoroughfare would alter the Fulton Mall such that it would no longer retain integrity of location, design, setting, materials, workmanship, feeling, or association. Therefore, the Fulton Mall would no longer be eligible for the National Register or the California Register. Impacts to the Fulton Mall, an historic resource, would be significant and unavoidable with the implementation of Project Options 1 or 2. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no further response is required. (CEQA Guidelines, Section 15088.)

Response to Comment W-2

This comment states that both Project Options would remove the entire pedestrian Fulton Mall. As described above in Response to Comment W-1, Project Options 1 and 2 would significantly impact the Fulton Mall as a historic resource. As described in Section 2.4 of the Draft EIR, the project would require a Land Use Element amendment to remove the "Open Space" designation for the Fulton Mall. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no further response is required. (CEQA Guidelines, Section 15088.)

Response to Comment W-3

This comment states that the key bases on which the alternative, Keep South and Center Three Blocks Closed, are unsupported. As stated in Section 6.3.4 of the Draft EIR, this alternative would meet some of the project objectives, but not meet other project objectives. As described, this alternative would not maximize sustainable development and economic productivity in conjunction with other downtown redevelopment projects while complying with the requirements to receive federal transportation grant funds to minimize harm to the historic site resulting from the Project. Furthermore, similar to Project Options 1 and 2, this alternative would remove the integrity of the Fulton Mall as a historical resource. This conclusion is supported by the Draft EIR and the commenter's attachment by Charles Birnbaum in his "Summary White Paper - Fulton Mall." Mr. Birnbaum states that opening three blocks to automobile traffic would be adverse and severely compromise its integrity. Mr. Birnbaum in his White Paper specifically argued that opening three blocks would severely compromise the integrity of the Mall:

> Beyond these two blocks, Alternative Nine also proposes opening an additional block between Merced and Fresno Streets. I believe if that block was also opened the Mall may

> reach its tipping point and the ***adverse affect would severely compromise its integrity***. It is important to remember that this is a very balanced design, with Mariposa and its associated plaza space in the middle, serving as the central spine. To open the block at either end of the mall and to open an additional one to north upsets the balance and is not recommended." (Emphasis added.)

The commenter provides no substantial evidence to support their conclusions that the Draft EIR's basis for rejecting the Alternative in Section 6.3.4 was unsupported or contrary to the requirements of CEQA.

Response to Comment W-4

This comment states that the potential economic effects associated with the Alternative discussed in Section 6.3.4 of the Draft EIR is conjecture. Although the Economic Impact Analysis did not specifically evaluate the Alternative discussed in Section 6.3.4 of the Draft EIR, the Economic Impact Analysis states that adding on-street parking will reduce vacancy rates. As shown in the table on page 6 of the Economic Impact Analysis prepared in June 2011 as well as page 6 of the Economic Impact Analysis – Updated Alternatives Review prepared in November 2013 (see Attachments A-1 and A-2 of this Response to Comments Document), as on-street parking generally increases, vacancy rates reduce (see Attachment A-1 for the resume of Bob Gibbs who prepared the Economic Impact Analysis). Therefore, under the Alternative discussed in Section 6.3.4, there would be three blocks along the Fulton Street right-of-way that would remain pedestrian-oriented and would not provide parking. Since there are fewer blocks for on-street parking under the Alternative discussed in Section 6.3.4 compared to Project Options 1 or 2, fewer parking spaces would be provided under this Alternative. With fewer on-street parking spaces, vacancy rates would not reduce under this Alternative as much as Project Options 1 or 2. With greater vacancies, this Alternative would not provide as much of a positive economic impact as Project Options 1 or 2. Based on the conclusions provided in the Economic Impact Analysis prepared in June 2011 as well as page 6 of the Economic Impact Analysis – Updated Alternatives Review prepared in November 2013, the statement on page 6-19 of the Draft EIR that the Alternative discussed in Section 6.3.4 is not expected to result in as much of a reduction in ground floor vacancies and increased annual gross retail sales within the Mall compared to Project Options 1 or 2 is supported by substantial evidence.

Response to Comment W-5

The commenter disagrees with the determination that the Keep South and Center Three Blocks Closed Alternative would cause a significant impact on an historical resource. As referenced in Response to Comment W-3, Charles Birnbaum stated that opening three blocks to automobile traffic would be adverse and severely compromise its integrity. Consistent with Charles Birnbaum's determination, the Draft EIR identifies that this alternative would result in a significant and unavoidable impact on an historical resource.

Response to Comment W-6

Commenter argues that the EIR lacks substantial evidence to reject as infeasible Alternative 6.3.4 or some other "hybrid" alternative involving partial restoration and rehabilitation of the Fulton Mall.

Commenter concludes that based on the following language in the 2013 TIGER Grant Agreements Exhibit Template, the grant funds can be used for Alternative 6.3.4 or "hybrid" option:

> … an Eligible Project for TIGER funding as it provides a highway or bridge project, public transportation project, passenger or freight rail transportation project, or a port infrastructure project, or <u>other such eligible project as authorized</u>, and that the Project will have a significant impact on the Nation, a metropolitan area, or a region (emphasis added).

The comment argues that based on this language, there is no basis to assert that a "hybrid" alternative is "absolutely disqualified."

Commenter has taken the language from the TIGER Grant agreement out of context. The full paragraph from the TIGER Grant attachment reads as follows:

> The Government has determined that the Project is an Eligible Project for TIGER funding as it provides a highway or bridge project, public transportation project, passenger or freight rail transportation project, or a port infrastructure project, or other such eligible project as authorized, and that the Project will have a significant impact on the Nation, a metropolitan area, or a region. The Government has determined that Grantee should receive the award of a Grant based on a review of the Project's Technical Application, as it meets the requirements specified in the Act and the March 26, 2013, Federal Register Notice, "Notice of Funding Availability for and Further Continuing Appropriations Act, 2013."

The provision is little more than a recital that the Grant Award Project was found to be compliant with the TIGER Grant award requirements for an eligible project. The provision does not provide any authority for the City to change the Project awarded. Under the proposed interpretation of the section, a grant award could, for example, be awarded to build a bridge, but the grantee could use the funds to build a highway, so long as the project was an "eligible project." Such an interpretation is not supported in the commenter's cited language or anywhere else in the TIGER Grant award, agreement or federal regulations.

The TIGER Grant Award to the City of Fresno was for a "complete street" that reintroduces "vehicle traffic lanes" to the Fulton Street.

The Project Description for the TIGER Grant Award as provided by the U.S. Department of Transportation reads as follows:

> TIGER funds will contribute to the reconstruction of the Fulton Mall in downtown Fresno **<u>as a complete street</u>**, meaning that **<u>streets are designed to be used for driving,</u>** bicycling, walking or public transportation. The reconstruction would occur over 11 city blocks and

> would **reintroduce vehicle traffic lanes** while maintaining bicycle and pedestrian accommodations.[2]

The Project Benefits were described as follows:

> "Fresno was one of seven cities selected by President Obama to participate in the Strong Cities, Strong Communities program in July 2011. These TIGER funds will support partnerships that have been built as a result of this initiative and increase economic opportunities in the city. **Restoration of the street grid** will allow the revitalization of the City's downtown core, setting up downtown Fresno and the region for success with connections to the new bus route and a planned high-speed rail station. "[3]

The Project Highlights were described as follows:

> »Increases the economic competitiveness of an economically distressed area, where over 50% of residents are below the poverty line, by improving transportation choices and providing better access to businesses for employees and customers.
>
> »Improves the deteriorating state of the current mall infrastructure and reduces ongoing maintenance costs **through complete rehabilitation and transformation to a complete street.**
>
> »Better utilizes existing infrastructure and revitalizes the Main Street of the downtown business district, which will encourage retail sales and private sector investment. [4]

The City's application was for the reintroduction of vehicle traffic to all six blocks of the Fulton Mall right of way. As stated in the application:

> The option that this application reflects is the City Administration's and Downtown property owners' preferred alternative. The project replaces the Mall's current pedestrian-only landscape with a two-lane, ***complete street*** that serves automobiles as well as pedestrians and bicyclists.[5]

The City did not propose a Project that would use any part of the TIGER Grant funds to maintain any of the internal blocks in the Project Area as a Pedestrian Mall. In fact, a large percentage of the application argues that it was only through the reopening of the streets to serve cars that the economic benefits of the TIGER Grant funds could be realized, such as the following section:

---

[2] http://www.dot.gov/sites/dot.gov/files/docs/TIGER_2013_FactSheets.pdf
[3] Id.
[4] Id.
[5] City's Tiger Grant Application Narrative at p. 13, found at, http://www.fresno.gov/NR/rdonlyres/E25FC8C3-FC25-4751-B374-F597E9B3DD9F/27257/TIGERnarrative_mediumcompression.pdf

> The project area is ripe for improved economic productivity. A 2008 study found that based on retail activity and property values, the Mall was performing at only 6% of its economic potential. Other data depicted in the chart below show the downtown area lagging behind the larger metropolitan area in several measures—and they show the Fulton Mall performing at an even more alarmingly low level.
>
> This has been the common experience of almost all of the 200 American downtowns where pedestrian malls were installed, then later reopened. A 2011 study by Gibbs Planning Group found that **the *restoration of the street grid* on Fulton would result in a 73% to 146% increase in economic activity within five years of reopening**, depending on the amount of on-street parking provided.
>
> (Underscore and *italics* added.)[6]

The City's interpretation of all of the above sources (application, award TIGER Grant requirements) is that the Grant award is limited to building a complete street through all six blocks of the Fulton Mall and restoring Fulton Street to the traditional street grid and would not include the rehabilitation of the Fulton Mall as a pedestrian mall on any internal block in the Project Area. This interpretation was confirmed by the FHWA.[7] This finding was also made by Caltrans in their NEPA analysis, where they stated that alternatives 5-8 that would keep portions of the Fulton Mall were not "consistent with the requirements of the Tiger grant fuding [sic]."[8]

Based on all of the above, the TIGER Grant award is to be used to restore Fulton Street to the traditional street grid in the Project area. The TIGER Grant award is not eligible to be used to restore and/or rehabilitate any internal block of the Fulton Mall as a pedestrian mall. Therefore, there is substantial evidence to support the Draft EIR conclusion that TIGER Grant funds are not eligible to be used for Alternative 6.3.4 or any other alternative that keeps portions of the Fulton Street closed to vehicle traffic.

Response to Comment W-7

Commenter supports their argument that the City could use the TIGER Grant funds for a project that would maintain portions of the pedestrian mall in the Project Area because the FHWA knew CEQA and 4(f) analysis would need to be prepared which requires the City and Caltrans to consider and impose, if feasible, alternatives that "avoid and minimize harm to historic resources."

CEQA provides that,

> Determining factors that may be used to eliminate alternatives from detailed consideration in an EIR are (a) failure to meet most of the basic project objectives, (b) ***infeasibility***, or (c) inability to avoid significant environmental impacts. CEQA Section 15364 defines

---

6 See id.
7 Telephone call by Elliott Balch, Project Manager with Amy Fox, FHWA representative, on November 15, 2014.
8 See Draft EA and 4(f) Analysis, at p. 31-32, found at , http://www.dot.ca.gov/dist6/media/hpsr_fulton_mall/docs/fulton_mall_ea_section4f_evaluation.pdf

> "feasibility" as "Capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors."[9]

As provided in the Draft EIR, the City at this point in time, is unaware of any funds that would be available to construct alternative 6.3.4 or any other alternative to the Project that is not eligible to use the TIGER Grant awarded funds. (See discussion of grant funds in T-8.)

Under CEQA, an alternative may be found infeasible on economic grounds. (PRC Section 21081(a)(3); CEQA guidelines, Section 15091(c)(3).)

Section 4(f) of the Department of Transportation Act of 1966, provides that the "Secretary [of Transportation] may approve a transportation program or project . . . requiring the use of . . . land of an historic site of national . . . significance . . . only if:

- there is ***no*** prudent and ***feasible alternative*** to using that land; and
- the program or project includes all possible planning to minimize harm to the . . . historic site resulting from the use."

As stated in the Caltrans' Draft 4(f) review of the project:

> The alternatives discussed in this section are not consistent with the requirements of the TIGER grant funding that the City has secured for construction of the proposed project, in the amount of approximately $16 million. The TIGER grant describes the project as "...the reconstruction of the Fulton Mall in downtown Fresno as a complete street, meaning that streets are designed to be used for driving, bicycling, walking or public transportation. The reconstruction would occur over 11 city blocks and would reintroduce vehicle traffic lanes while maintaining bicycle and pedestrian accommodations." As the grant is currently written this funding would not be available for any alternative that fails to reintroduce vehicle traffic to the 11 city blocks within the project study area, and the City would need to either amend the grant, if possible, or seek an alternate funding source to pursue such options. (Phone conference with FHWA, 11/15/2013) No alternate funding sources are available currently or in the foreseeable future. [10]

There is no basis, in the record or the law, and the Commenter has not provided one, that supports Commenter's position that because the Project is subject to CEQA and 4(f) analysis, that TIGER Grant funds are available to fund Alternative 6.3.4 or any other alternative that restores or preserves portions of the pedestrian mall in the Project Area. Based upon this, no further response is required.

---

[9] Draft EIR at 6-1.

[10] Draft 4(f) Analysis at p. A-3, found at website: http://www.dot.ca.gov/dist6/media/hpsr_fulton_mall/docs/fulton_mall_ea_section4f_evaluation.pdf

Response to Comment W-8

Commenter argues that it would have been "legally impermissible" for the City to have "absolutely committed to its plans in advance of environmental review."

The City has not approved the proposed project or impermissibly committed itself to the Project. A finding that alternatives are infeasible based upon economic reasons is not committing to the Project. Additionally, although the City Staff have applied for TIGER Grant funds to construct streets in the project area and reconnect the Fulton Street to the traditional grid in the Project area and the City has been awarded a TIGER Grant to construct that Project, the Project is not approved until Council has certified the Final EIR and approved the staff to execute the TIGER Grant agreement and use the grant funds. The Council may deny the Project in whole or approve an alternative to the Project, including Alternative 6.3.4, or direct City staff to further study one or more of the alternatives. Council may as a policy matter direct City Staff to pursue alternative funding, such as a ballot measure, or exploring the use of General Fund monies. Finally, nothing in the CEQA requirements prohibits the administrative staff from pursuing a particular project to achieve a policy goal of the Mayor, the City Manager or a Department Head of the City. Nothing in CEQA prohibits the City from pursuing a project to restore vehicle traffic in the Project Area as a policy goal, including pursuing particular grant monies that may achieve that goal. CEQA requires the City to consider the environmental impacts of pursuing the project and consider alternatives to the project. The Draft EIR analyzes the impacts from the project and considered alternative 6.3.4, as well as several other alternatives in compliance with CEQA. Based upon all of the above, the City has complied with the requirements of CEQA and has not committed to the Project in advance of environmental review.

Response to Comment W-9

Commenter argues that the finding of infeasibility of alternative 6.3.4 and other "hybrid" alternatives is flawed because "it would be wholly inconsistent with the intent of [NEPA, National Historic Preservation Act, and Section 4(f)] for FHWA to have conditioned grant approval on a plan that has no alternative but the loss of a resource eligible for listing on the National Register.

The comment is a legal argument regarding the requirements of NEPA, Section 106 and Section 4(f). The City respectfully disagrees with the commenter's interpretation of these Federal laws but does not have jurisdiction over the implementation of NEPA, Section 106 and Section 4(f) on the Project. This analysis is being prepared by Caltrans and a deliberation of action will be provided by Caltrans and FHWA (Section 4(f).)

Response to Comment W-10

This comment requests to see the City of Fresno take steps to reinvigorate its historic downtown, and to sensitively redevelop the Fulton Mall. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no further response is required. (CEQA Guidelines, Section 15088.)

From: Lupe Perez
Sent: Thursday, January 16, 2014 11:07 AM
To: Elliott Balch
Subject:

Elliott, here is a revision to the email I sent you earlier this week.

In reviewing the Appendix 2: Historical Resources, on page 37 the last paragraph Central Business District Decline it states, "An ambitious high-rise, mixed use development deal put together by the City's RDA in 1969 fell through". During our recent research of RDA activities dating back to the 60's we find no evidence of a failed retail project. Can you cite the source? Our research found a parking garage was proposed at that site. We can attest to the fact that the RDA initiated and fully participated in the assembly of land for parking structures, underground garage, and surface parking lots as noted on Page 34.

Further, in reference to pages 39 and 40 through funding and various activities such as land assembly and infrastructure improvements the Agency initiated and /or supported numerous projects including; the new Fresno City Hall; the Robert E. Coyle Federal Courthouse; UCSF Medical Research and Training Center; the Community Hospital expansion; the IRS Compliance Center; the rehabilitated Guarantee building, and adjacent new garage; the rehabilitated former Juvenile Court Building; the rehabilitated Blue Cross building; the Housing Authority building; the Fresno Adult School site; the multi-purpose stadium, Civic Center Square; and the 5th District Court of Appeals building. X-1

With respect to housing, discussed on page 40, the Agency adopted the initial policy for downtown housing in the Art's Cultural District and provided funding that has led to over 500 new residential units in downtown Fresno.

To strike a balance we request the Agency's involvement to be stated in the text on the pages referenced above.

Letter X: Lupe Perez, RDA-Successor Agency, January 13, 2014

Response to Comment X-1

This comment requests a source for the information regarding a high-rise, mixed use development project in the 1960's. Based on information from HRG, who prepared the City of Fresno DNCP and FCSP Historical Resources Technical Report in September 2012, the information was obtained from a website: www.downtownfresno.org/fulton-mall.html, which was accessed in 2011. It apparently no longer appears on the site; however, the information references a joint development proposal between the Redevelopment Agency and a southern California based developer to launch an ambitious plan for high rise development mixing office and retail, and home to an international agrimart." No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no further response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch, Downtown Revitalization Manager
City of Fresno
City Manager's Office
2600 Fresno Street
Email: Elliott.Balch@fresno.gov

James Sinclair
2222 Carson Ave
Clovis, CA, 93611
617-671-5629
jamesinclair@yahoo.com

1/10/2014

Please find my comments below on the draft environmental impact report for the Fulton Mall Reconstruction Project. I have tried to organize them by relevant section.

Trees, Nature and Aesthetics

The report talks about the removal of either 132 trees or 124 trees, depending on the option selected. While new trees will be planted, they will take years, if not decades, to fully replace the existing canopy. What effects will the removal of canopy have on the temperature, at street level, to the mall? What effects will the removal of the canopy have on the urban heat island effect? How many years will it take for the canopy to reach the same splendor it has today, in both coverage and thickness? Y-1

Would the potential decoration of a state drought impact the planting of replacement trees, which use much more water than mature ones?

The Fulton Mall is home to many small animals and birds. How will the removal of the trees affect these animals?

How will the use of asphalt for the roadway affect the urban heat island effect?

Pedestrian Safety

What effect will the project have on the safety of pedestrians? Mid-block crossings are statistically more dangerous than an exclusive pedestrian mall with signalized crossing at major streets.

The project proposes "color concrete and pattern pavement" at crosswalks. At what distance is this color visible to a motorist compared to a standard continental crosswalk? Will the texture cause problems for the disabled? Y-2

How will the crosswalks be lit? Is there a standard on the luminescence at street level? What will be done to maximize pedestrian safety at intersection crosswalks?

What quantity of delays will pedestrians experience in crossing streets which currently do not exist?

Lighting

Please quantity the impact that the changes in lighting will have to the night sky.

What are the shielding standards for any new light fixtures? What lighting standards are being proposed? What color lighting? How many lumens? Y-3

Air Pollution and Greenhouse Gasses

The report says that there will be no increase in air pollution. That cannot be correct. The point of the project is to add vehicle traffic, which in turn means the additional of hazardous air particles and greenhouse gases.

The report states that:

"Option 1 does not propose any additional traffic generating land uses. Since Option 1 includes two-way vehicular streets, it is anticipated that the reintroduced roadways associated with this Option would serve existing traffic by providing access to existing businesses within Fulton Mall, but would not induce additional travel upon opening" Y-4

That is incorrect. The above statement is ONLY true if the project is a failure and no additional business is attracted to the area.

If the project succeeds in lowering retail and office vacancy rates, there will naturally be an increase in traffic.

What is the expected increase in traffic that will come from the improved economic situation? How will this expected increase in traffic affect the air? Has the change of level of service in all the neighboring streets been taken into account?

Has the project taken into account the addition of traffic that will be circling and looking for a parking space? According to "The High Cost of Free Parking" by Donald Shoup, 30% of traffic in a city can be caused by those who have arrived at their destination but are circling for an open street space. By directing visitors to limited street spaces, rather than garages with ample vacancy, won't there be an increase in air pollution? Are any mitigation measures, such as performance parking, proposed? Y-5

How will the degradation of the pedestrian experience affect the mode choice of downtown visitors and residents? Pedestrians will have to deal with delays in waiting for car traffic to cross new intersections, which may cause them to choose not to walk. Will this results in significant shifts to driving, and thus increasing in air pollution?

The above concerns are also applicable to greenhouse gas emissions caused by vehicle traffic.

Finally, will the presence of multi-story buildings trap exhaust particles in a way that will be unique to this corridor in Fresno?

Land Use and Planning / Transportation and Traffic

The plan DOES conflict with the Bicycle Master plan which indicates that the Fulton Mall is a Class 1 bicycle route. Y-6

The definition of a Class 1 route is:

"Class I Bikeway (Bike Path). Provides a completely separated right of way for the exclusive use of bicycles and pedestrians with crossflow by motorists minimized"

That is what the Fulton Mall is.

The proposed project does not include ANY bicycle accommodations, and as such, will cause a decrease in bicycle usage. Saying that bicyclist may use the roadway is NOT an accommodation. That's the entire point of the Bicycle Master Plan.

The parallel streets of Van Ness and Broadway also do not include bicycle accommodations. What will be done to mitigate the changes made to this approved plan? How do the changes affect the effectiveness of the Bicycle Master Plan? How will the change in transportation mode affect land use and air quality?

What greenhouse gas impact does this have? What mitigation is proposed for the elimination of a class one bicycle lane? Y-6 (cont)

Noise

The draft states that the project will not cause an increase in ambient noise level, which seems preposterous as all vehicles make noise. What is the current noise level (in decibels) of the pedestrian area and what is the expected level if the project is successful in attracting large amounts of traffic? How will the removal of mature trees affect the noise level during the period it takes for the replacements to grow? Y-7

Parks and Recreation

The draft report states that the project has no impact on parks. That is obviously incorrect. The Fulton Mall is an urban, linear park, and one of the only large-scale parks in the entire downtown area. With hundreds of trees, two playgrounds, water features, art, and many benches and gazebos, the Fulton Mall fits every definition of a park. What definition for a park is the project team using?

Fresno also has one of the lowest rates of park space in the entire country, and turning the existing park space into a road will reduce it further.

Does this not have a disparate impact on the low income community that resides in downtown Fresno? Y-8

How will the removal of a car-free public park space be mitigated?

Where else will children be able to learn to cycle or skateboard in the downtown area?

What playground equipment will be provided during construction?

Economic Impact and Civil Rights

How will the construction affect the existing businesses? How many are projected to go out of business during the construction period as the pedestrian customers flee the noise and dust of construction? Many of the businesses are owned by minorities and cater to minorities – would potentially wiping out Y-9

dozens of these businesses not be a serious civil rights violation due to the disparate effect on these communities? Y-9 (cont.)

Thank you.

James Sinclair

Letter Y: James Sinclair, January 13, 2014

Response to Comment Y-1

This comment asks what effects will the removal of the tree canopy have on the temperature at the street level at the Mall. Temperature changes with the implementation of Project Options 1 and 2 are discussed on pages 5-42 and 5-43 of the Draft EIR. The future temperatures within the Mall would eventually be similar to temperatures in other areas of Downtown Fresno. It is acknowledged that temperatures within the Fulton Mall will increase.

This comment also asks what the effects of removing the tree canopy will have on the urban heat island effect. As stated above, the future temperatures within Fulton mall will be similar to other areas of Downtown adjacent to existing streets.

This comment further asks how many years will it take for trees to develop similar tree canopy as exist today. The number of years for fully mature canopies will depend of the type of tree that is proposed to be planted. As stated in Section 4.1 of the Draft EIR, it is anticipated that the visual impact due to the removal of the existing trees will remain for up to 5 to 10 years until the trees become more mature. Some trees will require more than 10 years to have the save coverage and thickness as some of the existing trees within Fulton Mall.

This comment also asks if the drought conditions will impact the planting of replacement trees. At this time, it is speculative whether drought conditions will result in impacts to replacement trees. Drought conditions do not necessarily remove the availability of water for landscaping such as the replacement trees.

This comment also asks how the removal of trees will affect small animals and birds. An evaluation of the project's impact on sensitive biological resources is provided in Section 5.4 of the Draft EIR. As addressed in Section 5.4.2, the proposed project could result in potential impacts on nesting avian species and roosting bat species. Mitigation measures are provided to reduce potential impacts to less than significant. No sensitive animal species are known to occur within Fulton Mall.

Finally, this comment asks how the use of asphalt for the roadway contribute to the urban heat island effect. As stated above, the proposed project will transform the Fulton Mall into a complete street with asphalt and temperatures adjacent to the street will be similar to temperatures that occur along other streets within Downtown Fresno.

Response to Comment Y-2

This comment asks what effect the project will have on pedestrian safety. With the proposed project, pedestrian will be required to use the sidewalks along the proposed roadways as well as the crosswalks at the intersections and mid-blocks. The safety of the pedestrian will be similar to other downtown roadways that have pedestrian sidewalks. All construction will be required to comply with the City's street specifications as adopted by the Public Works Department, which ensure against hazardous conditions.

This comment also expresses that mid-block crossings are more dangerous than signalized crossings at major streets. The commenter provides no citation for this conclusion or otherwise provide substantial evidence supporting this statement; therefore, no further response is required. (CEQA Guidelines, Section 15088.)

This comment also asks what distance is the proposed color concrete visible to motorists compared to a standard continental crosswalk and will the texture cause problems for the disabled. The crosswalk design is anticipated to be similar to existing crosswalks in downtown Fresno including crosswalks along Van Ness Avenue at Inyo Street, Kern Street and Tulare Street. In addition, the crosswalk will be required to meet the American Disability Act (ADA) requirements so that no impacts to disable persons would occur.

Finally, this comment asks what quantity of delays will pedestrians experience in crossing street. Crossing streets at crosswalks is expected to be similar to crossing streets at crosswalks at other downtown Fresno intersections. Based on the City's existing experience with pedestrians in Downtown and based on the requirement that all City streets are required to comply with the City's adopted street standards and reviewed by the City's Engineer to ensure compliance, the Project will not result in any significant impacts to pedestrian safety. The commenter has provided no specific evidence or information to demonstrate a significant impact to pedestrian safety from the Project or that the conclusions in the Draft EIR are in error. Based upon this, no further response is required.

Response to Comment Y-3

This comment requests that the lighting impact on the night sky be quantified. A quantified analysis was not prepared for the project. Section 5.1.4 of the Draft EIR provides a discussion of the potential increase in lighting during the nighttime. This increase will occur from new lighting fixtures within the Mall as well as lighting from nighttime motorist activity. The addition of lighting along Fulton Mall is not expected to substantially alter the nighttime sky that is above downtown Fresno due to the amount of substantial nighttime lighting that is provided in downtown Fresno.

This comment also asks the shielding standards for new light fixtures. No specific mitigation measures requiring shielding have been identified in the Draft EIR.

Finally, this comment asks about color and lumens. These specific lighting features will need to be determined at the time of detailed design.

Response to Comment Y-4

This comment expresses a concern that the project would not increase air pollution. As discussed in Section 5.3 of the Draft EIR, air pollutants will be redistributed in the Fulton Mall area due to the redistribution of existing traffic volumes. The placement of a complete street will not directly add new vehicle trips to downtown Fresno. The implementation of the project will induce future cumulative projects including the reoccupation of existing vacant buildings in the Fulton Mall area. These future cumulative project will include land uses that will increase traffic volumes as well as air pollutants in the Fulton Mall area. These potential impacts are addressed in the cumulative impact

discussions in Section 5.3 for Air Quality and 5.16 for transportation/Traffic. Please also see Response to Comment T-2 regarding growth-inducing impacts.

Response to Comment Y-5

This comment asks what increase in traffic will occur from the improved economic situation and how this increase would affect the air. The proposed project is anticipated to be a catalyst for or growth inducement for future development in downtown Fresno, particularly in the Fulton Mall vicinity (Please see Response to Comment T-2 regarding growth inducing impacts). The economic situation in the Fulton Mall vicinity will be improved as future cumulative projects are constructed. Potential impacts from cumulative development are addressed in the cumulative impact discussions for the various environmental issues within Sections 4 and 5 of the Draft EIR. Cumulative traffic impacts are addressed in Section 5.16 of the Draft EIR and cumulative air quality impacts are addressed in Section 5.3 of the Draft EIR. As discussed in Appendix 11, Traffic Study, the proposed project will redistribute traffic volumes onto Fulton Street between Inyo Street and Tuolumne Street. The project is expected to redirect approximately 210 trips per day onto Fulton Street while approximately 2,310 trips per day are estimated under cumulative conditions.

This comment further suggests that directing visitors to limited street spaces would cause circling of motorists. One of the objectives to the project is to increase access to Fulton Mall. The objective of the project is not to provide street parking for all customers of the tenants of Fulton Mall; however, it is to allow motorists to view the location of their destination prior to parking. A motorist may circle to return to the limited spaces; however, it is anticipated that a motorist would obtain parking in one of the adjacent parking structures if the on-street parking is not available.

An additional comment asked how will the degradation of the pedestrian experience affect the mode choice of downtown visitors and residents. The commenter suggests that more people may choose to drive and not walk. A determination of a change in mode choice due to the proposed project is speculative, and therefore, whether the change in mode choice could increase air emissions or greenhouse gas emissions is also speculative.

Finally, the commenter asked if the multi-story buildings will trap exhaust particles. The multi-story buildings are not expected to trap air particulates. The heavy particulates such as diesel particulates will remain near the ground. Other pollutants from exhaust include sulfur oxides and nitrogen oxides. These pollutants are lighter and dissipate into the atmosphere.

Response to Comment Y-6

This comment states that the proposed project conflicts with the Bicycle Master Plan. The City of Fresno Bicycle, Pedestrian & Trails Master Plan ("Bicycle Master Plan") was adopted by Resolution No. 2010-237 on October 28, 2010. The resolution provided the following in Section 4: "Initially this Plan shall serve as a tool to guide the implementation of the Objectives, Goals, and Policies of the 2025 Fresno General Plan related to bicycle and pedestrian transportation." Section 5 of the resolution provides, "The contents of this Master Plan shall be incorporated into the City's General Plan, specific plans and community plans when these plans are adopted or comprehensively

updated." As the 2025 General Plan has not been updated to incorporate the Bicycle Master Plan, the plan serves only as a guide at present time and not as a mandatory requirement of the 2025 Fresno General Plan. As proposed, the Project will provide a complete street, which will incorporate into its design bicycle traffic. As such, City staff has found that implementation of the Project will be consistent with the Bicycle Master Plan, including with the project's proposed amendments to the 2025 General Plan.

Response to Comment Y-7

This comment states asserts that the Draft EIR identifies no increases in ambient noise levels due to the project. As discussed in Section 5.12.3 of the Draft EIR, the proposed project would not result in greater than 0.03 percent increase in ambient noise levels.

Response to Comment Y-8

This comment questions that the project would not impact parks. Please see Response to Comment T-2 regarding parks.

This comment also asks if playground equipment will be provided during construction. To ensure safety during construction activities, the playground equipment associated with the proposed tot lot would not be accessible until after project construction is completed.

Response to Comment Y-9

This comment asks if businesses will be impacted during construction activities. Access to each of the businesses will be retained during construction activities. Construction will be phased so that visitors and patrons will still be able to access the retail and office uses along Fulton Mall. The comment statements that the existing retail and office uses within Fulton Mall going out of business during construction activities is speculative and not supported with evidence. The commenter has provided no evidence to support the conclusion that the Project will cause "dozens" of businesses to go out of business. Based upon this, no further response is required.

San Joaquin Valley
AIR POLLUTION CONTROL DISTRICT

HEALTHY AIR LIVING™

January 13, 2014

Elliott Balch
City of Fresno
2600 Fresno Street, 2nd Floor
Fresno, CA 93722

Project: Draft Environmental Impact Report (DEIR) Fulton Mall Reconstruction Project

District CEQA Reference No: 20131013

Dear Mr. Balch:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the DEIR for the Fulton Mall Reconstruction Project, consisting of a proposal to reconstruct Fulton Mall as a complete street by reintroducing vehicle traffic lanes to the existing pedestrian mall, located in Downtown Fresno, CA. The District offers the following comments:

1. For the tables presented in the DEIR titled "Annual Construction Emissions" (Table 5-10, 5-13, 19 and 20), although the title refers to an annual emission value the tables identify the project construction emissions in tons per day. The District recommends clarifying if these values are in "tons per day" or "tons per year." In relation, the District recommends the values be also presented in "tons per year" for consistency in applying the District's significance thresholds for Reactive Organic Gases (ROG), Nitrogen Oxides (NOx), Particulate Matter 10 microns or less in size (PM10) and Particulate Matter 2.5 microns or less in size (PM2.5), which are listed in tons per year at the bottom of each Table. Z-1

2. The DEIR states on page 5-12, "The (San Joaquin Valley) Air Basin consists of Kings Madera, San Joaquin, Merced, Stanislaus, and Fresno counties; as well as a portion of Kern County." The District recommends adding a comma between Kings and Madera to separate the listing of these two counties. The District also recommends adding Tulare County to the list. Z-2

Seyed Sadredin
Executive Director/Air Pollution Control Officer

Northern Region
4800 Enterprise Way
Modesto, CA 95356-8718
Tel: (209) 557-6400 FAX: (209) 557-6475

Central Region (Main Office)
1990 E. Gettysburg Avenue
Fresno, CA 93726-0244
Tel: (559) 230-6000 FAX: (559) 230-6061

Southern Region
34946 Flyover Court
Bakersfield, CA 93308-9725
Tel: 661-392-5500 FAX: 661-392-5585

www.valleyair.org www.healthyairliving.com

Printed on recycled paper.

3. The DEIR states on page 5-14 the majority of PM2.5 emissions are generated by area sources. The DEIR (page 5-25) acknowledges that NOx is a major precursor of PM2.5 emissions in the Valley and the majority of NOx emissions are generated from mobile sources. As such, the District recommends the statement on page 5-14 be modified to reflect that mobile source emissions also have a large impact on PM2.5 concentrations in the Valley. Z-3

4. The DEIR states on page 5-21 and page 21 of Appendix 4, "The *2007 Ozone Plan* contains measures to reduce ozone and particulate matter precursor emissions to bring the Basin into attainment with the federal 8-hour ozone standard." While the *2007 Ozone Plan* included control measures to reduce NOx, which is precursor for both ozone and particulate matter emissions, the Plan did not focus on reducing other particulate matter precursors. Therefore, the District recommends that the reference to particulate matter be removed from the above statement. Z-4

5. The DEIR includes the District's air quality plans (pages 5-21, 5-28, and page 21-22 of Appendix 4); however the DEIR did not include the 2013 Plan for the Revoked 1-Hour Ozone Standard. Therefore, the District recommends including a discussion on the 2013 Plan for the Revoked 1-Hour Ozone Standard. More information on the 2013 Plan for the Revoked 1-Hour Ozone Standard can be found on the District's website at the following link: www.valleyair.org/Air_Quality_Plans/Ozone_Plans.htm. Z-5

6. The DEIR states on page 5-24, "Because the area exceeds these health-based ambient air quality standards, ozone is the main criteria pollutants of concern for the Project area." The District recommends revising the above statement to state, both ozone and PM2.5 are the main criteria pollutants of concern for the Project area since the Project area is designated nonattainment for the federal and State ozone and PM2.5 standards. Z-5

7. *Table 22: Operational Re-entrained Road Dust by Alternative* on page 60 of Appendix 4 summarizes the California Emissions Estimator Model (CalEEMod) emission outputs (Appendix F) for annual PM10 emissions from annual vehicle miles traveled (VMT) in *Table 21: Annual Vehicle Miles Traveled by Alternative.* The CalEEMod emission outputs appear to calculate the annual PM10 based on zero (0) annual VMT, which differs from the annual VMT provided in Table 21. Therefore, the District recommends re-analyzing the operational re-entrained road dust to include the annual VMT provided in Table 21, or provide clarification to the difference in VMT being presented at these two locations. Z-6

If you have any questions or require further information, please call Angel Lor at (559) 230-5808.

Sincerely,

David Warner
Director of Permit Services

For: Arnaud Marjollet
Permit Services Manager

DW: al

Cc: File

Letter Z: David Warner, San Joaquin Valley Air Pollution Control District, January 13, 2014

Response to Comment Z-1

This comment asks about the reference to tons per day in Tables 5-10 and 5-13 in the Draft EIR. Both tables calculated annual construction emissions. The heading for the emissions was inadvertently identified as tons per day, but the calculations are tons per year. Therefore, the headings for Tables 5-10 and 5-13 are hereby revised to read "Emissions (tons per year).

Response to Comment Z-2

This comment identifies a grammatical error as well as the need to add Tulare County to the list of locations that are within the San Joaquin Valley Air Basin. The second sentence in the sixth paragraph on page 5-12 of the Draft EIR is revised to read as follows:

> The Air Basin consists of Kings, Madera, San Joaquin, Merced, Stanislaus, Tulare, and Fresno counties; as well as a portion of Kern County.

Response to Comment Z-3

This comment request that the Draft EIR state that mobile source emissions also have a large impact on PM2.5 concentrations in the Valley. The following is added after the third sentence in the last paragraph on page 5-14 in the Draft EIR.

> In addition, mobile source emissions also have a large impact on PM2.5 concentrations in the Valley.

Response to Comment Z-4

This comment requests that the reference to particulate matter is removed from the discussion of the 2007 Ozone Plan on page 5-21 of the Draft EIR. The first sentence in the second paragraph on page 5-21 of the Draft EIR is revised to read as follows:

> The 2007 Ozone Plan contains measures to reduce ozone ~~and particulate matter~~ precursor emissions to bring the Basin into attainment with the federal 8-hour ozone standard.

Response to Comment Z-5

This comment request that the Air Quality Study in Appendix 4 of the Draft EIR include a description of the 2013 Plan for the Revoked 1-Hour Ozone Standard. The following is added to Appendix 4 of the Draft EIR.

> **SJVAPCD's 2013 Plan for the Revoked 1-Hour Ozone Standard**
>
> The SJVAPCD prepared and adopted the 2013 Plan for the Revoked 1-Hour Ozone Standard to replace the SJVAPCD's 2004 Extreme Ozone Attainment Demonstration Plan (EOAD Plan).

In 2004, the SJAVPCD adopted the 2004 EOAD Plan to address EPA's 1-hour ozone standard. However, since EPA revoked this standard in 2005, EPA did not act on this plan until 2010, when a court decision required EPA action. EPA's 2010 action approved the 2004 EOAD Plan, but subsequent litigation led to a court finding that EPA had not properly considered new information available since the SJVAPCD adopted the plan in 2004. EPA thus withdrew its plan approval in November 2012, and the SJVAPCD and ARB withdrew this plan from consideration. Therefore, the 2004 EOAD Plan is not a federally-approved plan.

The SJVAPCD's 2013 Plan for the Revoked 1-Hour Ozone Standard was approved by the SJVAPCD Governing Board on September 19, 2013. The modeling confirms that the Air Basin will attain the revoked 1-hour ozone standard by 2017.

Response to Comment Z-6

This comment requests that PM2.5 is listed as a main criteria pollutant of concern for the Project area. The second sentence in the third paragraph is revised to read as follows:

> Because the area exceeds these health-based ambient air quality standards, ozone <u>and $PM_{2.5}$</u> is the main criteria pollutants of concern for the Project area.

Response to Comment Z-7

This comment recommends re-analyzing the operational re-entrained road dust to include the annual VMT provided in Table 21 of Appendix 4 in the Draft EIR. Based on a review of the CalEEMod emissions outputs, the annual PM_{10} emissions were based on zero annual vehicle miles traveled. Table 22 in Appendix 4 stated that the annual tons of operational re-entrained road dust (annual tons of PM_{10}) was 0.00 for all three alternatives for the 2010, 2015, and 2035 years. Only Alternative 3 (No Project/No Build Alternative) should be identified as 0.00 annual tons of PM_{10}. Based on a re-run of the CalEEMod model using the 100 percent Primary and 100 percent Customer assumptions, the total annual tons of PM_{10} for Alternatives 1 and 2 is 0.02 tons of PM10 for 2010 and 2015 and 0.21 tons of PM10 for 2035. The revised annual tons of PM_{10} based on the CalEEMod modeling does not substantially alter the conclusions that are presented in Appendix 4 or the Draft EIR. Table 22 in Appendix 4 of the Draft EIR is revised to read as follows:

Year	Annual Tons PM10		
	Alternative 1 (Build Alternative)	Alternative 2 (Build Alternative)	Alternative 3 (No Project/No Build Alternative)
2010	~~0.00~~ 0.02	~~0.00~~ 0.02	0.00
2015	~~0.00~~ 0.02	~~0.00~~ 0.02	0.00
2035	~~0.00~~ 0.21	~~0.00~~ 0.21	0.00

Notes:
Source: MBA 2013.

Elliott Balch

From: Clare Statham [Clare.Statham@fresnounified.org]
Sent: Monday, January 13, 2014 9:01 AM
To: Elliott Balch
Subject: Fulton Mall

I oppose opening the mall for traffic for two reasons.

First, and most importantly, if street access to store fronts assured a thriving commercial center, the other streets of downtown would have an economic vitality that most clearly do not have.

Second, my experience in other cities from San Francisco to Rouen, France shows that closing streets to traffic is a viable economic plan and one that works especially well with greater density of housing, something that downtown Fresno is moving toward. AA-1

In a city woefully lacking in park space, the Fulton Mall can be both a commercial venue and an urban park.

The mall should not be opened to traffic, but it does need to be changed. It has never been an especially pleasing aesthetic space. Look again to pedestrian walkways from Santa Monica, San Francisco, and even parts of our own Fig Garden Village. The pavement of the mall is ugly. The cement work of the fountains is clunky. Keep the greenery and the artwork. Redo the waterworks and the pavement.

Okay, now for the really outlandish idea. The urban sprawl and lack of neighborhood identity that defines much of Fresno has been the work of developers who have made themselves very, very wealthy by reusing the same old unimaginative template. Invite them, challenge them to take on one block of the Fresno Mall--probably the north end closest to the new housing--and ask the Builder Barons to rethink, repurpose, redevelop, remodel one block of the mall. The city keeps asking for input about the mall from concerned citizens and some of us attend meetings and respond. I would love to see a mall plan developed not by an out-of-town consulting firm, but by our very own Bonnadelle-McCaffrey-Wathen-Assemi-et al planning committee. And then name the mall after them. I'm serious. AA-2

The success of the Fulton Mall and downtown in general depends upon the monied interests of this city realizing that a lot money can be made by redeveloping downtown and making it a desirable destination. Until they have the vision to see that, any plan will falter.

Clare Statham

Letter AA: Claire Stratham, January 13, 2014

Response to Comment AA-1

This comment suggests that the Fulton Mall not be opened for traffic, and the Fulton Mall can be both a commercial venue and an urban park. The commenter recommends not opening the Fulton Mall but changing its design and appearance. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Response to Comment AA-2

This comment suggests the Mall be re-planned. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

January 13, 2013

Elliott Balch
Downtown Revitalization Manager
City of Fresno, City Manager's Office
2600 Fresno Street, 2nd Floor
Fresno, CA 93721

RE: Comments on Draft EIR for Fulton Mall Reconstruction Project

Dear Mr. Balch:

We offer the following comments regarding the draft Environmental Impact Report (EIR) pursuant to the notice published on or about November 27, 2014.

1. The draft EIR describes the project as having two alternatives: 1) to restore the original street grid, and 2) to partially restore the original grid while maintaining "vignettes" of the Mall. This limitation of the Project to only two alternatives is a reason this process should be terminated.

The City of Fresno on about August 12, 2013, signed an agreement with Royston, Hanamoto, Alley & Abey (RHAA) for landscape services, designs, plans, and working drawings, etc. for the Fulton Mall Reconstruction Project. The City required this contractor to develop three (3) alternatives. BB-1

Reconnect the grid with a traditional street.
Reconnect the grid with "vignettes."
Restore and complete the Fresno Fulton Mall as a pedestrian mall.

The schematic design phase of RHAA's contract was ongoing since October, 2013, with a schedule of steering committee meetings (at which Mayor Swearengin appeared and City staff attended) and workshops open to the general public and also attended by City staff. At every one of these gatherings discussion and consideration was specifically sought about all of the three alternatives. Additionally, it was specifically represented to attendees that all three alternatives were being examined on an equal basis, that no decision had been made about which alternative to pursue, and that the City Council will receive a report from the consultants that will include an evaluation of all three alternatives.

These facts suggest that the draft EIR has been designed to mislead the public and elected policy makers, i.e., the City Council, into believing that only two alternatives are viable or supported by the public. The draft EIR unjustifiably limits the City Council into believing that their options are limited to only two alternatives.

2. Executive Summary, at ES-2 "Project Description." This section needs to be revised as to the claim that the purpose of the street design is to "retain portions of the historic fabric and character of the Mall." The EIR must include the actual number of sculptures, other artwork, water features, and trees, and Eckbo's landscape design to be destroyed by Options 1 and 2. A diagram/map of these details must be included in the EIR. BB-2

ES-8 This element of the draft EIR needs to be rewritten to acknowledge that there is no specialized Parks Director in Fresno. As to the Historical Resources reference at ES-8 the BB-3

mitigation measures are so insignificant when compared to the destruction caused by the project that there is a fair argument that they do not constitute mitigation. BB-3 (cont)

ES-10 The claim that the project will benefit the sculpture needs to provide detail of how uprooting artwork designed for a specific location, and in some cases destroying it in the attempt, constitutes a benefit. BB-4

ES-12 Criteria pollutants in the central business district are measured by the San Joaquin Valley Air Pollution Control District only through ambient means. Permanent measures to monitor and consider Fulton Mall as a "Point Source" must be installed to measure long term, cumulative effects over time. BB-5

ES-13 The draft EIR lacks evidence that "sensitive receptors" would not be exposed to substantial pollutant concentrations in light of evidence that the central business district is a known source of concentrated pollutants, that vehicle soot, exhaust, and fumes can only increase the existing concentration. Further the statement is insufficient as a finding of less than significant impact absent sociological data from sensitive receptors, i.e., actual people who may be affected. Additionally, the effect on biological resources is insufficient, as it does not address the current squirrel, kangaroo rat, or other rodent population. Moreover, it only addresses the construction effect on the bird population and ignores the effect on all species of greater exposure to air pollutants and motor vehicles. BB-6

ES-23 The draft EIR exhibits a fundamental misunderstanding of the project and its purpose. It is to revitalize as stated in 2.2 of Objectives (p. 2-1). Bullet point 5 states the project is to "Maximize sustainable development and economic productivity …" In other words the project is to encourage population growth, and thus, the claim at ES-23 that neither option would "induce substantial population growth . . ." is either false, or if it is true, both Options 1 or 2 called for by the project by definition cannot be a major object of the project. This should be acknowledged as a benefit of the "no project" alternative. BB-7

Additionally this faulty discussion illustrates an overall shortcoming of the draft EIR. It lacks an analysis of population growth, poverty levels, and change of the existing ethnic fabric of the area. The draft EIR should analyze, by zip code, census tracts, etc., these effects within the Freeway loop over time.

ES-24 The draft EIR does not recognize the existing recreational function of Fulton Mall in terms of passive recreation, nor does it recognize the large population of passive recreational users of the existing Fulton Mall. It needs to specifically identify what substitute for passive recreation is available in the immediate area and how it will be equally accessible to the current population of Fulton Mall users. BB-8

3. The "Project History" at section 1.2, pp. 1-2 to 1-3 presents a case of "the tail wagging the dog." The City is using the availability of federal funds to short circuit proper planning process by restricting the draft EIR from having a comprehensive scope, and submitting a piecemeal project that has not been adequately considered as a part of the City's proposed 2035 general plan. BB-9

Additionally, it can be fairly argued that if federal funds cannot be used for "Restoration and Completion" of Fulton Mall (alternative 3), then the application for federal funds needed only to be written to include a broader definition of transportation investment. To limit "transportation investment" to a mere roadway is inconsistent with the 2025 general plan and the draft 2035 general plan. If that had been accomplished all of the City's machinations to short circuit planning processes would have been unnecessary.

The above item further claims that it is "unlikely or at least, uncertain, that the Downtown Plans and the EIR to review those plans will be brought to Council" in time to comply with federal grant requirements. The draft EIR should detail what funds have been

budgeted to complete those plans, what funds have already been spent on those plans, and what funds have been budgeted to complete the proposed project. BB-9 (cont)

The draft EIR fails to include reference and citation to sources of information that support conclusionary statements concerning the historical setting of downtown. The existing references are completely inadequate without citation to the work of Garrett Eckbo and Victor Gruen as it relates to Fulton Mall. None of the references cited in the National Register Application for Fulton Mall are included in the draft EIR list of references. (See attachment 3.) We may, thus, fairly conclude that the draft EIR is deficient in presenting a full understanding of Fulton Mall and its context. BB-10

4. Section 2.3.1 "Project Option 1" This section refers to an attempt to "approximate the mall-like pedestrian experience of the original Eckbo Fulton Mall." The draft EIR needs to explain in detail what is meant by the vague phrase "mall-like pedestrian experience." The draft EIR further must describe in detail how this "mall-like pedestrian experience" is consistent with the pedestrian experience designed and executed by Eckbo as set forth in the National Register Application for Fulton Mall. (See attachment 3.) BB-11

Experts Mark Treib and Dorothee Imbert have written about the uniqueness and significance of Fulton Mall as a pedestrian only space. (See attachment 4.) Imbert writes that the "automobile should not rank over humanity, and profit should not be the determinant factor for public life."

5. Section 4.2 "Historical Resources" The draft EIR needs to acknowledge that Victor Gruen, the City of Fresno, and the "100 Percenters" visualized the central business district as the center of a regional and county trade center. However other parts of the region had other ideas that led to fully developed trade centers in all corners of the region, Tulare, Kings, and Kern Counties and Fresno County.

Also, this section fails to identify the purpose of the pedestrian space that is Fulton Mall. The draft EIR fails to recognize Eckbo's organic philosophy of landscape architecture and his concern for people and their environment. The Fulton Mall was conceived and executed as a "landscape for living." (See attachment 3.)

The incremental land use entitlements granted to developers and property speculators led to changes in the Fresno City General Plan of 1974 and the updates that followed. These policy changes resulted in multi-modal decentralization. The 1964 General Plan included firm policies of centralization. The 1964 General Plan was also the product of a memorandum of understanding between the City of Fresno, County of Fresno, and City of Clovis. This level of inter-government cooperation has not taken place in the Fresno metropolitan urban area since. (See attachment 5.) BB-12

Moreover, the so-called decline of the Fulton Mall area occurred from a misunderstanding of the Gruen Plan by the downtown business interests as well as the misunderstanding or deliberate undermining by City government. The Gruen Plan called for and could not succeed without three components being simultaneously addressed-completion of the freeway system, high density quality housing within the freeway loop, and completion of Fulton Mall and the superblock. The latter element was the only one that was implemented in the decades that followed because of the failure of the business sector to act and insist on completion of the plan. It also occurred because developer-driven efforts succeeded in turning City Hall against its own downtown in order to achieve the sprawl and decentralized business access that Fresno now has.

In fact, many of the businesses that should have insisted on completion of the Gruen Plan were persuaded to abandon downtown, and abandon their downtown customer base, rather than work toward completion of the plan. Of those, the point should not be lost that many left

downtown for perceived greener pastures in north Fresno, only to become totally defunct. Rodders, Cover Girl, Coffee's, Walter Smith, Montgomery Ward, Gottschalk's, and Berkeley's left the downtown area and moved elsewhere, but nevertheless no longer exist anywhere. Places like Woolworth's, and Newberry's, etc. became the Wal-Mart's and K-Marts of today. Those facts reveal that the business and government failed Fulton Mall, not vice versa. BB-12 (cont)

The draft EIR is further misleading by ignoring the effect of funding decisions on the fate of the Gruen Plan. The federal funding necessary to build the freeway system that was adopted by the 1964 General Plan was diverted from Fresno to help fund Interstate 5 on the west side of the valley. It's as simple as that.

Efforts by the private sector to build and revitalize high-density housing in the Central Area also failed. The only thing that resulted from the City's involvement in that area was City zoning to allow for multiple housing (R-3, etc.). Much of the substandard housing that exists in the Central Area now was the result of this action. Likewise, the draft EIR's reference to downtown medical facilities is misleading because it omits discussion of the City's action to permit St. Agnes to rebuild on Herndon Avenue with its inevitable surge in decentralization with most post-1970 medical facilities in Fresno. The move of Valley Children's Hospital to the bluffs north of the San Joaquin River illustrates the inability of Fresno government to limit dispersal. BB-13

Fresno's efforts to find a catalyst to energize development and Fresnans' interest in downtown also reveal the failure of single purpose projects. The Convention Center failed to serve as a catalyst; Grizzlies Stadium failed to serve as a catalyst. The draft EIR provides no evidence that the single purpose project it addresses will be anything other than another failure. The inability of City government to deal successfully with the self-interest of other government entities, such as the State University System complex emerging at Freeway 180 and Shaw, Madera County's growth pattern to north of the San Joaquin River along Freeway 41, the City of Clovis's land use policies, all illustrate the fact that 22 feet of asphalt roadway on Fulton Mall is really insignificant in the context of the lack of comprehensiveness in the City's urban growth and development policies.

And, 22 feet of asphalt roadway on Fulton Mall is not cost effective, and is contrary to sound public policy. What is most important for the City to realize is that Fulton Mall is a true urban park. The City must also realize that restoring and celebrating the Fulton Mall is the best option for a healthy, vigorous downtown for *all* of the people of Fresno.

6. The analysis of alternatives is inadequate and less than honest by dismissing alternative 3, restoration and completion of the Eckbo design, as not having current funding. The fact that the draft EIR is solely intended to promote the Mayor's single-minded political objective to build a road through Fulton Mall is evidenced by the lack of any record of any search for federal funds to restore Fulton Mall in its current status as an urban park. For example, there are no records of any communication with the United States Secretary of the Interior seeking funding from the Interior Department's Urban Park Initiative. In other words it is simple sophistry for one to claim that alternatives 1 and 2 are preferable because they have money, when one did not look for money for any other alternative. BB-14

7. At MM-HR-1 the draft EIR proposes as mitigation archival photographs, and at MM HR-2 an interpretive program developed using, plaques, photographs, and drawings informing the public about Garrett Eckbo and Fulton Mall as important in mid-20th century landscape design. BB-15

These are shockingly inadequate measures. Indeed, their inadequacy provides an undeniable indication that the authors of the draft EIR cannot disguise the fact that they and the

City propose by either Option to destroy beyond recognition an official historic resource. The draft EIR needs to explain how photographs and an "interpretive program" will allow people to feel the cooler temperature the Fulton Mall brings to the area, how people will breathe better and be healthier from photographs in the midst of what will become a smog hole, and how photographs will protect people, especially the young, older, and disabled from the ravages of careless drivers. BB-15 (cont)

Sincerely,

Harold Tokmakian, AICP
2721 E. Garland Ave.
Fresno, CA 93726
(559) 285-1037
haroldt@mail.fresnostate.edu

Linda Zachritz

Ray McKnight by Linda Zachritz

Summary

Fulton Mall is a pedestrian mall and urban park in downtown Fresno, California, that was created in1964 by excluding vehicular traffic from six blocks of Fulton Street as well as some segments of three of the streets that transected Fulton. The Fulton Mall was designed by Garrett Eckbo as the centerpiece of the plan by Victor Gruen and Associates to transform Fresno's downtown area. As specified in the earliest planning stages, Fulton Street, at one time Fresno's main shopping street, was to be "converted into a high-quality dense activity pedestrian Mall" (Victor Gruen and Associates, *Central Area Fresno, California, vol. 1, Research and Basic Planning*, March 16, 1959). Except for minor changes, the Mall exists as Eckbo designed it. The major six-block portion of the Fulton Mall is 2,670 feet long. The length of the three cross malls are 570 feet, 800 feet, and 580 feet, making the total length of the Fulton Mall complex 4,620 feet. Every right-of-way in the complex is eighty feet wide, constructed of concrete stained to suggest the soil of the San Joaquin Valley. Ribbons of concrete aggregate eight-and-one-half inches wide cut across each right-of-way at frequent intervals, sometimes gently curving and sometimes angular. Interspersed throughout the 7.6 acre site are twenty-six contributing objects.

Description

It would seem helpful to provide a bird's-eye view of the Fulton Mall. From such a vantage point one can see the large open area or plaza at the midpoint of Fulton Mall where it intersects with Mariposa Mall, which is the middle of three cross malls. At this central point stands the tallest feature in the entire Fulton Mall complex, the sixty-foot clock tower designed by Jan de Swart. Both because of its height and because it is surrounded by the extensive open plaza, the clock tower serves as a central focal point of the Mall. Approximately ninety feet to the southwest of the clock tower at the southern edge of the plaza a slightly elevated state or platform serves to designate the "Free Speech Area" that commemorates a famous (or infamous) effort in 1910-11 to prevent representatives of the IWW from speaking. This large plaza with the Free Speech area designation has become a locale for a wide variety of community events and ceremonies.

Extending northward one block from the clock tower plaza, the Mall is interrupted by Fresno Street, a cross-street open to traffic, then reaches a pedestrianized portion of Merced Street, and ends at Tuolumne Street. Extending southward one block from the clock tower plaza, the Mall is interrupted by Tulare Street, a cross-street open to traffic, then continues to a pedestrianized portion of Kern Street and ends at Inyo Street.

The two tot lots show signs of wear and tear, but work has begun to restore them and to comply

with ADA standards. Other changes include the replacement of some of the original wooden benches with metal ones, the conversion of one water feature into a planter, and a change in the design of the light fixtures. Overall Fulton Mall retains integrity of location, design, materials, workmanship, setting, feeling and association.

Contributing Object Descriptions

1. Inyo Fountain with Ceramic Pipes – The roughly polygon shaped fountain is in three levels with water overflowing from upper to lower levels. The fountain is 13.5 feet long by 10 feet wide. The sculpted pipes are made of fired clay by sculptor Stan Bitters who was commissioned to sculpt the pipes.
2. Water Feature – The serpentine shaped water feature, constructed of concrete and aggregate rock, is 176 feet long. At the southern end is a 15.5 foot diameter pool leading to a long stream varying in width from three to seven and one-half feet to a triangular shaped pool at the north that is 25 feet by 15.7 feet. The end of the feature is a planting bed with grass and shrubbery.
3. Obos – This is an approximately 10 foot high bronze sculpture by the late Seattle sculptor George Tsutakawa. It is a fountain located in the large triangular shaped pool at the north end of the water feature described above (No. 2). Obos are said to represent stacked stones found in the Himalayas. The sculpture fountain features a shallow bowl shape on the top leading to a series of three round shapes, obos, with open sides below which is a large bowl shaped base all connected by a center rod, with the stand below. Water is pumped up through the center rod and flows out from the top most bowl, through the obos, and over the bottom-most bowl, ultimately flowing into the triangular pool.
4. Yokuts Indian – This is a cast bronze sculpture by nationally known sculptor Clement Renzi. The sculpture is located at the northernmost end of the planting bed described above in No. 2. As the name implies, it represents a Native American of the Yokuts tribe; he is standing with both arms stretched upward to greet the rising sun.
5. Ellipsoid VI – This is an approximately 4' high bronze plate sculpture by the sculptor Charles Owen Perry. It is in a pool approximately 8 feet in diameter.
6. Smoldering Fire – Clair Falkenstein sculpted this abstract sculpture. It features the successful combination of copper tubing and molten glass.
7. Leaping Fire – Another sculpture by Clair Falkenstein that is approximately 18' high made of copper tubing and molten glass.
8. Spreading Fire – Created by Clair Falkenstein the sculpture is of copper tubing and molten glass. As their individual names implies, the "Three Fires", as they are known as a unit, are abstract representations of three stages of fire.

9. Mother and Child – This is a porphyry sculpture by Raimondo Puccinelli. The sculpture is approximately 2.5' high, on approximately 3' high base of Academy granite.
10. Water Pool Unit/Sculpture – This is a 108' long by 32' wide multi-level pool, representative of the valley streams and lakes. Ceramic Sculpted Pipe installation on the top level, by sculptor Stan Bitters, is representative of irrigation stand pipes.
11. Orion – This 5' bronze sculpture is on top of a 9' base of Academy Granite. It was sculpted by Bernard Rosenthal.
12. Arbre Echelle – This is a bronze sculpture by Francois Stahly. It is approximately ten feet high.
13. Clock Tower – This was sculpted by Jan DeSwaart. It is approximately 60' tall and made of wood and fiberglass. The Clock Tower stands at the center of Fulton Mall. The clocks at the top face each direction: north, east, south, and west.
14. La Grande Laveuse – August Renoir sculpted this bronze sculpture. It is approximately 4' high and sits on a 2' high base of Travertine.
15. Big A – This is a sculpture by Peter Volkous that sits on a 9' by 7' concrete platform. The sculpture is of aluminum pillars and cross plates with bronze ovals on the plates.
16. Dancing Waters – Stan Bitters created this sculpture and water feature. It consists of cast concrete forms placed in two pools. The forms in one pool spout water at three highpoints and one near the water surface. The forms in the other pool spout water at seven high points to approximately 10' and one near the water surface. The water from these spouts falls into bowls and run over the edges of the bowls. The surrounding area is paved with handmade ceramic tiles from the Hans Sumpf Company.
17. Pool with Fountain and Seating Area – A hook-shaped pool approximately 56' long and in various widths, 30' at the widest, curves around a seating area of four benches backed by a low curving concrete wall. The pool contains seven small bubblers and one large bubbler.
18. Collection of Planters with Two Pools – Six circular planters slightly overlapping each other are combined with two connecting pools of different heights with water running from one to the other. The total length is 51' and the diameter is approximately 10.5'
19. Trisem – This sculpture is set within the second circle of No. 18 above. It is composed of three columns of granite boulders by T. Newton Russell. The sculpture is 12' tall, set on a 3' high stained concrete podium.
20. Aquarius Ovoid – This is a brass sculpture by George Tsutakawa.
21. Pool/Water Feature – A kidney-shaped pool 60' log and 32.5' wide contains small water spouts and eight ceramic sculpted pipes by Stan Bitters. Beside the pool of aggregate is a drinking fountain of original stone design.
22. Pool – A free-form pool 36' long and 1'10" wide at one end narrows to a channel approximately 3.6' wide, then widens at the other end to contain the sculpture The Rite of the

Crane (a separate contributing object described below). Cattails and canna lilies are among the plants in the pool area.

23. Right of the Crane – Designed by Bruno Groth it is a bronze, 6' high sculpture.
24. Pool - free form pool to the north of the pool listed in number 21. The pool is approximately 71.5' long, and is 24' at its widest and 26" at its narrowest. The planting area contains cattails
25. Pool with Plantings and Seating – This large water feature is 164; long. At the north end it is 21' wide; it narrows to 7', then narrows more to a channel 2.5' wide, ending in a pool at the south end that is 17.5' wide, containing another sculpture (see below). Halfway down the narrow channel is a lozenge-shaped concrete slab that serves as a bridge. The planting area at its north end contains and olive tree, roses, and shrubs, with seating on each side.
26. Multi-Level Fountain with Sculpted Ceramic Pipes – This water feature/fountain consists of several rectangular concrete structures with rounded corners. They range in height from six inches to seven feet. Each rectangle serves as a pool' water flows from a slit in the side of each rectangle down to the next. The largest pool has a surface of about 48 square feet. Six biomorphic ceramic pipes of varying height and color stand in the higher levels and serve as fountains from which the water begins its downward course, finally reaching the pool described above. The pipes were designed by Stan Bitters.

Non-contributing Object Descriptions

1. Free Speech Platform – This concrete platform is 45'9" long by 20.5' wide by 16"high. Historically registered site, California Historical Landmark No. 873 Site of the Fresno Free Speech Fight of the Industrial Workers of the World, the platform commemorates the site of the first free speech legal conflict in California. It was not part of the original Eckbo design.

In addition the entire site features collections of planters, planting beds, mosaic benches, and natural landscaping features. These are all part of the site and within the boundaries but are not countable resources.

Statement of Integrity

Today the Fulton Mall complex remains substantially unchanged from its original design. Trees have matured, providing more shade and greatly increasing the park-like character of the Mall. Other changes include the replacement of some of the original wooden benches with metal ones, the conversion of one water feature into a planter, and a change in the design of the light fixtures. Overall Fulton Mall retains a high degree of integrity of location, design, setting, workmanship, materials, feeling, and association.

STATEMENT OF SIGNIFICANCE

Summary

Fresno's Fulton Mall is eligible for listing in the National Register of Historic Places at the national level of significance under Criterion C for Landscape Architecture for three paramount reasons. First of all, it is the finest example of pedestrian mall design resulting from the federal government's urban renewal programs of the early post World-War-Two era. Second, it has been acknowledged as one of the major achievements of its designer, Garrett Eckbo, who was a master and leading theoretician and practitioner of 20th-Century landscape architecture. And third, as a fully realized expression of Eckbo's design philosophy, the Fulton Mall is an excellent example of the influence of Modernist design ideas on landscape architecture.

The Fulton Mall also deserves listing on the National Register of Historic Places for regional significance under Criterion A—Recreation and Social History. Although Eckbo was commissioned to design a pedestrian mall to rescue Fresno's most important street for retail shopping, his own descriptions of the Mall, in keeping with his social philosophy, make it clear that he also envisioned the Mall as an inviting urban park. Owing to a series of planning decisions by Fresno's city government, the Mall did not remain the locus of major retail business in Fresno, however it remains a welcome oasis reserved for pedestrians in the heart of downtown Fresno, and a site for public festivals and political rallies and has played a vital role in Fresno's in the development of Fresno's social history.

Because the Fulton Mall was completed in 1964, less than fifty years ago, it must qualify for listing on the National Register under Criterion G—Properties that Have Achieved Significance Within the Past Fifty Years. Fulton Mall meets the criterion of "exceptional importance" to the nation because it is a unique and superior example of the pedestrian malls constructed during the urban renewal era in the latter half of the 20th-Century. The "exceptional importance" of Fulton Mall is underlined by the rapid disappearance of other pedestrian malls of this era and the continuing threat to Fulton Mall itself.

Period of Significance

1964—the period of construction of the Fulton Mall.

Criterion C –Landscape Architecture—National Significance

Fresno's Fulton Mall has national significance for listing on the National Register of Historic Places under Criterion C for Landscape Architecture for three paramount reasons. First of all, it is the finest example of pedestrian mall design resulting from the federal government's urban

renewal programs of the 1960s. Second, it has been acknowledged as one of the major achievements of its designer, Garrett Eckbo, who was a leading theoretician and practitioner of 20th-Century landscape architecture. And third, as a fully realized expression of Eckbo's design philosophy, the Fulton Mall is an excellent example of the influence of Modernist design ideas on landscape architecture.

Fulton Mall as the Supreme Pedestrian Mall Emerging in the Urban Renewal Era

Fulton Mall was part of the Fresno Central Business District urban renewal plan designed by the prominent architectural and planning firm Victor Gruen and Associates to bring a unified design to downtown Fresno. Understanding the Mall's significance must begin by placing its creation in the context of the urban renewal movement of the mid-20th Century and Victor Gruen's contribution to that movement.

The post-World-War-II period in the United States saw the growth of cities on an unprecedented scale. Unprepared to meet this crisis, cities turned to the federal government, which responded with a series of programs focused on both decaying cities as well as their growing suburbs. These programs include the Housing Act of 1949, aimed at slum clearance; the Housing Act of 1954, to aid urban renewal and comprehensive planning; and the Highway Act of 1956. The availability of federal funds created by this legislation prompted cities to search for applicable urban renewal models. Some found their answer in Victor Gruen's vision for "revitalization of the heart of our cities" (Victor Gruen, *The Heart of Our Cities* (1964), p. 198). At first gaining attention as the inventor of the enclosed shopping center, Gruen saw the opportunity to pursue his efforts to "tame the automobile" and revitalize the central city by creating downtown pedestrian malls.

Although never implemented, Gruen's 1955 plan for the city of Fort Worth had been one of the chief causes of his rise to prominence in downtown revitalization thinking. One of the seven guiding principles of the plan, as Gruen later states in his 1973 book, *Centers for the Urban Environment: Survival of the Cities*, was "Exclusion of the private automobile, and radical reduction of all other surface traffic within the core, with the remaining traffic operated either electrically or by some other environmental-friendly method" (p. 192). Gruen writes of the far-reaching influence of the Fort Worth plan despite its never being fully executed, quoting Edward Bacon, at that time the City Planning Director of Philadelphia: "The Fort Worth plan is, as far as I know, the only unborn child who has produced hundreds of grandchildren" (p. 192).

Gruen's first completed pedestrian mall was inaugurated in 1959 in Kalamazoo, Michigan, but it was his plan for Fresno, devised in 1958, that was to become the closest realization of his concept for transforming a downtown area, and is considered to be by far the broadest and most

imaginative of Gruen's urban renewal plans to be adopted. As the Gruen firm stated in its proposal, "the plan for the city of Fresno. . .will pave the way for the first early and successful accomplishment of total central area renewal" (Victor Gruen and Associates, *Central Area Fresno, California, Volume 2, the Plan and Its Implementation*, Jan. 1960, p. 3

As the centerpiece of Gruen's plan, the Fulton Mall became the object of nation-wide, even worldwide attention. In an article in *McCall's* magazine about the Fulton Mall shortly after its opening, Bernard Taper reported that more than fifty cities had sent official delegations to see it (Bernard Taper, "The City that Puts People First," *McCall's*, April 1966, p. 62). As an increasing number of cities began to construct pedestrian malls as a remedy for declining downtown retail areas, the Fulton Mall was consistently recognized as the model. Photographs of the Mall became standard in journalistic examinations of the pedestrian mall phenomenon, for example in the article "City Malls: Fresh Life for Downtown" in the January 11, 1971 issue of *U. S. News & World Report* (p. 52).

The professional literature gave perhaps even more prominence to Fresno's Fulton Mall as the prime example of the new pedestrian mall. In *The Language of Cities: a Visual Introduction to the Form and Function of the City* by Fran B. Hosken, a large photograph of Fulton Mall is accompanied with the caption, "The shopping mall reserved for people" (2nd ed. Cambridge, Mass.: Schenkman Publishing Co., 1972. p. 109).

Of special significance is the use of a photograph of the Fulton Mall in Norman T. Newton's influential 1971 volume, *Design on the Land: the Development of Landscape Architecture*. The growing number of malls led Newton to mention "pedestrian shopping malls" as a type of urban open space he had not discussed fully in his book. While devoting only a small amount of text to pedestrian malls, Newton chose to illustrate the type with a photograph of Fulton Mall (pp. 636-37). This point needs emphasis: Newton recognized the Fulton Mall as a model for this new type of urban open space.

The Fulton Mall was a trendsetter in other respects. (1) It was the first downtown pedestrian mall to be built with urban renewal funds. (2) In terms of the dollar amount expended in its construction, it set a much higher benchmark for projects that followed it. (3) And according to the Gruen firm, the entire Fresno project set new standards for urban renewal undertakings:

> The planning techniques were more advanced than those required by the Urban Renewal Administration, and the plans called for certain legal and financing tools not yet available, such as those necessary for Mall implementation. In other words, the planning effort was geared not only to

the minimum governmental regulations or limited to what could be accomplished by existing legislation. Instead, the work was undertaken in a thorough and bold manner in the confidence that State and Federal actions would subsequently recognize the logic of this approach. (Victor Gruen and Associates, *Fresno and the Mall*, n. d., p. 7)

Fulton Mall as a Major Achievement of Garrett Eckbo

Gruen engaged Garrett Eckbo to design the pedestrian mall that would become the centerpiece of the master plan. As Marc Treib and Dorothée Imbert point out in their book on Eckbo, the publication in 1950 of *Landscape for Living*, his first book, had given Eckbo professional recognition among his peers and established him as the profession's preeminent theorist (*Garrett Eckbo: Modern Landscapes for Living*, p. 92).

Eckbo, born in Cooperstown, New York, in 1910, grew up in California and received his bachelor's degree from the University of California, Berkeley, where he was mostly exposed to the Beaux-Arts tradition of landscape design. After a year of designing gardens for a nursery in southern California, he entered the Harvard Graduate School of Design in 1936 on a scholarship. At Harvard, as Peter Walker and Melanie Simo assert, Eckbo encountered the doctrine that naturalistic, informal gardens were superior to classical formal gardens, and was prompted to question this opposition of philosophies as a false dichotomy (*Invisible Gardens*, pp. 122-23).

Eckbo, often in conjunction with two fellow students, Dan Kiley and James Rose, began to develop an innovative philosophy of landscape architecture from a variety of sources. Walter Gropius, the leader of the movement in architecture that became known as the International Modernist Style, joined the Harvard faculty a year after Eckbo's arrival, and contributed to the ferment of new modernist ideas emerging in the Graduate School of Design. Eckbo and his friends read with interest the essays by the British landscape architect Christopher Tunnard that would eventually become the book, *Gardens in the Modern Landscape*. Their independent-minded search for new approaches to landscape architecture led Eckbo, Kiley, and Rose to write "A Design Manifesto," first published as a series of articles in 1939–40 in *Architectural Record*. The manifesto called for a new approach to landscape architecture that integrated society, ecology, and design. They advocated a departure from "Beaux-Arts patterns" in order to create "organized space in which people live and play, rather than stand and look." Jane Brown, in her book *The Modern Garden*, asserts that the manifesto "amounted to a new social and design

agenda for landscape architects, and their 'revolution' has largely formed the modern profession" (p. 82).

Eckbo continued throughout his career to explore ideas and explain his practice in print, publishing seven books and dozens of articles. As mentioned above, his first book, *Landscape for Living* (1950), established his fame. Simon Swaffield, in the preface to his compilation of important theoretical texts on landscape architecture, says that *Landscape for Living* "underpinned education and practice for much of the latter part of the twentieth century" (*Theory in Landscape Architecture: a Reader*, p. xi). Eckbo's other publications continued to garner widespread professional recognition, confirming his position as the principal theorist on modern landscape architecture.

As an example of the significance attributed to Eckbo as theoretician in the professional/historical literature, we might cite a comment by Walker and Simo in *Invisible Gardens: the Search for Modernism in American Landscape* regarding Eckbo's role in the firm Eckbo, Royston, and Williams: "Eckbo, the preeminent theorist and reformer, not only led the firm intellectually but also had a broad vision of the potentialities of the field—perhaps broader than any other practitioner at the beginning of the postwar era in the United States."

Eckbo's achievements as a designer equal the theoretical works in establishing his eminent position in the field. According to Elizabeth Barlow Rogers, Eckbo received more than a thousand commissions during his years of practice (*Landscape Design: a Cultural and Architectural History*, p.452). He began his professional career during the Great Depression and World War II. He was principally employed by the Farm Security Administration, at first designing housing for migrant workers in the Central Valley and then for workers in defense industries, thereby gaining experience with larger scale projects. The next period of his career centered on designing gardens for private homes in southern California, but with increasing frequency Eckbo was commissioned for larger projects: planned communities, college campuses, and parks. An example of Eckbo's innovative approach was his Alcoa Forecast Garden. In 1956 the Aluminum Corporation of America (Alcoa) commissioned Eckbo to showcase the use of aluminum in landscape design. Using his own property, Eckbo designed a garden that won him national attention.

Garrett Eckbo also had influence on the profession by means of an academic career, first in the School of Architecture at the University of Southern California, and in 1963 was appointed Professor and Chair of the Department of Landscape Architecture at the University of California, Berkeley. The University of California Art Museum presented an exhibition covering his career in 1997 ("Garrett Eckbo: Modern Landscapes for Living").

Another indication of Eckbo's prominence in 20th Century landscape architecture is the amount of attention he is given in the professional literature. In the 1993 volume, *Modern Landscape Architecture: a Critical Review*, edited by Mark Treib, of the twenty-three selections included in the book to represent the most important discussions of 20th–century American landscape architecture, eight are either by Eckbo or about his work. Eckbo's stature in the history of the profession is also made manifest in Melanie Simo's book devoted to the centennial year of landscape architecture, *100 Years of Landscape Architecture: Some Patterns of a Century*, (1999). Simo discusses and supplies the entire text of his speech at the 1964 annual meeting of the American Society of Landscape Architecture and also gives attention to Eckbo's essay published the following year, "Creative Design of the Landscape."

Eckbo's achievements made him the recipient of more than twenty awards, including the Medal of Honor awarded in 1975 by the American Society of Landscape Architects. The award "recognizes an individual who has made extraordinary contributions to the profession of landscape architecture" and seeks out "those practitioners whose contributions to the profession have had a unique impact on the public welfare nationally or internationally through superior design, planning, writing, and/or public service" (Melanie Simo, *100 Years of Landscape Architecture: Some Patterns of a Century*, Washington, D. C.: American Society of Landscape Architecture Press, 1999, p. 12).

It was in the midst of his distinguished career, just before his importance in the profession was signaled by his being invited to address the ASLA annual convention, that Garrett Eckbo received the commission to design the Fulton Mall. Without doubt by this time he had fully developed the design aesthetic that is embodied in the Fulton Mall. One helpful succinct exposition of this aesthetic may be found in Eckbo's essay, "Pilgrim's Progress," his contribution to *Modern Landscape Architecture: A Critical Review*. In this essay Eckbo traces the evolution of his design aesthetic as he reacted against the Beaux-Arts tradition. Three controlling principles of this aesthetic that have direct bearing on recognizing the significance of the Fulton Mall might be summed up by the terms "organic," "three-dimensional," and "social."

The "organic" principle is formulated by Eckbo in "Pilgrim's Progress" as "the rejection of the idea that environmental design began with any preconceived systems of form and arrangement." Eckbo continues, "We felt that environmental forms and arrangements should grow out of, or be inspired by, specific times and places" (Treib, p. 210).

The "three-dimensional" principle is stated even more succinctly by Eckbo: "Design shall be three-dimensional. People live in volumes, not planes" (Treib, p.209). Reuben M. Rainey calls this principle "the space concept" in his contribution to Treib's collection ("Garrett Eckbo's *Landscape for Living*," p. 189).

In a paragraph that also restates the other principles, Eckbo briefly explains the "social" principle in terms of "the importance of *people*." (For purposes of our discussion, Eckbo's phrases "use of *materials*" and "*specific conditions* of climate" are combined as the "organic" principle.) The entire paragraph deserves quotation:

> In 1950 I published my first book, *Landscape for Living*, in which I tried to develop these concepts as a complete theory of twentieth-century environmental design. They were not specific form-and-arrangement concepts; there was no system of form, although most of the illustrations were drawn from my own interpretations and work. I spoke of three-dimensional *space* formation as the ultimate overall goal of the arrangement of natural and structural materials on the land; of the use of *materials* in shaping space on the basis of their own innate properties and characteristics, rather than by manipulation into preconceived forms that were unnatural to them; of the importance of *people*, not only as clients and users of developed landscape spaces, but as the basic source of the cultural resources from and with which we worked; and of *specific conditions* of climate, land, water, vegetation, regionalism, and urbanism as the true source of specific character (Treib, p. 211).

These three aesthetic design principles are clearly embodied in the Fulton Mall. In the following discussion linking theory and intention with actual execution we can draw not only on a description of the Mall but also on Eckbo's report on his visit to the Mall about twenty years after its construction. His observations were published as "Fresno Mall Revisited," in the November/December 1986 issue of *Landscape Architecture*.

One can see the "organic" principle of Eckbo's aesthetic in numerous features of the Mall. As Eckbo explained, his design for the Mall reflected the importance of agriculture in the San Joaquin Valley: "The plenitude of quiet and moving waters, and of shade and greenery from trees and arbors, symbolizes the bursting vitality of irrigated agriculture in this hot interior valley of the arid West" ("Fresno Mall Revisited," *Landscape Architecture*). In keeping with this concept are the water features containing ceramic sculptures that call to mind the irrigation standpipes commonly found in valley fields and orchards (fig. 5). The Mall's pavement suggests the area's topography. The concrete is stained an adobe color suggesting the valley's soil, and it is crossed at frequent intervals by undulating eight-and-one-half inch ribbons of aggregate to convey a sense of the texture and gentle gradations of the valley floor (figs. 1, 9, 14). The aggregate includes colored river rock imported from Mexico and is set in a contrasting shade of concrete. The overall effect of this pattern of dividing lines, sometimes angular, sometimes

gently curving, provides a rhythmic unity for the Mall.

Another aspect of the "organic" principle is the artful blending of what Eckbo identified as environmental design's "five basic types of material: earth, rock, water, vegetation, and construction." (*People in a Landscape*, pp.181-84). Plantings of varying dimensions and heights, water features, play areas, and numerous sculptures are arranged in configurations that are often curvilinear and sometimes angular, but all contributing to the integrated harmony of Eckbo's design (figs. 3, 10, 15). As he wrote about the Mall, "The modern quality of the Fresno mall's forms and patterns is no doubt debatable in our impatient culture. Paving and structural elements at Fresno are largely curvilinear and freeform, with some freely placed rectangularity. There are no axial patterns and no obvious symmetry, but there is continual balance and gentle movement" (Garrett Eckbo, "Fresno Mall Revisited," *Landscape Architecture*, November/December 1986). This comment underlines how the Fulton Mall exemplifies Eckbo's lifelong effort to transcend the classical and Beaux-Arts concepts of landscape architecture that focused on axial patterns and symmetry. Marc Treib's appraisal of Eckbo's earlier projects is equally applicable to his achievement in designing Fulton Mall: "The avoidance of applying pattern alone, the transformation of dynamic shapes into dynamic spaces—while maintaining rigorous formal investigation—is another mark of Eckbo's success" (*Garrett Eckbo: Modern Landscapes for Living*, p. 95).

The "three-dimensional" concept of Eckbo's design aesthetic is discernible in various volumetric details of Fulton Mall. The variety of species of trees and shrubs and other plantings repeatedly lead the eye to various heights. Tall trees provide shade and comfort to pedestrians—an important consideration in the fiercely hot summers of the San Joaquin Valley. Planters of various heights are frequently grouped around planting beds, fountains, and other water features (fig. 10). The water features, especially those containing sculptured ceramic pipes, consist of several levels, creating small waterfalls. Larger structures emphasize even more dramatically the three-dimensional elements of Eckbo's design. Six pergolas composed of spaced timbers laid across nine-and-one-half-feet tall concrete columns situated throughout the Mall attract attention, not only by casting shade, but also as support for wisteria vines. The massive trunks of these mature wisteria vines moderate the angular forms of the pergolas while providing a sense of the passage of time. Eckbo also provides visitors with an opportunity to enjoy vistas of the Mall from another perspective by providing circular platforms fourteen feet in diameter that are raised two feet above ground level. These platforms have seating around their circumference facing inward.

The social function of the Fulton Mall is specifically addressed in *People in a Landscape*, a book published by Eckbo with three co-authors in 1998. In the chapter titled "Fresno Downtown Mall, Fresno, California," it is asserted that the Mall "was designed as and has become a social

space, a focus of community interest and events, a promenade and rendezvous with friends, a play area for children, and a meeting place for teenagers" (p. 190). Clearly the Mall became the supreme realization of a goal Eckbo and fellow Harvard design graduates Dan Kiley and James Rose set for themselves in their "Design Manifesto," which was quoted above: to ". . . achieve volumes of organized space in which people live and play, rather than stand and look." It also exemplifies Marc Treib's claim that "Landscape architecture is at root the vehicle by which we improve the relations between people and nature" (*Garrett Eckbo: Modern Landscapes for Living*, p. 96).

Examples of Eckbo's lifetime philosophy linking physical form with social function may be found in the personal conversational spaces he included in the Mall's design. These spaces are of various types. One type is the circular platform mentioned above. The seating in these platforms form the circumference of the circle, backed by low plantings. They provide isolated spaces of respite separated from the flow of pedestrian traffic, but at the same time they give persons sitting in them a vista point for watching pedestrian traffic. Another type of seating area is found under the pergolas shaded by wisteria vines climbing over them and trees beside them. These spaces contain the aforementioned benches with colorful mosaic backs. Other seating areas are situated to provide opportunities to hear water features or view sculptures. When considering the entire layout of the Mall, we see a subtle contrast between open areas that facilitate pedestrian movement and various features that invite pedestrians to pause, reflect, and meditate on what lies around and above them.

As stated in the "Narrative Description" section above, the intersection of the Fulton Mall axis with the Mariposa Mall segment that crosses it provides a central plaza for large gatherings. The raised platform or stage on the southwest side of this central plaza contributes to the whole area's important function as the venue for public gatherings such as concerts and political rallies. It is the venue for an annual al fresco dinner sponsored by the Downtown Association which serves as a fundraiser for maintaining the sculptures on the Mall. The clock tower at the center of this plaza serves as an easily identifiable landmark for individuals to make appointments to meet, much like the famous clock at the Biltmore Hotel in New York City.

There can be no doubt that Eckbo's commitment to the social function of his landscape designs was one of the chief reasons that the Fulton Mall won immediate praise for setting a high standard for civic design in the national urban renewal movement, and received world-wide attention and acclaim. In an article in *McCall's* magazine about the Fulton Mall shortly after its opening, Bernard Taper reported that more than fifty cities had sent official delegations to see it. Taper reported that after six weeks of inspecting America's city-planning activities, Louis H. Jacobson, chief engineer of Rotterdam's Department of Town Planning, "found in the Fresno project 'by far the most satisfying sense of human scale and human values' of any project he

visited" (Bernard Taper, "The City that Puts People First," *McCall's*, April 1966, p. 62). This and many other appraisals endorse the assertion that in the Fulton Mall, Garrett Eckbo and city leaders of 1964 provided Fresno with an outstanding illustration of Eckbo's dictum that "[t]oday's malls are public squares. . . ." ("Fresno Mall Revisited," *Landscape Architecture*, November/December 1986, p. 54).

Garrett Eckbo's aesthetic theory came to complete fruition in the Fulton Mall. It was a project he took particular interest in. Anecdotal evidence from people who worked with Garrett Eckbo at the time as well as the presence of his initials signing off on the working drawings attest to this fact. As Marc Treib, Eckbo's biographer has written, "Throughout his life, the Fulton Street Mall [sic] remained one of Eckbo's favorite projects and the one of which he was most proud. In 1986, he wrote about revisiting the site after almost twenty years." ("Church, Eckbo, Halprin, and the Modern Urban Landscape," in *Preserving Modern Landscape Architecture II: Making Postwar Landscapes Visible*, ed. Charles A. Birnbaum with Jane Brown Gillette and Nancy Slade, p. 60)

The Fulton Mall as an Example of Modernist Design in Landscape Architecture

As a full expression of Eckbo's aesthetic, the Fulton Mall is an important example of the influence of Modernist design concepts in landscape architecture. The preceding discussion of Eckbo's aesthetic principles as well as his affinity to the works of Modernist painters provide a large part of the justification for applying the term "Modernist" to his works. It is also clear from Eckbo's discussions of his work, for example, in his article "Fresno Mall Revisited," that he saw "modern" and "modernist" as appropriate labels for his style. Furthermore, scholarly discussions of Eckbo unhesitatingly apply these terms to his work. Elizabeth Barlow Rogers declares that Eckbo "created his own design vocabulary to express the dynamic aspect of modernity. . . ." (*Landscape Design*, p. 452). Janet Waymark sees Eckbo establishing "himself by his writing and design work as a modernist following the lead of painting and the plastic arts." Jane Brown in *The Modern Garden*, speaks of Eckbo and his co-authors of "A Design Manifesto," Kiley and Rose, as "the revolutionaries at Harvard, who virtually invented modern landscape architecture." (p. 98). And in his plea for preserving important landscapes of the recent past, Charles A. Birnbaum places Eckbo among the "modern-era luminaries" whose works deserve preserving (Charles A. Birnbaum, ed. *Preserving Modern Landscape Architecture*, p.6).

A number of scholarly discussions of Eckbo's work suggest the influence of modern painting. Marc Treib, in *Garrett Eckbo: Modern Landscapes for Living*, explores this theme as found in Eckbo's garden designs during the early years of his career. Treib suggests that modern painting

provided Eckbo with an aesthetic transcending the opposite poles of classical formalism and Romantic naturalism. As Treib says,"More significantly perhaps, modern painting signaled the arrival of non-perspectival space, an idea with which landscape designers could counter the thrust of the formal axis or the informal clump"(p. 31). Treib draws explicit parallels between garden designs by Eckbo and paintings by Wassily Kandinsky, Laszlo Moholy-Nagy and others (pp. 59-64). Dorothée Imbert, in her portion of *Garrett Eckbo: Modern Landscapes for Living*, discerns the same modern art influences in some of Eckbo's designs for larger spaces, specifically a migrant farm labor camp. Imbert sees in the design "patterns of paintings by Laszlo Moholy-Nagy or Kasimir Malevich"(p. 141). In *Landscape Design: a Cultural and Architectural History*, Elizabeth Barlow Rogers also takes up this theme of the connection between Eckbo's designs and modern painting: "In borrowing the free-flowing lines of abstract painting for his plans, Eckbo found a means of creating a sense of mobile dynamism in the landscape, which had been impossible within the confines of Beaux-Arts spatial composition" (pp. 451-52).

This affinity to modern painting is easily discovered by walking though the Fulton Mall or examining Eckbo's working drawings. The interaction between straight lines and curving lines, between symmetrical geometric shapes and more organic, for example, kidney shapes, is indeed reminiscent of a painting by Klee or Kandinsky (figs. 3, 15).

As another aspect of his interest in allowing landscape design to draw inspiration from modern art, Eckbo incorporated the works of artists in the design of Fulton Mall. Jane Brown, in *The Modern Garden*, points out how the "space" or three-dimensional principle of Eckbo's aesthetic "allied him to artists and sculptors. . . ." (p. 86). Working with a local citizens' committee, Eckbo took an intense interest in the selection of nineteen sculptures to be placed throughout the Mall. Sometimes presiding over a long vista, as in the case of "The Visit" by Clement Renzi, and sometimes surprising a passer-by in a more secluded setting, as in the case of "La Grande Laveuse" by Renoir, these sculptures add immensely to the pleasure of pedestrians on the Mall (figs. 11, 12, 16). The remaining sculptures are, "Leaping Fire," "Smoldering Fire," and "Spreading Fire," by Claire Falkenstein; "Talos," by James Lee Hansen; "Rite of the Crane," by Bruno Groth; "Aquarius Ovoid," by George Tsutakawa; "Trisem," by T. Newton Russell; "Mother and Child," by Raimondo Puccinelli; "Ellipsoid VI" by Charles O. Perry; "Clock Tower," by Jan De Swaart; "Dancing Waters," by Stan Bitters; "Big A," by Peter Voulkos; "Valley Landing," by Gordon Newell; "Arbre Échelle," by Francois Stahly; "Obos," by George Tsutakawa; "The Yokuts Indian," by Clement Renzi; "Orion," by Bernard Rosenthal.

The placement of the sculptures clearly illustrates Eckbo's dictum in 1969, "Sculpture, which has never seemed as happy on its pedestal as has painting on its easel, can again become a direct and functional element in the real world" (*The Landscape We See*, p. 110). Eckbo's plans also

included the placement of the benches with mosaic backs and sculptured ceramic pipes that are prominent components of many of the fountains. (Local artists were commissioned to create the mosaics and the ceramic pipes.) In these decisions to wed landscape design and the visual arts, Eckbo was also able to express his desire to reverse the "antiart" trend in modern architecture.

Criterion A—Recreation and Social History—Regional/Local Significance

The Fulton Mall is also significant under Criterion A for recreation and social history because of the important way it provided a venue for human interaction and social events in central Fresno. While following Victor Gruen's mandate to create a pedestrian area conducive to saving downtown Fresno as a retail center, Eckbo designed the Mall for a broader function that transcended Gruen's plan. As stated in a passage already quoted from People in a Landscape, the Mall "was designed as and has become a social space, a focus of community interest and events, a promenade and rendezvous with friends, a play area for children, and a meeting place for teenagers" (p. 190).

Throughout its existence the Fulton Mall has been used for a wide variety of public gatherings, ranging from rallies for political candidates to protest demonstrations to ethnic festivals to sit-down dinners. The locus for most of these events is the large plaza surrounding the Clock Tower at the intersection of the Fulton Mall axis and the Mariposa cross mall. The open space along with the slightly elevated stage in the Free Speech Area at its southern edge, as previously mentioned in the "Description" in Section 7, make it a perfect venue for large gatherings. In the 1970s especially it was chosen for political rallies and at least one anti-Vietnam War demonstration. More recently it was the scene of a large protest in opposition to proposed immigration legislation in 2008.

Deserving of special mention for fostering daily human interaction on the Mall are the two tot lots that were a part of Garrett Eckbo's original design. They are constantly in use by the children of families coming to the Mall for recreation, shopping, or other business. One tot lot is at the intersection of the Fulton axis and the Merced cross mall, and at an opposite corner is the Fresno County Dependency Court. Large numbers of families have business with that court, and as a consequence many children may be observed playing in the tot lot. For a number of years prior to 2009 offices of the Naturalization and Immigration Services were on the south end of Fulton Mall, very near the second tot lot, which in an identical manner provided entertainment for the children of families having business with that government agency.

The Criterion C discussion above has explained how Fulton Mall embodies the "social function" aspect of Garrett Eckbo's aesthetic. In that discussion is a description of the numerous spaces

that invite pedestrians to sit, relax, converse, and enjoy the plantings, sculptures, and water features. The blending of all of these elements makes the Mall an urban park and open space for pedestrians in a busy downtown. In a recent editorial column in the *Fresno Bee* Jim Boren called Fulton Mall "a Fresno treasure," and went on to declare that the Mall "is an urban park in a city that has been criticized nationally for a lack of park space."(Feb 5, 2006, p. E3)

Both the "Narrative Description" and the Criterion C discussion have described the central plaza created at the intersection of the Fulton Mall axis and the Mariposa cross mall. This plaza is the locale for public gatherings throughout the year, including a Cinco de Mayo Festival and a summer series of events sponsored by the Downtown Association dubbed "Thursdays at Fulton Plaza."

The Fulton Mall is truly a "landscape for living," one of the most distinctive features of Fresno's built landscape.

Criterion G—Properties that Have Achieved Significance Within the Past Fifty Years

Fulton Mall meets the criterion of "exceptional importance" to the nation because of its being a unique and superior example of the pedestrian malls designed and constructed during the urban renewal era in the latter half of the 20th-Century, because other examples of such malls are rapidly disappearing, and because the Fulton Mall itself is under threat.

Throughout the height of the pedestrian-mall building era the Fulton Mall stood out as exceptionally significant. This significance increases as the pedestrian malls from this era disappear. In an "Appendix: Compendium of American Urban Mall" in their 1977 volume *For Pedestrians Only*, Brambilla and Longo compiled information on seventy malls, of which sixty-seven were in the United States. Eighteen years later the City of Eugene, Oregon, conducted a survey of thirty-six pedestrian malls and reported that half of them had been removed *(Downtown Pedestrian Shopping Malls: Review of 36 U. S. Cities*, City of Eugene, Oregon Planning and Development Department, 1989).

To illustrate this trend toward pedestrian mall destruction we might cite the fate of the Kalamazoo mall, Gruen's first. For lack of funding, the original design of the Kalamazoo Mall was never fully realized, and it has undergone repeated alterations, culminating in the insertion of one-lane traffic in 1998 (Brambilla and Longo, *For Pedestrians Only*, p. 176, and the website of Western Michigan University (http://homepages.wmich.edu).

Of supreme significance in establishing the "exceptional importance" of the Fulton Mall is its connection with Garrett Eckbo. Although Eckbo is credited with the design of a second mall, in Sacramento, California, he has been quoted as stating that the construction of the Sacramento mall was "out of his control" (Tooru Miyakoda and Isao Nakase, *Garrett Eckbo: Philosophy of*

Landscape, in *Process: Architecture*, no. 90, August 1990, p. 94). Thus Fulton Mall is the only pedestrian mall completed and maintained in accordance with Eckbo's design.

Fulton Mall is the only intact pedestrian mall to be designed by a renowned landscape architect. Its only rival in this respect is the Downtown Mall in Charlottesville, Virginia, designed by Lawrence Halprin and Associates in 1976, but this mall has undergone some modifications and more are currently being contemplated (See www.albemarlehistory.org/Walkingtour; and http://cvilletomorrow.typepad.com/charlottesville_tomorrrow_/2008).

The 50th anniversary of Fresno's Fulton Mall will occur in 2014. If the past eight years is any guide, the Mall probably will not exist in its historic form unless due recognition as a place of national significance is given now. In each year that passes incremental decisions are being made that affect the integrity of the Mall. As mentioned in the Statement of Integrity, the lighting and street furniture have been changed, and the tot lots are being rebuilt to comply with ADA standards.

A nation-wide perspective lends support to recognizing the "exceptional importance" of Eckbo's Fulton Mall and the urgent need to take steps to preserve it. Scholars are noting an alarming accelerating trend to destroy or deface many of the supreme achievements of 20th C. modernist landscape design. In the April 2003 issue of *Landscape Architecture*, editor J. William Thompson declared that "numerous iconic modern landscapes are being demolished or radically redesigned without consulting the original designers"(p. 11). In a more extended discussion of this crisis published in the May/June 2004 issue of *Preservation*, Paul Bennett writes, "Every year, in cities and suburbs across America, significant works of modernist landscape architecture succumb to the bulldozer"("Lost in Translation, "*Preservation*, May/June 2004, p. 36). Bennett describes the destruction of Lawrence Halprin's Skyline Park in Denver, his United Nations Plaza in San Francisco, and M. Paul Friedberg's Riis Houses Plaza in New York City.

More alarm bells about this destructive trend with specific mentions of Eckbo are sounded throughout the recent volume *Preserving Modern Landscape Architecture II: Making Postwar Landscapes Visible*. Mentioning the passing of "modern-era luminaries," one of them Garrett Eckbo, Charles Birnbaum declares, "None of their work, not a single landscape, is listed on the National Register of Historic Places to date." ("Moving Beyond the Picturesque and Making Postwar Landscape Visible," p. 6). Richard Longstreth, in "The Last Landscape," his contribution to the same volume, writes:

> the basic arguments are essentially the same for preserving both architecture and landscape architecture of the recent past, which, for

> purposes of discussion here, is limited to the three decades following World War II. First, this period benefited from a stunning array of artistic talent, with the maturing of pioneer modernists and the emergence of a new generation as well. Thomas Church, Garrett Eckbo, Paul Friedberg, Lawrence Halprin, Dan Kiley, Hideo Sasaki, and Robert Zion are among the figures of extraordinary character that received widespread recognition nationally and internationally when
>
> they were created. The post-World War II legacy is at least as strong as any other period in landscape architecture from the standpoint of conceptual originality and formal sophistication. (p. 118)

To conclude our case for placing Fulton Mall on the National Register, we point out that Charles Birnbaum included the Mall in his brief list of works of modern landscape architecture that "have been altered, destroyed, or are currently at risk" in his paper "Preserving and interpreting modern landscape architecture in the United States: Recent developments (1995-2001) delivered at UNESCO Headquarters in 2001 (*Identification and Documentation of Modern Heritage*, World Heritage Papers 5, UNESCO World Heritage Centre, Paris, 2003).

MAJOR BIBLIOGRAPHICAL REFERENCES

Works by Eckbo

The Art of Home Landscaping (1956); reissued as *Home Landscaping* (1978)

Environment and Design (1971)

"Fresno Mall Revisited," in *Landscape Architecture*, November/December 1986. 54-57.

"Landscape Design in the Primeval Environment." in *Architectural Record*, February 1940.
"Landscape Design in the Rural Environment," in *Architectural Record*, August 1939.
"Landscape Design in the Urban Environment," *Architectural Record*, May 1939.
(All three of the above were written with James C. Roses and Daniel Kiley and reprinted in Treib, Marc, ed. *Modern Landscape Architecture*. Cambridge: The MIT Press, 1991).

Landscape for Living. New York: Architectural Record with Duell, Sloan and Pearce, 1950.

The Landscape We See. New York: McGraw-Hill, 1969.

Public Landscape: Six Essays on Government and Environmental Design in the San Francisco Bay Area (1978)

People in a Landscape (1998) (with Laura Lawson, Walter Hood, and Chip Sullivan). Upper Saddle River, N. J.: Prentice Hall, 1998.

"Pilgrim's Progress," in Treib, Marc, ed., *Modern Landscape Architecture: A Critical Review* (1993)

"Small Gardens in the City," in *Pencil Points* (1938)

Urban Landscape Design (1964)

Works about Eckbo

Byrd, Jr. Warren T., ed.,*The Work of Garrett Eckbo: Landscapes for Living* (1984)

Miyakoda, Tooru and Isao Nakase. *Garrett Eckbo: Philosophy of Landscape* (*Process: Architecture*, no. 90, August 1990). Tokyo: Process Architecture Publishing Co., Ltd., 1990.

Treib, Marc and Dorothée Imbert. *Garrett Eckbo: Modern Landscapes for Living* (1997)

Treib, Marc, ed., *Modern Landscape Architecture: A Critical Review*. Cambridge, MA, and London: MIT Press, 1993.

Vance, May. *Garrett Eckbo: A Bibliography*. Monticello, Ill.: Vance Bibliographies, 1980

Works which refer to Eckbo and/or Fulton Mall

Bennett, Paul. "Lost in Translation" *Preservation* May/June 2004. 36-39

Birnbaum, Charles. "Preserving and interpreting modern landscape architecture in the United States: Recent developments (1995-2001, in *Identification and Documentation of Modern Heritage,* World Heritage Papers 5, UNESCO World Heritage Centre, Paris, 2003. 26-30.

Birnbaum, Charles A. (ed.). *Preserving Modern Landscape Architecture: Papers from the Wave Hill—National Park Service Conference*. Cambridge, MA: Spacemaker Press, n. d.

Birnbaum, Charles, with Jane Brown Gillette and Nancy Slade (eds.). *Preserving Modern Landscape Architecture II: Making Postwar Landscapes Visible.* Washington, D. C.: Spacemaker Press, 2004.

Brambilla, Roberto and Gianni Longo. *For Pedestrians Only*. New York: Whitney Library of Design, 1977.

Brown, Jane. *The Modern Garden*. New York: Princeton Architectural Press, 2000.

"City Malls: Fresh Life for Downtown," in *U. S. News & World Report*, Jan. 11, 1971, pp. 52-54.

Downtown Fresno, California: Strategies for Development. Washington, D.C.: ULI—the Urban Land Institute, 2000.

Downtown Pedestrian Shopping Malls: Review of 36 U. S. Cities. Eugene, Oregon: City of Eugene, Oregon Planning and Development Department, 1989.

ELS Architecture and Urban Design SWA. *Fulton Street Revitalization*. February 2002.

Gruen, Victor and Associates. *Central Area Fresno, California*. Vol. 1 Research and Basic Planning. Vol. 2 The Plan and Its Implementation

Gruen, Victor. *Centers for the Urban Environment: Survival of the Cities*. New York: Van Nostrand Reinhold Co., 1973.

Gruen, Victor and Associates. *Fresno and the Mall*. n. d.

Gruen, Victor and Associates. *Fresno, Design for Development*. Victor Gruen and Associates Graphics Division, October 1964.

Gruen, Victor. *The Heart of Our Cities*. New York: Simon and Schuster, 1964.

Hosken, Fran P. *The Language of Cities: a Visual Introduction to the Form and Function of the City*. 2nd ed. Cambridge, Mass.: Schenkman Publishing Co., 1972.

Loomis, Alan A. "Locating Victor Gruen." www.deliriouslanet

Newton, Norman T. *Design on the Land: the Development of Landscape Architecture*. Cambridge, MA: Harvard Univ. Press, 1971.

Rogers, Elizabeth Barlow. *Landscape Design: a Cultural and Architectural History*. New York: Harry N. Abrams, Inc., 2001

Simo, Melanie. *100 Years of Landscape Architecture: Some Patterns of a Century*. Washington, D. C.: American Society of Landscape Architecture Press, 1999.

Stern, Robert A. M., Alan Plattus, Peggy Deamer (eds.). *[RE] Reading Perspecta: the First 50 Years of the Yale Architectural Journal*. Cambridge, MA: the MIT Press, 2004.

Swaffield, Simon (ed.). *Theory in Landscape Architecture: a Reader*. Philadelphia: University of Pennsylvania Press, 2002.

Wall, Alex. *Victor Gruen: from Urban Shop to New City*. Barcelona: Actar, 2005.

Walker, Peter and Melanie Simo. *Invisible Gardens: the Search for Modernism in the American Landscape*. Cambridge, MA: MIT Press, 1996.

Waymark, Janet. *Modern Garden Design: Innovation Since 1900* (2003)

Related Works

Flisram, Greg. "Post Modern or Post-Mortem? The Kalamazoo Mall Revisited" www.planning.org (The website of the American Planning Association)

Fulton, William. *Guide to California Planning*. Point Arena, CA: Solano Press Books, 1991.

Garvin, Alexander. *The American City: What Works, What Doesn't*. New York: McGraw-Hill, 1996.

Goodman, William I. and Eric C. Freund. *Principles and Practices of Urban Planning*. Washington, D. C.: International City Managers' Association, 1968.

Jellicoe, Geoffrey and Susan. *The Landscape of Man: Shaping the Environment from Prehistory to the Present Day*. New York: Van Nostrand Reinhold Co., 1975.

Scott, Mel. *American City Planning*. Berkeley, CA: University of California Press, 1969.

Tunnard, Christopher. *Gardens in the Modern Landscape*. 2nd rev. ed. London: The Architectural Press, 1948.

College of Environmental Design ARCHITECTURE
University of California, Berkeley
104 Wurster Hall #1922
Berkeley, California 94720-1800
phone 510.642.4942
fax 510.643.5607

4

12 June 2007

Mr. Ray McKnight, Chair
Downtown Fresno Coalition
10607 N. Sea Shell Cove
Fresno, CA 93730

Dear Mr. McKnight,

I was rather dismayed to learn that the Fulton Street Mall is again under threat of modification or removal. I had hoped that the attacks on its existence made some years ago had been sufficiently rebutted, and that the survival of this key work in American landscape architecture had been ensured. Sadly, your letter suggests that this is not the case.

The Fulton Street Malt was one of the first attempts in the United States to convert a street from vehicular traffic to pedestrian use through the use of landscape art. The stories vary, but normal lore holds that a mall in Kalamazoo, Michigan, was the first, and that Fulton Street was the second. As such it also holds a place in the postwar history of American town planning as well as landscape architecture, when new planning strategies attempted to anchor urban downtowns against the storm of suburbanization.

This significant project, by landscape architect Garrett Eckbo's firm with architect and planner Victor Gruen's, was hailed as one of the best efforts in the genre and it continues to hold that status today. It is also one of the very few malls from this period that remain. Minneapolis's Nicollet Street Malt, designed by Lawrence Halprin, was horribly modified several years ago in a misguided effort to counter the use of the city's Skyway system during the winter months. I do not know the fate of the Kalamazoo project, but certainly Fresno is the remaining landmark work from the modern period, and it remains virtually intact.

When I visited the mall several years ago I was very pleasantly surprised both by its physical state and the life taking place along and within it. Shops had an occupancy rate that matched downtown Berkeley. There were people walking, shopping, sitting, eating; children were running, skateboarding, and playing. To my great surprise all the fountains were in good condition and the water was flowing (water is normally the first victim of municipal neglect). The vegetation seemed to be doing very well, and all in all, on a weekday, the place was as successfully occupied and vibrant as one could hope.

architecture

The Fulton Street Mall was always one of Garrett Eckbo's favorite projects. Garrett contributed an essay to my book *Modern Landscape Architecture: A Critical Review* (first published in 1993 by the MIT Press, it has enjoyed several printings, has been translated into Japanese and is currently being translated into Chinese) called "Pilgrim's Progress." It is essentially a memoir written late in life that recounts his personal development and the development of his ideas. In the essay he cites about ten or so of his projects drawn from hundreds, if not thousands, produced in a career that spanned over half a century. The Fulton Street Mall was one of the projects he cited, of course for its design in terms of urban and landscape concerns, but primarily for its social dimension. He felt it was a real gift to the city, and in his talks he was very fond of showing the before and after views of the street. It would seem a shame, if not anachronistic, to try to restore traffic to the street, that is, to recreate the "before." These have rarely proved successful.

The mall design was hailed not only for its urban innovation, humanism, and design vocabulary, but also for its artistic collaboration on the fountains and sculpture. In all, Fresno possesses a very rare example of modern landscape architecture that was truly, and beneficially, collaborative.

Garrett Eckbo was probably the most important American landscape architect of the twentieth century, known for his writing and theory, as much for his designing—which as noted above was prodigious. In our book *Garrett Eckbo: Modern Landscapes for Living* (University of California Press, 1997), Dorothée Imbert and I stressed Eckbo's ability to mix advanced design ideas and forms with a true caring for the people who used the landscape and the natural forces that shaped it. (The book accompanied an exhibition at the Berkeley Art Museum, which focused on the early years of his practice).

In closing, allow me to stress once again the significance of this work and the rare opportunity Fresno has for maintaining a key piece of the history of modern landscape architecture. I hope that through your own efforts, and those of similarly enlightened Fresno citizens, the mall will be retained, maintained, and thrive.

Please feel free to use this letter in any way related to the efforts to preserve the mall.

Sincerely,

Marc Treib
Professor of Architecture

Harvard Design School

Cambridge, 24 May 2007

To Whom It May Concern:

It is as a design historian, a landscape architect, and a former Californian that I am writing this letter regarding the status of the Fulton Mall as a pedestrian promenade. It is my understanding that the city is considering opening the mall to vehicular traffic. I believe that, if implemented, this decision would be extremely detrimental to this historically significant and socially important design.

The Fresno mall is one of the last outdoor malls in America and a milestone in the postwar urban landscape. The product of a remarkable collaboration among Victor Gruen, Edgardo Contini, and Garrett Eckbo, Fulton Mall remains strikingly ambitious as an investment in public space. As the co-author of the book *Garrett Eckbo: Modern Landscapes for Living* (UC Press, 1997), I would like to focus on the mall as a landscape and on its designer, Garrett Eckbo.

Landscape architect Garrett Eckbo, whom I had the luck of knowing, combined unusual qualities. He was a truly skilled designer in the sense that he was concerned with the quality of landscape space as well as with the well-being of the people living in it. This dual concern was manifest throughout his professional output, from the landscapes he created in the Central Valley for migrant workers during the Depression to those of university campuses in the 1970s. Interested in the perceptual qualities of space rather than the abstraction of the plan, he paid close attention to the mass and texture of vegetation, the materials and forms of architectural components—benches, shade structures, fountains—and the quality of light. Although Eckbo remains one of the foremost modern American landscape architects with Thomas Church, Dan Kiley, and Lawrence Halprin, his built legacy has suffered the fate of most landscapes, ranging from neglect to transformation and destruction.

Landscapes are fragile, being maintenance-intensive and requiring enduring dedication to the designer's original intentions. The issues that undermine the preservation of garden and landscape designs include, but are not limited to, the following: plants die and are replaced with different species or not at all; fountains leak and are left empty, filled, or removed altogether; pavement no longer accommodates accessibility requirements and is replaced. As a public space, the Fulton mall has to contend with such problems in addition to an evolving urban context.

Harvard University
Graduate School of Design
Gund Hall
48 Quincy Street
Cambridge, MA 02138
www.gsd.harvard.edu

Although downtown Fresno is not in the same economic situation as it was when Fulton Mall opened in 1964, it nevertheless plays a significant role in the life of the city. The current trend of city revitalization—from Santa Monica's Third Street Promenade to the Providence, Rhode Island, Renaissance—indicates a renewed interest in urban living. Festivals, outdoor cinemas, craft and food markets which have injected life in several moribund urban settings would seem particularly appropriate to Fresno, especially given its climate, demographics, and agricultural history. Evening use would also ensure a "continuous" use of the mall thus addressing the so-called safety concern. I feel that the design integrity of Fulton Mall would be seriously compromised by vehicular traffic, as would its spatial quality. In the end, automobile should not rank over humanity, and profit should not be the determinant factor for public life. Fulton Mall was conceived as a landscape that could evolve, with trees growing and user demographics shifting; it also placed social interaction above commercial success.

The cultural heritage of a people includes architecture, landscape architecture, and public space, whether created two centuries or fifty years ago. The recent destruction of Lawrence Halprin's Skyline Park in Denver and of Dan Kiley's Tampa Museum gardens underscores the fragility of public open space. Ultimately, Fulton Mall is a monument to urban design and outdoor living—the essence of California. I urge you to preserve and reinvigorate its legacy.

Sincerely,

Dorothée Imbert
Associate Professor of Landscape Architecture

Volume 3 Issue 2 Spring 2010

Inside this issue:

Project Review: DOE's ARRA Funded Projects 3-4

Local Government: What Do Status Codes *Really* Mean? 5-6

New Listings on the Registers 7-11

Commission Corner: ARC "White Papers" Summary 12

Architectural Review: Avoiding Common Tax Credit Review Roadblocks 13-15

News to Me: What's Happening at OHP 15

Upcoming Events 16

Walking the Walk: Fresno's Fulton Mall

Milford Wayne Donaldson, FAIA

On April 30, 2010, the State Historical Resources Commission voted unanimously to determine that the Fulton Mall, in Fresno, is eligible for listing on the National Register of Historic Places. The Fulton Mall is a six-block - long pedestrian mall in downtown Fresno, constructed in 1964. The mall was the "crown jewel" centerpiece of an urban renewal plan by Austrian émigré Victor Gruen to transform Fresno's downtown area and enhance the Central Business District's reputation as the retail center of a six county region and to halt a decline in downtown property values.

The pedestrian mall concept for Fresno was not new for Gruen, known as the "father of the shopping mall." Gruen's Northland Center in suburban Detroit was America's first outdoor suburban shopping mall when it opened in 1954, which sparked a wave of copycat developments nationwide. In 1956, he developed the nation's first indoor shopping mall, Southdale Center in Edina, Minnesota. In 1955, Gruen unveiled a massive "superblock" plan for downtown Fort Worth, Texas, that would have banned cars from a wide swath of the city. Though never built, the plan generated great interest and led to the construction of the nation's first downtown pedestrian mall in Kalamazoo, Michigan, completed in 1959.

In 1958, Gruen was hired to develop a comprehensive plan for the redevelopment of Fresno's downtown. The plan included new freeways, parking, high rise office and residential development, a new downtown traffic pattern, and the centerpiece – a six-block-long pedestrian mall on Fulton Street. The finished mall opened on September 1, 1964, to great fanfare that included the presence of Governor Edmund G. "Pat" Brown and a crowd of thousands, capping a week-long celebration of arts and culture called the "Fresno Festival."

The mall itself was designed by modernist landscape architect Garrett Eckbo and includes over a dozen water features, hundreds of trees and

Fulton Mall and "Clock Tower" sculpture laminated wood and fiberglass by Jan de Swart

shrubs, and a diverse collection of artwork from both local and international artists. The art collection was funded with donations from the local community totaling $185,000, a collection now valued in the millions. Such artists as Renoir, Peter Voulkos, Claire Falkenstein, George Tsutakawa, and Charles Owen Perry provide pedestrians with an incredible array of artwork. The mall consists of a number of different elements inspired by nature and the agricultural roots of the Fresno area, including numerous water elements, featuring fire clay standpipes by local artist Stan Bitters. Mosaics by local artists help provide color and visual drama to the mall's seating areas.

Plantings on the mall include grapes, olives and figs, all major crops in the San Joaquin Valley. The mall's concrete still bears traces of its original color, a light brown to reflect the color of the Valley soil, which gives the region life and much of the world its food. Its surface is punctuated by undulating ribbons of cast concrete set with Mexican river stones, providing a unique rhythmic quality

(Continued on page 2)

Fulton Mall and Three Fires sculptures: "Spreading Fires" "Leaping Fires" and "Smoldering Fires" by Claire Falkenstein

to the mall's pavement. Eckbo's organic concept can also be seen in the design of the many pools, seating areas and planter beds.

Upon completion, the mall received several national design awards, including the "Excellence in Community Architecture" (1965) from the American Institute of Architects and the "National Design Excellence" award from the Department of Housing and Urban Development (1968).

Fulton Mall is the only intact pedestrian mall to be designed by renowned landscape architect Garrett Eckbo. Its only rival is the Downtown Mall in Charlottesville, Virginia, designed by the late Lawrence Halprin, but that mall has undergone modifications and more are contemplated.

Of the approximately 200 pedestrian malls built during the 1960s and 1970s, fewer than two dozen survive. Last year Sacramento began a study to reopen the K Street Mall. Redding has removed the roof its Main Street Mall, and other cities, such as Riverside, El Centro, Boston, and Memphis are struggling to find tenants and are turning to universities, training companies and other institutions to occupy the spaces. The need for the shopper to be entertained, fed and comfort catered has changed over the years. Lack of maintenance by cities has forced the closing of fountains and removal of plants from many malls.

ing the rich essence of design that the Fulton Mall still maintains. Long Beach, Santa Monica, Denver, Boulder, Ithica, and Athens, Georgia, are wonderful and successful downtown mall environments. Ann Arbor, Michigan, has opened its mall to limited traffic, remaining closed most of the time for festivals, art fairs, and special events. Sidewalks are extra wide, and housing upstairs from commercial shops keeps people downtown and circulating after normal business hours.

Fresno's Historic Preservation Commission, like the State Historical Resources Commission, determined that Fulton Mall was eligible for listing on the National Register. The City of Fresno, however, contends that the mall is disliked by its community—that the mall is the cause of declining retail tenancy, breeds crime and simply does not work. I encourage the City of Fresno to revisit their planning efforts and once again embrace the Fulton Mall as cause and source of urban pride. A successful renaissance of the mall requires the potent addition of mixed use living/working/retail/services to draw and retain people in the area. Increasingly, people are drawn to urban areas where they can live, eat, work, and shop within a radius of blocks that don't require driving from place to place. The Historic Gaslamp Quarter in San Diego is a good example. Denver uses light rail and small buses to serve those who work and live along their urban mall. Sponsor, encourage, and support community activities along the mall like those supported by Santa Monica, whose Third Street Promenade is an entertainment destination for young and old alike.

I share Fresno's concerns regarding the economic viability of their downtown and wish them every success in their planning efforts. The Fulton Mall is a world class historic landscape that with proper planning, restoration, and adaptive reuse, could help bring life and people back to downtown Fresno with sufficient force and vitality to once again be the "crown jewel" of the San Joaquin Valley.

"Aquarius Ovoid" brass water fountain by George Tsutakawa

stewardship
through education
www.tclf.org
The Cultural Landscape Foundation
1909 Q St. NW Second Floor, Washington, DC 20009 (t) 202.483.0553 (f) 202.483.0761

June 30, 2008

Donn Grenda, Ph.D.
Chairperson, State Historical Resources Commission
Office of Historic Preservation
California Department of Parks and Recreation
P.O. Box 942896
Sacramento, CA 94296-0001

RE: NOMINATION OF THE FULTON MALL, FRESNO, FRESNO COUNTY, CA TO THE NATIONAL REGISTER OF HISTORIC PLACES

Dr. Grenda and Commissioners:

The Cultural Landscape Foundation (TCLF) is pleased to have the opportunity to prepare a letter of support for the nomination of Fulton Mall in Fresno, California, to the National Register of Historic Places. Designed by celebrated urban planner Victor Gruen with landscape architect Garret Eckbo, Fulton Mall was completed in 1964 as the first pedestrian mall in the country during the infancy of the then "'new' discipline called urban design" (*Design on the Land: The Development of Landscape Architecture* by Norman Newton).

Victor Gruen Associates had already gained notoriety as the lead firm on the 1956 city plan for the city center of Fort Worth, Texas. Though the plan was never instituted, it opened the discourse for contending with the new face of urbanism after World War II. In response to the negative affects of the country's intensified post-war car culture, the Fort Worth plan called for removing the vehicular traffic from the downtown areas in order to separate the high-speed traffic from the meandering pedestrians. This idea of removing automobiles from such areas was furthered in the mind of Californian's when the Long Range Development Plan for the University of California at Berkeley by landscape architect Thomas Church was adopted and well published in 1962. It was with this idea of giving the street back to pedestrians that Fresno's downtown merchants advanced the plan for Fulton Mall by Victor Gruen Associates and Garret Eckbo in the early 1960s.

While Gruen and Eckbo's full design was never implemented, the pedestrian mall on Fulton with cross streets Merced, Mariposa, and Kern opened in September 1964. Along with Ghirardelli Square in San Francisco, the Fulton Mall is one of West Coast's pioneering urban planning initiatives of valuing the past by "recycling" historic buildings while creating a landscape setting that was both festive and Modern. All the more astonishing is that this work

predates the Historic Preservation Act of 1966. In particular, at Fulton Mall the play sculptures and water features were designed specifically for the site and are thoroughly modern within their historic building context. Furthermore, as both were completed in the mid-1960s, they became tremendously influential within the profession and acted as the catalyst to a wave of pedestrian malls as cities sought to lure people back to the downtown. Other key examples followed closely including Nicollet Mall in Minneapolis (1967) and the Sasaki Associates project for New Haven (c.1967).

Moreover, Fulton Mall became a prototype for the way Eckbo treated urban spaces. In his book, *Urban Landscape Design* (1964), Eckbo expresses that the design, with its integration of art and engineering, would be the first step to move the pedestrian mall beyond simply a street that is closed to vehicular traffic. He states: *"The Fresno Mall will overcome the limitations of the street it will replace, while taking advantage of the desert hothouse climate of California's Central Valley."* He goes on to describe in great detail the thought process behind many of the design features. For instance, he explains that the tree pattern, comprised of both deciduous and evergreens, is continuous but irregular and when coupled with the pergolas, are meant to shade pedestrians during the hot summer months. Similar forethought is given to the water features, sculptures, smaller plantings, benches and other furniture. The work he did on the Fulton Mall exemplified a major shift in downtown urban planning. In fact, he felt so strongly about the design that he chose to include it as the opening image in his book *The Landscape We See* (1969).

Fulton Mall is not only the first outdoor pedestrian mall in the country, but unlike many others (exceptions include the Pearl Street Mall in Burlington, Vermont, and the Charlottesville Mall in Virginia, both ca. 1976) it has stood the test of time. Although today large department store chains no longer anchor the Fulton Mall, it has become a cornerstone for the community's small businesses which Garret Eckbo, upon returning to the mall decades later, was pleased and delighted to see had been so adopted by the local community.

We strongly encourage the State Historical Resources Commission to look firmly upon this opportunity to honor and preserve Gruen and Eckbo's early revolutionary project to promote high-quality, thoughtful, and integrated urban core planning. Please do not hesitate to contact TCLF if you have any questions that we may be of assistance with.

Sincerely,

Charles Birnbaum, FASLA, FAAR
Founder – President, The Cultural Landscape Foundation
202.483.0553 charles@tclf.org

cc: Ray McKnight
Karana Hattersley-Drayton

Fulton Mall as a Scapegoat for Past City Planning Policy Failures Let's Set the Record Straight

5

by Harold Tokmakian, AICP

After WW II most cities in the United States felt an urgent need for increased housing in response to population growth and to make up for the halt in construction during the war years. The thrust of Fresno's expansion was to the northwest where large parcels were available and awaited the subdivider's plow. Manchester Center was attracting retail businesses and other services northward to the Shields and Blackstone area, while Fresno State College (later to be CSU Fresno) was establishing a new campus at Shaw and Cedar Avenues. As other retail businesses such as I. Magnin were moving to the north end of downtown, remaining long-established Fulton Street retailers (known as the 100 Percenters) exerted pressure on the City Council to do something about the situation. In 1958 Victor Gruen was invited to Fresno to study the problem and recommend solutions.

Gruen devised a plan for central Fresno based on a city planning policy of centralization. The plan consisted of three major components intended to bring about revitalization of the Central Area of Fresno: Fulton Mall as the center of a superblock for retail shops, professional offices, and entertainment; a loop of freeways around the central area that would also include a Civic Center and Convention Center; and high-density housing within the freeway loop created by a private and government partnership. The objective was to create a Central Area that would be the heart of the four-county region as well as of our city. Only after a long delay was the freeway loop completed. The housing component was never achieved.

Gruen engaged Garrett Eckbo, a world-renowned landscape architect, to design the pedestrian mall. Fulton Mall gained worldwide recognition as a unique masterwork merging art with landscape architecture. It gave Fresno an identity and a "sense of place."

After Fulton Mall was opened in 1964, I participated in a meeting of the top business and government leaders in the mezzanine conference room of the Fresno Hilton Hotel. The purpose of the meeting was to discuss downtown and the Mall with Gruen's chief of staff, Edgardo Contini. One of the questions put to Contini was when we would know that the Mall and other downtown changes had been a success. "Twenty-five years will be necessary before we have the answer," was his reply. We all continued to drink our coffee and think. At that time the Fresno General Plan, adopted in 1964, was based upon the policies of the Gruen Plan. The plan emphasized centralization and focused on downtown revitalization.

During the following decade the City Council undermined the policy of centralization by approving projects that promoted decentralization. I will cite two major examples. 1. The construction of Fashion Fair was authorized with the condition that the developer would build a major retail store downtown on Mariposa. After Fashion Fair was completed, the Council allowed the developer to renege on his promise. 2. An effort by the Redevelopment Agency, directed by Alan Kingston, to centralize regional medical facilities in the vicinity of Community Hospital had failed. St. Agnes Hospital, after refusing to participate in the medical center, launched its program to rebuild at Herndon Avenue and Millbrook. At first rejected by the City Council, the project became successful through the lobbying efforts of the institution's attorney and nearby land speculators. The City Council manipulated its zoning regulations to allow higher buildings in the area. This action was to change the direction of the political and physical environment of Northwest Fresno forever.

This ad hoc policy of decentralization was ratified in the 1974 Fresno General Plan. In the 1984 and 1994 updates of the General Plan, city officials continued to pursue a developer-and-land-speculator-driven policy of decentralization that produced Fresno's present urban sprawl. This policy led to the virtual abandonment of downtown as a major retail center.

Continuing suburban decentralization has led to construction of the River Park and Villagio shopping centers at the north end of the Blackstone corridor. More recently this same pattern is continuing in another direction, to the southeast, with the River-Park-scale Fancher Creek project.

Even as the City's proposed 2035 General Plan makes some effort to curtail decentralization, it is accompanied by a specious narrative focusing on the Fulton Mall as the prime cause of downtown decline rather than placing the blame where it belongs, on a succession of bad planning decisions and official neglect. Those failures cannot be undone by destroying the mall in the wrong-headed belief that downtown Fresno might become a four-county regional retail center. Long ago that ship sailed, and sank.

Fulton Mall is the scapegoat for decades of failures by Fresno government.

HAROLD TOKMAKIAN, PROFESSOR EMERITUS OF CITY AND REGIONAL PLANNING AT CALIFORNIA STATE UNIVERSITY, FRESNO, IS A FORMER FRESNO COUNTY PLANNING DIRECTOR, FRESNO CITY PLANNING COMMISSIONER, AND FRESNO COUNTY PLANNING COMMISSIONER.

Letter BB: Harold Tokmakian, Linda Zachritz, and Ray McKnight, January 13, 2014

Response to Comment BB-1

This comment argues that the Draft EIR is misleading the Council by "unjustifiably limit[ing] the City Council into believing that their options are limited to only two alternatives." The Draft EIR rejected "restoring and completing the Fresno Fulton Mall as a pedestrian mall" on the basis that it would not meet the Project's objectives related to providing multi-modal access options on the Mall and not maximizing sustainable development and economic productivity. (Draft EIR at Section 6.2.1.) The Draft EIR does not prevent the City Council, as a policy matter, from rejecting Option 1 or Option 2 and deciding to pursue the restoration of the Fulton Mall.

Response to Comment BB-2

This comment requests that the number of sculptures, other artwork, water features, and trees that will be removed be identified. Project Option 1 includes the temporary relocation and refurbishing of the 23 existing sculptures and return them as part of the project. This option also includes the refurbishing or rebuilding of 16 of the 21 existing fountains, and retention of 22 of the existing trees. Under Project Option 2, there will be the temporary relocation and refurbishing of the 23 existing sculptures. These sculptures will be returned as part of the project. This option also includes the refurbishing or rebuilding of 17 of the 21 existing fountains, and retention of 27 of the existing trees.

Response to Comment BB-3

This comment states that the reference to a Parks Director on page ES-8 of the Draft EIR is not correct. This reference is hereby revised to the Parks, After School, Recreation and Community Services (PARCS) Department.

This comment also identifies that the mitigation measures on page ES-8 and ES-9 for historical resources are insignificant. As concluded in the Draft EIR, the measures that are recommended will not reduce the impact on the historical resource to less than significant. Therefore, the impact on Fulton Mall was found to be significant and unavoidable.

Response to Comment BB-4

This comment asked how removing and relocating artwork within Fulton Mall would constitute a beneficial impact. The beneficial impact is related to the long-term change in the visual character of Fulton Mall. A discussion of this beneficial impact is provided in Section 4.1 of the Draft EIR.

Response to Comment BB-5

This comment suggests that Fulton Mall is a "Point Source" for air pollutants and permanent measures to monitor should be installed. With the proposed project, the mobile air emissions that would be generated from motor vehicles would not be considered point sources. Point sources includes emissions from stationary sources such as factories or manufacturing uses. The exhaust emissions from motor vehicles are known as mobile sources. The Draft EIR included an evaluation of

pollutants from mobile sources that would be generated in the Fulton Mall area by using CalEEMod and EMFAC models. An evaluation of toxic air contaminants is provided in Section 5.3.4 of the Draft EIR. This analysis identifies the potential for concentrations of toxic air contaminants and determines if these concentrations are considered significant. As discussed in Section 5.3.4 of the Draft EIR, three toxic air contaminants (Mobile Source Air Toxics, Naturally Occurring Asbestos, and Diesel Particulate Matter) were evaluated and determined that the impacts to sensitive receptors in the project area would be less than significant.

Response to Comment BB-6

This comment states that the Draft EIR does not provide evidence that sensitive receptors would not be exposed to substantial pollutant concentrations. Section 5.3.4 of the Draft EIR provides a discussion of the potential exposure of sensitive receptors to pollutant concentrations. Those sensitive to air pollutant concentrations include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. A sensitive receptor is considered to be a location where a sensitive individual could remain for 24 hours, such as residences, hospitals, or convalescent facilities. As discussed in Section 5.3.4 of the Draft EIR, there are three toxic air contaminants/hazardous air pollutants that are considered potentially applicable to the project. These contaminants include Mobile Source Air Toxics, Naturally Occurring Asbestos, and Diesel Particulate Matter. A discussion of each of these contaminants and the potential for these contaminants to result in impacts is discussed in the Draft EIR. The findings for each of the contaminants are that the concentrations would be less than significant, not a concern because the contaminant does not exist, or not substantial enough to be considered a health risk.

This comment also asks what the air contaminant effect is on biological resources. As discussed in Section 5.4.1, the project site does not provide suitable habitat for special-status species. The wildlife species that are identified by the commenter such as squirrels, rats, and other rodents are not considered sensitive wildlife species. The birds that could occur within the project site include common avian species that are not considered sensitive species. The existing Fulton Mall does not provide suitable habitat for sensitive wildlife species.

Response to Comment BB-7

This comment states that if the project does not induce substantial population growth, the project would not meet its objectives listed in Section 2.2 of the Draft EIR. Please see Response to Comment U-2 regarding the Fulton Mall Reconstruction project providing a catalyst for future growth. In addition, as discussed in Section 5.13.1, the proposed project would result in the indirect inducement of growth including population growth within the Fulton Mall area. This inducement would result in the reoccupation of previously vacated buildings adjacent to Fulton Mall. This reoccupation of existing vacant buildings would be consistent with the approved City land use plans, including the 2025 General Plan, and would not affect the regional population characteristics of the City. Therefore, the project would not result in a substantial inducement of population growth.

This comment also requests an evaluation of poverty levels and change in the existing ethnic fabric of the area. The implementation of a “complete street” within Fulton Mall will induce the

reoccupation of the existing vacant buildings; however, the correlation of changes in poverty levels or change in ethnicity due to the construction of a "complete street" is unfounded and there is no evidence that there would be a change in poverty or ethnicity. Additionally, social and economic impacts are not impacts for purposes of CEQA unless they result in changes to the physical environment. The commenter does not provide any evidence or basis to claim physical impacts from changes in poverty level or ethnic fabric of the area.

Response to Comment BB-8

This comment states that the Draft EIR did not recognize Fulton Mall as a passive recreational location. Please see Response to Comment T-2 regarding parks and Fulton Mall.

Response to Comment BB-9

This comment states that the evaluations within the Draft EIR represents piece-mealing. Please see Response to Comment T-8 regarding piece-mealing.

This commenter also argues that the City's application for TIGER grant funds and the Project which limit the project to allowing a roadway in the Fulton Mall are inconsistent with the General Plan.

As discussed in the Draft EIR at 5-113 to 5-114 the Project as proposed, which includes Plan amendments to the 2025 Fresno General Plan and the Central Area Community Plan, is consistent with the 2025 General Plan. As discussed, there are some policies in the 2025 General Plan and the Central Area Community Plan that support preserving the Fulton Mall as a pedestrian only facility. The Project proposes to amend those provisions. This is allowed by law because the City Council, as the policy maker for the City, can amend a general plan and community plan to adopt a new vision and policy for the City. Notwithstanding these proposed plan amendments, the Project is consistent with many of the most important goals, policies and objectives of the City's 2025 General Plan and the Central Area Community Plan. Interpretation of consistency with the policy goals is ultimately a decision by the City Council. However, City staff support and recommend that Council may find that the Project is consistent with the 2025 General Plan and the Central Area Community Plan as discussed below.

The Project is proposed with the identified objectives of the Project, and it is consistent with the following 2025 General Plan goals (which are implemented through a number of policies and objectives):

1. *Enhance the qualify of life for the citizens of Fresno and plan for the projected population within the moderately expanded Fresno urban boundary in a manner which will respect physical, environmental, fiscal, economic and social issues.*

   If the Objectives of the Project are met, it will revitalize the City's traditional main street in an area of the City with the highest density development. It will allow mixed uses of retail, commercial, office and residential in the largest job center in the City, as well as a future transportation hub for the region. This will help create a vibrant downtown with

an active day and nighttime use that will enhance the quality of life for the citizens of Fresno.

3. *Preserve and revitalize neighborhoods, the downtown, and historical resources.*

   The Project objectives will result in the revitalization of the City's historic main street and downtown area and should help make it economically feasible to restore, rehabilitate, and preserve the historically designated buildings in and around the Project Area. Additionally, as provided in the Draft EIR, and the administrative record, the Project will seek to preserve as many features of the current historic pedestrian mall landscape as feasible, including many of the water features, sculptures, trees, and concrete stamping.

4. *Promote a partnership among citizens, industry, and government, which fosters well-planned and efficiently processed development.*

   The City from the Project beginning (including the development of the Fulton Mall Corridor Specific Plan) through most recent design workshops, has worked in bringing the Project to the citizens and seeking citizen input through various meetings, presentations, notices and reports. This is evidenced, in part, by the dedicated website that the City has to the Fulton Mall, found at, http://www.fresno.gov/Government/DepartmentDirectory/DARM/DowntownCommunityRevitalization/DowntownRevitalization/fultonmall.htm (see Attachment C for a specific listing of documents at the website).

6. *Coordinate land uses and circulation systems to promote a viable and integrated multi-modal transportation network.*

   The principal objective of the Project is to improve the circulation system and provide a complete street in and around the Project area. This will allow pedestrian, bike, cars to travel through the densest development in the City on the historic main street of the City. The restoration of the traditional street grid in this area will improve access to the Project Area as well as the future bus rapid transit (BRT) hub and the State's first high-speed train station.

7. *Manage growth to balance Fresno's urban form while providing an adequate public service delivery system, which is fairly and equitably financed.*

   Achieving the goal of the Project to help make the Project area economically sustainable and vibrant will allow increased activity in a built-up area of the City with existing facilities. This type of redevelopment of a city's traditional center is one of the most economically and environmentally efficient way to provide public services.

8. *Provide opportunity for a variety of affordable housing throughout the Metropolitan Area.*

The downtown has already seen the development of low-income loft housing, as well as interest in additional residential development. If the buildings in and around the Fulton Mall see an increase of economic activity, that can help make development of residential even more attractive to investors and property owners. This can also create opportunities for reuse of existing buildings that allow affordable multi-tenant residential developments.

9. *Provide activity centers and intensity corridors within plan areas to create a mix of land uses and amenities to foster community identity and reduce travel.*

   The development in the Project area is the highest density development in the City. The project area already has a mix of land uses, and it allows development of a mix of commercial, office, and residential uses. If the objectives of the Project are met, it will allow a mix of land uses and amenities to foster an identity for not just the neighborhood of the Project area, but the entire City. Additionally, if the Project area becomes more economically viable and vacancies are reduced it can make residential development more attractive and allow people to work and live in the downtown area.

12. *Develop urban design strategies to improve Fresno's visual image and enhance its form and function.*

    The objectives of the Project to make the Project area more economically sustainable and increase economic productivity will allow investment to come in to improve the visual image of the Fulton Mall area, as well as the Downtown. Additionally, increased activity in the area by increasing visitors and users of the area will enhance the form and function of this currently blighted and economically depressed area.

13. *Plan for a healthy business and diversified employment environment, and provide adequate timely services to ensure that Fresno is competitive in the marketplace.*

    The objective of the Project to maximize sustainable development and economic productivity will help increase the number of businesses in and around the Project Area and increase the amount of economic activity in the Project Area. If the objectives are met, a virtuous economic cycle shall take place where more businesses means more visitors means more investment, which means businesses, which mean more visitors, etc. This will result in more employment opportunities in the Project area.

In addition to the above, for the reasons discussed above, the Project is consistent with the 2025 General Plan, including, but not limited to, the following policies and objectives, which implement the above goals:

C-2-c. Policy: Promote the Central Area Community Plan …to enhance its role as the focal point of regional government, entertainment, civic and business activities with supporting commercial uses and substantially increased residential opportunities to achieve a pleasing, vibrant, and active cosmopolitan environment. … Pursue all appropriate strategies to

stimulate new office, commercial, and residential development within the Central Area Community Plan including the new or innovative measures and funding sources to provide facilities and amenities necessary to attract a broad range of residents.

C-5. Objective: Improve the overall image, building appearance, landscape character, and spatial relationship of physical elements in the Central Plan Area to provide a unique, high-quality urban environment.

C-5-e. Policy: Provide and maintain an urban image which creates a "sense of place" for Fresno's Central Area and promotes a greater concentration of buildings and people.

C-7-k. Policy: Encourage the recycling of older buildings to meet the city's changing housing needs.

C-7-n. Policy: Encourage and facilitate residential/office/commercial mixed developments in the Civic Center and Central Trading Zone Districts. Residential uses should be encouraged in these areas to support their commercial activities.

C-8. Objective: Facilitate the development of mixed uses to blend residential, commercial and public land uses on one site.

C-15. Objective: Provide infill opportunities that will revitalize the built-up urban core communities and neighborhoods of Fresno, provide residential development for diverse population, and improve the overall quality of the urban environment.

C-16. Objective: Create a more efficient, economical, and livable urban form by concentrating development within the older, built-up core communities and neighborhoods where determined appropriate to implement intensity corridors and activity centers and by focusing resources in order to achieve specifically identified urban core community revitalization performance measures.

C-17. Objective: Encourage and facilitate urban infill by building and upgrading community and neighborhood public infrastructure and services that will enhance public health and convenience and the overall experience and quality of city living.

C-18. Objective. Enhance the visual image of all "gateway" routes entering the Fresno metropolitan area.

C-22. Objective: The city will focus efforts on maintaining and improving area health, safety, quality of life, image, and attractiveness through programs which prevent and abate blighting influences.

D-1-b. Policy: Create conditions conducive to attract, retain and expand businesses. …

D-1-g. Develop, maintain, and support transportation, communications, public service, energy, water, and waste disposal systems that meet the needs of businesses. …

The Project is also consistent with the Central Area Community Plan including, but not limited to, the following goals, objectives, and policies:

Residential Policy 5: Attract and generate new residential investment and development options in the Central Area.

Commercial Goal: Improve the overall structure, diversity and vitality of the Central Area businesses to provide a unique, urban retail and service center with a broad range of goods and services.

Commercial Policy 1: Reinforce existing retail, service and office activities within the Central Area.

Commercial Policy 3: Promote the diversity and the unique character of retail and service uses within the Central Area commercial districts.

Transportation 2-1: Develop a circulation system that links major activity centers to minimize traffic confusion and facilitate traffic flow. …

Infrastructure Policy 1: The City of Fresno and other public agencies that are responsible for provision of the streets, sewer, water and storm drainage components of the Central Area's infrastructure system shall maintain, complete and improve the public infrastructure systems.

Historic Preservation Goal: Promote Fresno's heritage through preservation and restoration of historically and architecturally significant structures and districts in the Central Area.

Historic Preservation Policy 3: Develop proactive economic and development entitlement incentives for the preservation, rehabilitation, and/or relocation of historic structures within the Central Area.

Cultural and Entertainment Goal: Promote, secure and enhance the Central Area as the urban-oriented cultural and entertainment center for the central San Joaquin Valley.

Public Safety Policy 2: Encourage the development of "safe environments" in the design of residential and business projects.

Public 2-1: Encourage the use of urban design features which apply the principles of defensible space in developments.

Public Safety Goal: Establish an environment within the Central Area that provides the highest possible degree of security in which to live, work, shop and socialize.

Urban Design Goal: Improve the overall image, building and landscape character, and physical and spatial relationships of the Central Area to provide a unique, high-quality urban environment.

Urban Design Policy 1: Provide and maintain an urban image which creates a "sense of place" for the Central Area.

Urb 1-1: Preserve and maintain those buildings or structures which enhance the overall form and character of the Central Area skyline.

Urban Design Policy 2: Promote a greater concentration of buildings and people in the Central Area.

Urban Design Policy 7: Preserve, promote, procure and strategically locate landmarks, monuments and artwork that provide orientation and represent Fresno's cultural heritage and artistic values.

Economic Development Policy 2: City of Fresno shall provide a consistent and positive climate for economic development in the Central Area.

Economic Development Policy 4: Support and strengthen existing economic and development activities in the Central Area.

Additionally, the Project is consistent with the draft General Plan as currently proposed, including Policy UF-11, which calls for revitalization of Fulton Mall and the draft Downtown Neighborhoods Community Plan and draft Fulton Corridor Specific Plan, which also call for revitalization of the Fulton Mall. (Draft EIR at p. 5-114.)

Response to Comment BB-10

This comment states that the historical setting of downtown needs adequate citations. As discussed in Section 4.2.1, the discussion of aboveground historical resources includes information from the City of Fresno DNCP and FCSP Historical Resources Technical Report prepared in September 2013. Although the Draft EIR only provides a summary of the information provided in the technical report, the specific citations for the information is provided in the technical report that is located in Appendix 2 of the Draft EIR.

Response to Comment BB-11

This comment request an explanation of the term "mall-like pedestrian experience" provided in Section 2.3.1 of the Draft EIR. This term is used to describe the experience that a pedestrian could have along the sidewalk that has a 28-foot-wide promenade. The promenade would include artwork, water features, seating, and trees and would allow for walking and pedestrian-only seating, landscaping, and lighting. Since these features are similar to those in the existing Fulton Mall, those travelling along the promenade could have a "mall-like pedestrian experience."

Response to Comment BB-12

This comment request that the Draft EIR acknowledge that the central business district was visualized as the center of a regional and county trade center, and that Fulton Mall was established as a "landscape for living." These comments are noted; however, this information does not alter the conclusions that the implementation of Project Options 1 or 2 would result in a significant and unavoidable adverse impact to an historical resource, the Fulton Mall.

Response to Comment BB-13

This comment states that the Draft EIR is misleading because there was not a discussion of the effect of past funding decisions on the Gruen Plan. The purpose of CEQA is to evaluate the potential environmental impacts associated with a proposed project. The effects of past funding decisions is not required under CEQA. No further comment on the environmental conclusions of the Draft EIR was provided; therefore, no further response is required. (CEQA Guidelines, Section 15088.)

Response to Comment BB-14

This comment states that the analysis of alternatives is inadequate because other alternatives, including the Restoration and Completion alternative, were dismissed due to lack of funding. As discussed in Section 6.3, there were various alternatives that were considered, but rejected. These alternatives, including the Restoration and Completion Alterative were rejected due to (1) failure of the alternative to meet most of the basic project objectives, (2) infeasibility, or (3) inability to avoid significant environmental impacts. A discussion of each of the alternatives that were considered, but rejected is provided in Section 6.3.

This comment also infers that the other alternatives were rejected because no one looked for funding to implement these alternatives. Please see Response to Comment T-8 regarding City staff's pursuits of other available grants and monies, and staff's experience researching and pursuing other grant programs that would provide a comparable amount of funding or are available for related type projects.

Response to Comment BB-15

This comment states that the mitigation measures provided on page 4.2-25 of the Draft EIR are inadequate. Mitigation Measures HR-1 and HR-2 provide archival documentation and development of an interpretive program. The Draft EIR acknowledges that the implementation of these two mitigation measures would not reduce the potential impact on an historical resource, the Fulton Mall, to less than significant because there are no mitigation measures that would reduce impacts to less than significant for the removal of an historical resource. Therefore, the implementation of Project Options 1 or 2 would result in a significant and unavoidable historical resource impact.

Elliott Balch

From: Charity Whitney
Sent: Monday, January 13, 2014 1:49 PM
To: Elliott Balch
Subject: Fulton Mall EIR Comment

Mr. Balch:

I am writing to support Option 2 of the Fulton Mall Project. This option retains the most art and architectural work of the 1964 design, while also returning the mall to its historical import as the main street of downtown Fresno.

Under either option returning traffic to Fulton Mall (option 1 or 2), I would like to see more of the existing trees preserved rather than replaced. While many trees will need to be replaced because of poor health and maintenance, currently option 1 calls for preserving approximately 3 trees and option 2 would preserve approximately 30. According to the Tree Assessment (in the Alternative Analysis Report, pg. 275-283 http://www.fresno.gov/NR/rdonlyres/E74E6B88-33E5-4191-A4CA-44E6F57D6C79/0/AA_Report_Final_sm.pdf), about 107 trees are rated either moderately or highly suitable for preservation. Of these, more than 70 were rated in excellent (5) or near excellent (4) condition on a scale of 1-5. Yet more than half of those trees would be lost under the current proposed Option 2, and nearly all of them lost under Option 1. Even under Option 2, many of the existing trees are proposed to be removed and replaced by new trees in the exact same location. I would like to see as many as possible of these existing 70+ trees retained in rather than having them removed simply to be replaced. CC-1

Thank you for your time. Opening Fulton Mall is an excellent project which is vital to our city's future.

Charity Whitney

Letter CC: Charity Whitney, January 13, 2014

Response to Comment CC-1

This comment is in support of Project Option 2. This comment also states that that as many trees as possible should be retained and not removed. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Michelle Downer [mdowner@ymail.com]
Sent: Monday, January 13, 2014 6:08 PM
To: Elliott Balch
Subject: Fw: Fulton Mall Reconstruction Project

Hi Elliott,

Just an FYI that I emailed Councilmember Baines today regarding the Fulton Mall Reconstruction Project - see below. Thought I'd let you know for your records.

Best,
Michelle Downer

On Monday, January 13, 2014 9:17 AM, Michelle Downer <mdowner@ymail.com> wrote:
Dear Councilmember Baines:

I've noted the public comment period for the Fulton Mall Reconstruction Project is closing soon. As a resident in your district in downtown Fresno, I am excited to support Option 1 of the project.

This project is essential to the prosperity and future success of downtown and the entire City of Fresno. I hope you join me in supporting Option 1 and moving this project forward as soon as possible. DD-1

A strong downtown is necessary for a strong, competitive economy. Downtown Fresno should be the hub of commerce, arts, culture, employment, entertainment, dining, creativity, density, architecture, and the identity for the City. Having secured a $16 million TIGER grant from the United States Federal Government, the City of Fresno has the perfect opportunity to make this happen. Plus, this money can ONLY be used for this project, restoring Fulton to a street.

Thank you,
Michelle Downer
2890 Huntington Blvd. #150
Fresno, CA 93721
mdowner@ymail.com

Letter DD: Michele Downer, January 13, 2014

Response to Comment DD-1

This comment is in support of Project Option 1. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Scott Anderson [scott@penstargroup.com]
Sent: Monday, January 13, 2014 5:31 PM
To: Elliott Balch
Cc: Tom Richards
Subject: Fulton Mall EIR - Bank of Italy Building
Attachments: Bank of Italy - Tulare & Fulton Streets - Circa 1919.pdf

The Greek word for 'return' is nostos. Algos means 'suffering'. So nostalgia is the suffering caused by an unappeased yearning to return."

-

Milan Kundera

Mr. Balch,

This e-mail is being forwarded in response to the City's Draft EIR being prepared for the Fulton Mall Reconstruction Project.

As owners of the Bank of Italy building located at 1001 Fulton Mall, Fresno, CA 93721, we are in full support of Option 2 : Reconnect the Grid with Vignettes. We are also in support of "Option 1: Reconnect the Grid on Traditional Streets" as this option, economically, appears to provide the most cost effective approach from a construction and long-term maintenance cost perspective, while also creating the greatest return on the City's investment.

Fresnans have long debated the fate of the Fulton Mall. The mall's historic significance is unquestionable, however what is the value of having a historic asset that remains underutilized, underappreciated, and dilapidated? Case in point, the Bank of Italy building. This building beautifully embodies its historic era and demonstrates all of the grandeur and attention to detail associated with that time. But, the fact remains, this historic landmark has remained vacant almost forty years since 1975 when Bank of America, the building's last tenant, moved out. Since that time, the building has fallen victim to an array of ownership groups, vandals, and thieves, not to mention Mother Nature. EE-1

As you know, since taking ownership of this historic flagship Fresno icon, we have been aggressively marketing the building to perspective tenants. Two main deterrents to our efforts involve visibility and accessibility. The facts remain and are well documented in studies done by both the Urban Land Institute (ULI) and International Council of Shopping Centers (ICSC), that today's retailers demand visibility for their stores and accessibility for their customers. If a retailer does not have the benefit of convenient direct store front patron and vehicular traffic, their success is extremely challenged if not doomed. Further, many national tenants have done in depth research on the correlation between vehicular parking and in-store sales, and base their business models for store placement on this research. To that end, key components to revitalizing and breathing new life into downtown and buildings such as the Bank of Italy involve people and traffic. Visibility and the convenience of accessibility breed traffic. This is why modern retail shopping malls are constructed with large accessible parking fields. The Fulton Mall, with an array of historic buildings lining its' streets, has the potential to provide a far more unique shopping/dining experience than the typical shopping mall, but without

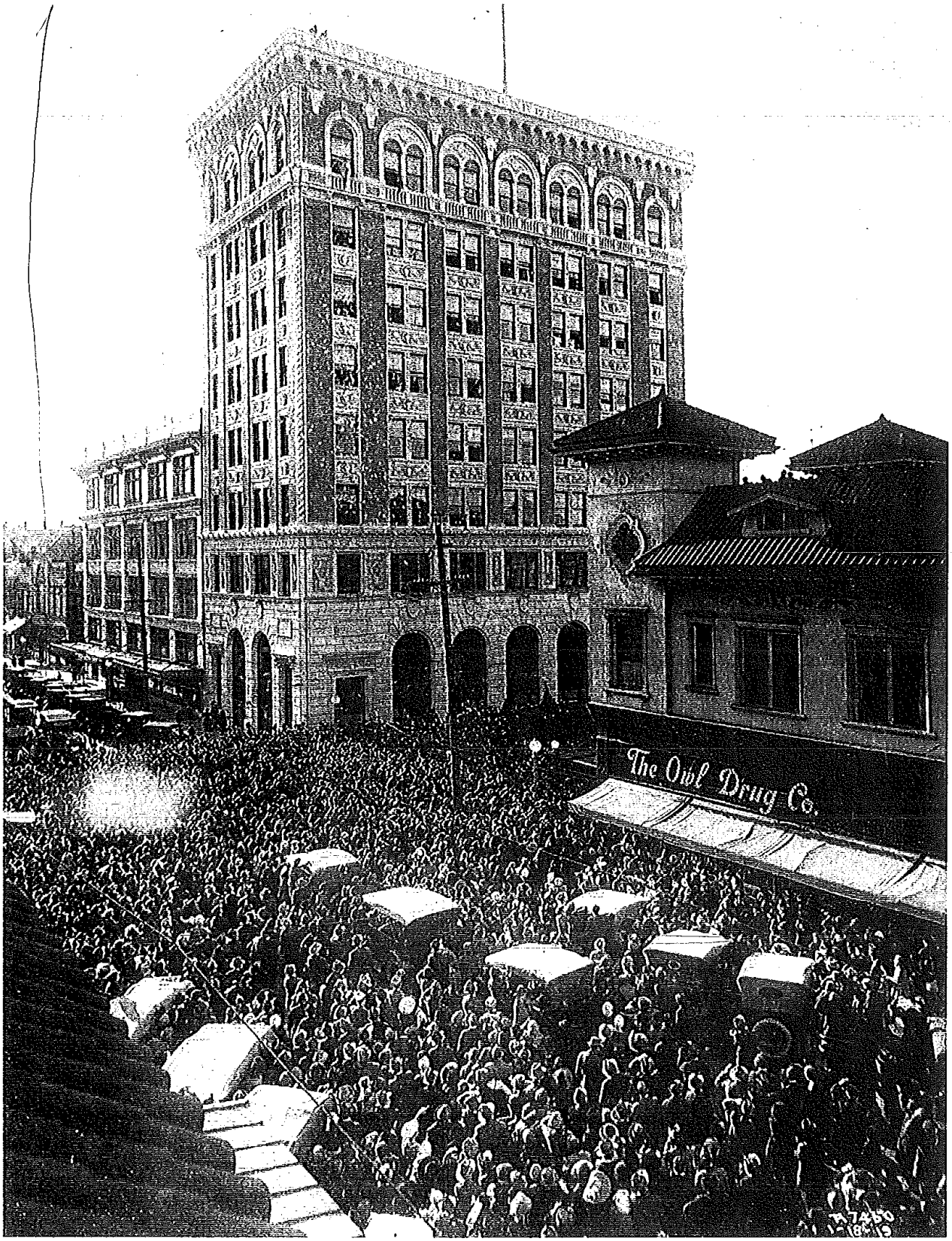
conveniences such as vehicular accessibility and store-front parking required by today's patrons, I fear that the Fulton Mall will remain doomed.

EE-1 (cont)

As you are aware, our company is deeply rooted in the Fresno market. Our owner, company principals, employees, and our families all reside here. We have focused much of our development efforts in recent years on the revitalization of the downtown core. We believe a vibrant central business district (CBD) is critical to the long-term health of this community's economic viability. Some would prefer to return to the mindset associated with the experiment created in 1964 and leave the Fulton Mall in its current condition. However, history is a great educator. It has the ability to teach us right from wrong, good from bad. Thus, if the goal is to create a successful CBD with the Fulton Mall at its core, it is imperative that the Fulton Mall be re-opened to vehicular traffic as it was prior to 1964 when Fresno's CBD once thrived (see attached photo circa 1919).

Thank you,

Scott J. Anderson
The Penstar Group
855 M Street, Suite 1110
Fresno, CA 93721
(559) 268-6090
(559) 268-6030 Fax
scott@penstargroup.com


The Owl Drug Co.

Letter EE: Scott Anderson, January 13, 2014

Response to Comment EE-1

This comment is in support of Project Options 1 and 2. No specific comment on the environmental conclusions of the Draft EIR was provided; therefore, no response is required. (CEQA Guidelines, Section 15088.)

Elliott Balch

From: Angel Lor [Angel.Lor@valleyair.org]
Sent: Tuesday, January 14, 2014 4:41 PM
To: Elliott Balch
Subject: Additional Information for DEIR Fulton Mall Reconstruction Project

Hi Elliott,

In addition to the comments that were e-mailed yesterday in regards to the Draft Environmental Impact Report (DEIR) for the Fulton Mall Reconstruction Project, please accept the following additional information:

The San Joaquin Valley Air Pollution Control District (District) has previously provided comments regarding the applicability of Rule 9510 (Indirect Source Review) to the Fulton Mall Reconstruction Project and appreciates that the DEIR reflects the comments provided. In any case, Rule 9510 is a regulatory rule that applies to development and transportation or transit projects that meet any of the applicability criteria of the rule. FF-1

The District agrees with the statement made in the DEIR that the Fulton Mall Reconstruction Project is subject to Rule 9510 and that an Air Impact Assessment (AIA) application must be submitted to begin rule compliance (page 5-22).

As stated in prior comment letters, an Air Impact Assessment (AIA) application is to be submitted to the District no later than receiving final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If the approval of the Draft EIR constitutes last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of applicable fees be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: http:www.valleyair.org/ISR/ISRHome.htm

Regards,

Angel Lor
Air Quality Specialist
San Joaquin Valley Air Pollution Control District
1990 E. Gettysburg Avenue
Fresno, CA 93726
(559) 230-5808
www.valleyair.org

HEALTHY AIR LIVING™
www.healthyairliving.com
Make one change for clean air!

Letter FF: Angel Lor, San Joaquin Valley Air Pollution control District, January 14, 2014

Response to Comment FF-1

This comment states that an Air Impact Assessment (AIA) application is to be submitted no later than receiving final discretionary approval and pay any applicable off-site mitigation fees before issuance of the first building permit. The City of Fresno discretionary actions associated with the project are listed in Section 2.4 of the Draft EIR. The actions are approvals needed prior to construction activities. The City will comply with the Air District requirements for an AIA and Rule 9510 Indirect Source Review.

SECTION 4: ERRATA

The following provides the corrections and additions to the sections of the Draft EIR. The corrections and additions are organized by page number. Additional text is shown in underline, and deleted text is shown in ~~strikethrough~~ format.

Page ES-4, Executive Summary

- Central Area Community Plan (CACP) Amendment - Amend the narrative and policies found ~~on pages 84 through 93 of~~ in the CACP related to keeping the Fulton Mall a pedestrian mall to provide for complete streets.

Page ES-8, Executive Summary

Mitigation Measure AES-1 on Draft EIR page ES-8 has been revised with update information.

MM AES-1. Trees that are removed shall be replaced with a new tree at a 1:1 ratio within the Fulton Mall right-of-way. Currently, the City is planning to replant approximately 132 new trees. The replacement trees shall be consistent with the landscape palette and design approved by the Parks, After School, Recreation and Community Services (PARCS) Department ~~Parks Director~~ and the Public Works Director.

Page ES-8, Executive Summary

Mitigation Measure AES-3 on Draft EIR page ES-8 has been revised with update information.

MM AES-3. The City shall replace approximately 70 trees within the Fulton Mall right-of-way. The replacement trees shall be consistent with the landscape palette and design approved by the Parks, After School, Recreation and Community Services (PARCS) Department ~~Parks Director~~ and the Public Works Director.

Page ES-19, Executive Summary

Mitigation Measure HWQ-1 on Draft EIR page ES-19 has been revised to reflect the Fresno Metropolitan Flood Control District as the reviewing and approval agency.

MM HWQ-1. Prior to the issuance of a grading permit, specific locations of relocated storm drain inlets within the existing malls shall be reviewed and approved by the Fresno Metropolitan Flood Control District prior to implementation ~~City of Fresno Public Works Department~~.

Page 2-1, Project Description

The third to last and the last Project Objectives listed under the Project Objectives heading on Draft EIR page 2-1 have been revised.

- Maximize sustainable development and economic productivity in conjunction with other downtown redevelopment projects while complying with the requirement to receive federal transportation grant funds ~~respecting, incorporating, and minimizing~~ to minimize harm to the historic site resulting from the project ~~Fulton Mall landscape and its contributing features~~

- Reconstruct Fulton Mall using funds and other sources, including grants, other than the City of Fresno General Fund ~~Secure funds for the reconstruction of Fulton Mall~~

Page 2-4, Project Description

- Central Area Community Plan (CACP) Amendment - Amend the narrative and policies found ~~on pages 84 through 93 of~~ in the CACP related to keeping the Fulton Mall a pedestrian mall to provide for complete streets.

Page 2-2, Project Description

The second sentence in the first paragraph under Section 2.3.2 on page 2-2 of the Draft EIR has been revised as follows:

> Approximately 162 on-street vehicle parking spaces would be reintroduced along the length of Fulton Mall (plus ~~28~~ 42 new spaces along cross streets), mid-block pedestrian crossings would be provided, and construction of streetscape improvements would optimize the streets for the new blend of travel modes.

Page 2-3, Project Description

The seventh sentence in the first paragraph under Section 2.3.2 on page 2-3 of the Draft EIR has been revised as follows:

> A total of 52 on-street vehicle parking spaces would be reintroduced along the length of Fulton Mall, plus ~~30~~ 44 new spaces along cross streets.

Page 4.1-3, Aesthetics

The first paragraph on Draft EIR page 4.1-3 has been revised with updated information.

> Implementation of Project Option 1 would temporarily remove the sculptures from Fulton Mall for refurbishing ~~rehabilitation~~ prior to grading activities. Sixteen ~~Three~~ of the 21 fountains that are located within Fulton would be refurbished or rebuilt and returned to the Fulton Mall area ~~along Kern Mall, west of Fulton, would remain~~. ~~The remaining 18 fountains would be removed.~~ There are 14 of the existing 21 ~~remaining 18~~ fountains that have not been operable for years because plaster is cracked, pumps and/or lighting are inoperable, and the fountains have become repositories for debris, discarded bits of food, and cigarette butts. Approximately 118 ~~151~~ of the 140 ~~154~~ trees as well as the planters, shrubs, and seating area would be removed during grading activities, and 22 ~~three~~ trees would remain. The most prominent visual alteration during grading activities would be the removal of the

existing mature trees. Currently, the trees within the Mall provide a visual relief as well as shade. The removal of the existing trees will result in a significant impact on the visual character of the Fulton Mall area.

Page 4.1-3, Aesthetics

The second paragraph on Draft EIR page 4.1-3 has been revised with updated information.

> Implementation of Project Option 2 would temporarily remove the sculptures from Fulton Mall for refurbishing ~~rehabilitation~~ prior to grading activities. Seventeen ~~Twelve~~ of the 21 existing fountains within Fulton Mall would be refurbished or rebuilt and returned to the Fulton Mall area ~~--nine in vignettes and three on Kern Mall, west of Fulton--would remain~~. ~~The remaining 9 fountains would be removed.~~ Although there are 14 fountains that have not been operable for years because plaster is cracked, pumps and/or lighting are inoperable, and the fountains have become repositories for debris, discarded bits of food, and cigarette butts, this Option would refurbish/rehabilitate 17 ~~five~~ of the ~~currently inoperable~~ fountains. Approximately 113 ~~124~~ of the 140 ~~154~~ trees as well as the planters, shrubs, and seating area would be removed during grading activities, and 27 ~~30~~ trees would remain. The most prominent visual alteration during grading activities would be the removal of the existing mature trees. Currently, the trees within the Mall provide a visual relief as well as shade. The removal of the existing trees will result in a significant impact on the visual character of the Fulton Mall area.

Page 4.1-4, Aesthetics

Mitigation Measure AES-1 on Draft EIR page 4.1-4 has been revised with update information.

> **MM AES-1.** Trees that are removed shall be replaced with a new tree at a 1:1 ratio within the Fulton Mall right-of- way. Currently, the City is planning to replant approximately 132 new trees. The replacement trees shall be consistent with the landscape palette and design approved by the Parks, After School, Recreation and Community Services (PARCS) Department ~~Parks Director~~ and the Public Works Director.

Page 4.1-4, Aesthetics

Mitigation Measure AES-3 on Draft EIR page 4.1-4 has been revised with update information.

> **MM AES-3.** The City shall replace approximately 70 trees within the Fulton Mall right-of-way. The replacement trees shall be consistent with the landscape palette and design approved by the Parks, After School, Recreation and Community Services (PARCS) Department ~~Parks Director~~ and the Public Works Director.

Page 4.2-4, Historical Resources

The first sentence of the first paragraph on Draft EIR page 4.2-4 has been revised with updated information.

Major commercial buildings constructed in the central business district during this period include the Hotel Fresno (1912); Rowell Building (1912); Gottschalk's Department Store(1914); Helm Building (1914); the Bank of Italy Building (1917); Liberty Theater (1917); The Mason Building (1918); the Hotel Virginia (1920); the Mattei Building (1920); the T.W. Patterson Building (1922); the San Joaquin Light & Power Company building, Pacific Southwest Building and Hotel Californian (all 1923); the Radin-Kamp Department Store (1924); the Wilson Theater(1926); and the Pantages Theater (1928).

Page 4.2-12, Historical Resources

The first sentence of the third full paragraph on Draft EIR page 4.2-12 has been revised with updated information.

Other major public sector projects include the new Fresno City Hall, which was dedicated in 1991 ~~1999~~.

Page 4.2-13, Historical Resources

The fourth sentence of the first full paragraph on Draft EIR page 4.2-13 has been revised with updated information.

Three of the 54 resources are currently listed or designated as a historic resource on the National or California Register, 9 ~~13~~ of the 54 resources are eligible or appear to be eligible for listing or designation on the National or California Register, and 38 of the 54 resources were found to be not eligible for listing or designation on the National or California Register. 13 or the 54 resources are currently listed or eligible or appear eligible for listing as a local historical resource.

Page 4.2-16, Historical Resources

Draft EIR Table 4.2-1, Resources Evaluated for Historic Determination, is revised to add the following local historical resource.

Name	Address/Location	OHP Status Code	NRHP/CRHR Status
Rowell Building	n/a	5S1	Local-Listed

Page 4.2-22, Historical Resources

The fourth sentence of the fourth paragraph on Draft EIR page 4.2-22 has been revised with updated information.

This option also includes removing approximately 113 ~~224~~ trees, retaining approximately 27 ~~30~~ trees, and planting approximately 70 ~~224~~ trees.

Page 5-12, Effects Found Not To Be Significant

The second sentence of the sixth paragraph on Draft EIR page 5-12 has been revised with updated information.

> The Air Basin consists of Kings, Madera, San Joaquin, Merced, Stanislaus, Tulare, and Fresno counties; as well as a portion of Kern County.

Page 5-14, Effects Found Not To Be Significant

The second sentence of the sixth paragraph on Draft EIR page 5-14 has been revised with updated information.

> The 2008 emissions inventory for the Fresno County portion of the Air Basin is available in ARB's 2009 Almanac Emission Projection Data. In the Project area, mobile emissions are the primary source of local pollution, accounting for approximately 63 percent of CO, 79 percent of oxides of nitrogen (NOX), and 21 percent of reactive organic gases (ROG). For PM10 and PM2.5, the majority of emissions are generated by area sources. In addition, mobile source emissions also have a large impact on PM2.5 concentrations in the Valley. Table 5-1 summarizes the estimated 2008 emissions for the main pollutants of concern in the area.

Page 5-21, Effects Found Not To Be Significant

The first sentence of the second paragraph on Draft EIR page 5-21 has been revised with updated information.

> The 2007 Ozone Plan contains measures to reduce ozone ~~and particulate matter~~ precursor emissions to bring the Basin into attainment with the federal 8-hour ozone standard.

Page 5-24, Effects Found Not To Be Significant

The second sentence of the third paragraph on Draft EIR page 5-24 has been revised with updated information.

> Because the area exceeds these health-based ambient air quality standards, ozone, and $PM_{2.5}$ are ~~is~~ the main criteria pollutants of concern for the Project area.

Page 5-32, Effects Found Not To Be Significant

The first sub-bullet under the Demolition bullet/heading on Draft EIR page 5-32 has been revised with updated information.

- Mariposa Mall demolition would result in 25,335 cubic feet ~~yards~~ (1,900 tons) of materials removed; 18 tons per truck at 8 miles per one-way trip for a total of 1,696 materials hauling truck miles.

Page 5-34, Effects Found Not To Be Significant

The top heading in Table 5-10, Annual Construction Emissions (Option 1), on Draft EIR page 5-34 has been updated to state "year" instead of "day."

Activity	Emissions (tons per year ~~day~~)			
	ROG	NO_X	PM_{10}	$PM_{2.5}$

Page 5-37, Effects Found Not To Be Significant

The top heading in Table 5-13, Annual Construction Emissions (Option 2), on Draft EIR page 5-37 has been updated to state "year" instead of "day."

Activity	Emissions (tons per year ~~day~~)			
	ROG	NO_X	PM_{10}	$PM_{2.5}$

Page 5-96, Effects Found Not To Be Significant

Mitigation Measure HWQ-1 on Draft EIR page 5-96 has been revised to reflect the Fresno Metropolitan Flood Control District as the reviewing and approval agency.

MM HWQ-1. Prior to the issuance of a grading permit, specific locations of relocated storm drain inlets within the existing malls shall be reviewed and approved by the Fresno Metropolitan Flood Control District prior to implementation ~~City of Fresno Public Works Department~~.

Pages 5-113 through 5-114, Land Use and Planning

City of Fresno 2025 General Plan

The proposed project has been evaluated for its consistency with the 2025 Fresno General Plan goals and policies because the 2025 General Plan is the currently adopted plan for the City. Options 1 and 2 propose local streets within the rights-of-way of Fulton Mall between Tuolumne Street and Inyo Street. The proposed local streets are not consistent with Policy E-1-a of the Public Facilities Element because this policy includes a reference to the 2025 General Plan Circulation Element Map which does not identify the rights-of-way within Fulton Mall as local streets. The implementation of Options 1 and 2 includes an amendment to the 2025 General Plan Circulation Element Map to reclassify the rights-of-way within Fulton Mall between Tuolumne Street and Inyo Street to local streets. With the reclassification of the rights-of-way within Fulton Mall, Options 1 and 2 would be consistent with Policy E-1-a of the Public Facilities Element.

Policy E-1-f discusses the LOS D policy for roadways. The implementation of Options 1 and 2 will result in the redistribution of existing traffic. Under the existing plus project scenario,

the surrounding intersections would operate at LOS D or better after the redistribution of existing traffic volumes. Therefore, the implementation of the project under Option 1 would not impact Policy E-1-f.

Policy E-2-h includes the limitation of driveway access points on all major streets. The Fulton Mall rights-of-way are not designated as a major street on the City's Circulation Element Map. However, the proposed project would result in the re-classification of the Fulton Mall as a local street. Options 1 and 2 does not include the addition of driveway access points on the proposed streets, and therefore, both of these Options would be consistent with Policy E-2-h.

The Project has also been found consistent with the 2025 General Plan goals:

1. Enhance the quality of life for the citizens of Fresno and plan for the projected population within the moderately expanded Fresno urban boundary in a manner which will respect physical, environmental, fiscal, economic and social issues.

> If the Objectives of the Project are met it will revitalize the City's traditional main street in an area of the City with the highest density development. It will allow mixed uses of retail, commercial, office and residential in the largest job center in the City, as well as a future transportation hub for the region. This will help create a vibrant downtown with an active day and nighttime use, that will enhance the quality of life for the citizens of Fresno.

3. Preserve and revitalize neighborhoods, the downtown, and historical resources.

> The Project objectives will result in the revitalization of the City's historic main street and downtown area and should help make it economically feasible to restore, rehabilitate and preserve the historically designated buildings in and around the Project Area. Additionally, as provided in the Draft EIR, and the administrative record, the Project will seek to preserve as many features of the current historic pedestrian mall landscape as feasible, including many of the water features, sculptures, trees and concrete stamping.

4. Promote a partnership among citizens, industry, and government which fosters well-planned and efficiently processed development.

> The City from the Project beginning (including the development of the Fulton Mall Corridor Specific Plan) through most recent design workshops, has worked in bringing the Project to the citizens and seeking citizen input through various meetings, presentations, notices and reports. This is evidenced, in part, by the dedicated website that the City has to the Fulton Mall, found at, www.fresno.gov/fultonmall

6. Coordinate land uses and circulation systems to promote a viable and integrated multi-modal transportation network.

> The principal objective of the Project is to improve the circulation system and provide a complete street in and around the Project area. This will allow pedestrian,

bike, cars to travel through the densest development in the City on the historic main street of the City. The restoration of the traditional street grid in this area will improve access to the Project Area as well as the future BRT hub and the State's first high-speed train station.

7. Manage growth to balance Fresno's urban form while providing an adequate public service delivery system, which is fairly and equitably financed.

Achieving the goal of the Project to help make the Project area economically sustainable and vibrant will allow increased activity in a built-up area of the City with existing facilities. This type of redevelopment of a city's traditional center is one of the most economically and environmentally efficient way to provide public services.

8. Provide opportunity for a variety of affordable housing throughout the Metropolitan Area.

The downtown has already seen the development of low-income loft housing, as well as interest in additional residential development. If the buildings in and around the Fulton Mall see an increase of economic activity, that can help make development of residential even more attractive to investors and property owners. This can also create opportunities for reuse of existing buildings that allow affordable multi-tenant residential developments.

9. Provide activity centers and intensity corridors within plan areas to create a mix of land uses and amenities to foster community identity and reduce travel.

The development in the Project area is the highest density development in the City. The project area already has a mix of land uses, and it allows development of a mix of commercial, office and residential uses. If the objectives of the Project are met, it will allow a mix of land uses and amenities to foster an identity for not just the neighborhood of the Project area, but the entire City. Additionally, if the Project area becomes more economically viable and vacancies are reduced it can make residential development more attractive and allow people to work and live in the downtown area.

12. Develop urban design strategies to improve Fresno's visual image and enhance its form and function.

The objectives of the Project to make the Project area more economically sustainable and increase economic productivity will allow investment to come in to improve the visual image of the Fulton Mall area, as well as the Downtown. Additionally, increased activity in the area by increasing visitors and users of the area well enhance the form and function of this currently blighted and economically depressed area.

13. Plan for a healthy business and diversified employment environment, and provide adequate timely services to ensure that Fresno is competitive in the marketplace.

The objective of the Project to maximize sustainable development and economic productivity will help increase the number of businesses in and around the Project Area and increase the amount of economic activity in the Project Area. If the objectives are met a virtuous economic cycle shall take place where more businesses

means more visitors means more investment which means more businesses which mean more visitors, etc. This will result in more employment opportunities in the Project area.

In addition to the above, the Project is consistent with the 2025 General Plan, including, but not limited to, the following policies and objectives, which implement the above goals:

C-2-c. Policy: Promote the Central Area Community Plan … to enhance its role as the focal point of regional government, entertainment, civic and business activities with supporting commercial uses and substantially increased residential opportunities to achieve a pleasing, vibrant and active cosmopolitan environment. … Pursue all appropriate strategies to stimulate new office, commercial, and residential development within the Central Area Community Plan including the new or innovative measures and funding sources to provide facilities and amenities necessary to attract a broad range of residents.

C-5. Objective: Improve the overall image, building appearance, landscape character, and spatial relationship of physical elements in the Central Plan Area to provide a unique, high-quality urban environment.

C-5-e. Policy: Provide and maintain an urban image which creates a "sense of place" for Fresno's Central Area and promotes a greater concentration of buildings and people.

C-7-k. Policy: Encourage the recycling of older buildings to meet the city's changing housing needs.

C-7-n. Policy: Encourage and facilitate residential/office/commercial mixed developments in the Civic Center and Central Trading Zone Districts. Residential uses should be encouraged in these areas to support their commercial activities.

C-7-m Policy: Reinforce and enhance the vitality of the Central Trading District (C-4 zone) and Civic Center District (CC zone) as prime retail, professional/administrative office, education, entertainment/cultural and governmental activity districts.

C-8. Objective: Facilitate the development of mixed uses to blend residential, commercial and public land uses on one site.

C-15. Objective: Provide infill opportunities that will revitalize the built-up urban core communities and neighborhoods of Fresno, provide residential development for diverse population, and improve the overall quality of the urban environment.

C-16. Objective: Create a more efficient, economical, and livable urban form by concentrating development within the older, built-up core communities and neighborhoods where determined appropriate to implement intensity corridors and activity centers and by focusing resources in order to achieve specifically identified urban core community revitalization performance measures.

C-17. Objective: Encourage and facilitate urban infill by building and upgrading community and neighborhood public infrastructure and services that will enhance public health and convenience and the overall experience and quality of city living.

C-18. Objective. Enhance the visual image of all "gateway" routes entering the Fresno metropolitan area.

C-22. Objective: The city will focus efforts on maintaining and improving area health, safety, quality of life, image, and attractiveness through programs which prevent and abate blighting influences.

D-1-b. Policy: Create conditions conducive to attract, retain and expand businesses.
…

D-1-g. Develop, maintain, and support transportation, communications, public service, energy, water, and waste disposal systems that meet the needs of businesses. …

Pages 5-114 through 5-115, Land Use and Planning

Central Area Community Plan

The Fulton Mall District Goal included in the Central Area Community Plan identifies retention of Fulton Mall as a multifunctional, primarily pedestrian environment. The implementation of both Options 1 and 2 would not be consistent with the key premise of maintaining the mall as a pedestrian-only environment. The Fulton Mall District Goal also includes improvement of its physical condition and economic vitality. The implementation of Options 1 and 2 would indirectly increase the economic productivity of Fulton Mall, and therefore, would be consistent with this portion of the Goal. Options 1 and 2 include an amendment to the Fulton Mall District Goal in the Central Area Community Plan to reclassify the Fulton Mall from a pedestrian-oriented facility to a local street and to amend all policies, goals, and objectives in the community plan that are inconsistent with reintroducing vehicular traffic to the Fulton Mall.

With the reclassification of the rights-of-way within Fulton Mall, and the other proposed amendments to the Central Area Plan Options 1 and 2 would be consistent with the ~~Fulton Mall District Goal~~ Central Area Community Plan.

The plan amendments proposed with the Project intend to delete the Fulton Mall goal and policies from the Central Area Community Plan in Section 12.3. However, a review of many of the outcomes and goals expressed in the Fulton Mall policies are consistent with the objectives of the Project as discussed below:

Options 1 and 2 would improve vehicular circulation around and access within the Fulton Mall District, and as a result would be consistent with Fulton Mall District Policy 1. Both Options would also result in long-term improvement in the aesthetic appearance by removing the dirty, stained, and cracked pavement, the cracked and stained planters, and the inoperable fountains. The Options would include new pavement for the sidewalks, refurbish the sculptures, and provide new lighting systems. The improvements under Options 1 and 2 would improve the appearance of the Fulton Mall area and be consistent with Fulton Mall District Policy 4.

Options 1 and 2 would provide streets that would increase access to the area. This increase in access is anticipated to influence growth within the Fulton Mall District. This growth is anticipated to occur through the reoccupation of the ground floors of existing vacant buildings as vehicle access and parking become available. As a result, both Options would stimulate activity along the Fulton Mall network and would be consistent with Fulton Mall District Policy 5.

The enhancement of security, public convenience, easy access and orientation that are identified in Fulton Mall District Policy 6 are desired elements in the implementation of Options 1 and 2. The provision of streets under both Options would increase access and convenience to shop within Fulton Mall. The streets would also allow motorists improved orientation to specific destinations within Fulton Mall. Therefore, Options 1 and 2 would be consistent with Fulton Mall Policy 6. Fulton Mall District Policy 8 identifies the retention of Fulton Mall as an exciting, physically, and visually superior pedestrian environment. The introduction of streets under Options 1 and 2 would result in a shared environment between pedestrians and motorists, and would not be consistent with Fulton Mall District Policy 8. However, both Options 1 and 2 include an amendment to Fulton Mall District Policy 8 of the Central Area Community Plan to provide narrative changes to the Plan to reclassify the Mall from a pedestrian-only environment to a local street.

<u>Additionally, the Project is also found to be consistent with the following Central Area Community Plan goals, policies and objectives:</u>

<u>The Project is also consistent with the Central Area Community Plan including, but not limited to, the following goals, objectives and policies:</u>

> <u>Residential Policy 5: Attract and generate new residential investment and development options in the Central Area.</u>
>
> <u>Commercial Goal: Improve the overall structure, diversity and vitality of the Central Area businesses to provide a unique, urban retail and service center with a broad range of goods and services.</u>
>
> <u>Commercial Policy 1: Reinforce existing retail, service and office activities within the Central Area.</u>
>
> <u>Commercial Policy 3: Promote the diversity and the unique character of retail and service uses within the Central Area commercial districts.</u>
>
> <u>Transportation 2-1: Develop a circulation system that links major activity centers to minimize traffic confusion and facilitate traffic flow. …</u>
>
> <u>Infrastructure Policy 1: The City of Fresno and other public agencies that are responsible for provision of the streets, sewer, water and storm drainage components of the Central Area's infrastructure system shall maintain, complete and improve the public infrastructure systems.</u>

Historic Preservation Goal: Promote Fresno's heritage through preservation and restoration of historically and architecturally significant structures and districts in the Central Area.

Historic Preservation Policy 3: Develop proactive economic and development entitlement incentives for the preservation, rehabilitation, and/or relocation of historic structures within the Central Area.

Cultural and Entertainment Goal: Promote, secure and enhance the Central Area as the urban-oriented cultural and entertainment center for the central San Joaquin Valley.

Public Safety Policy 2: Encourage the development of "safe environments" in the design of residential and business projects.

Public 2-1: Encourage the use of urban design features which apply the principles of defensible space in developments.

Public Safety Goal: Establish an environment within the Central Area that provides the highest possible degree of security in which to live, work, shop and socialize.

Urban Design Goal: Improve the overall image, building and landscape character, and physical and spatial relationships of the Central Area to provide a unique, high-quality urban environment.

Urban Design Policy 1: Provide and maintain an urban image which creates a "sense of place" for the Central Area.

Urb 1-1: Preserve and maintain those buildings or structures which enhance the overall form and character of the Central Area skyline.

Urban Design Policy 2: Promote a greater concentration of buildings and people in the Central Area.

Urban Design Policy 7: Preserve, promote, procure and strategically locate landmarks, monuments and artwork that provide orientation and represent Fresno's cultural heritage and artistic values.

Economic Development Policy 2: City of Fresno shall provide a consistent and positive climate for economic development in the Central Area.

Economic Development Policy 4: Support and strengthen existing economic and development activities in the Central Area.

Pages 5-160 and 5-161, Effects Found Not To Be Significant

The last paragraph on Draft EIR page 5-161 (which carries over onto Draft EIR page 5-162) has been revised with updated information.

> This Option would result in the demand for water supplies for irrigating the proposed landscaping as well as maintaining fountains. However, this demand for irrigation and maintenance is expected to be less than the current demand because there will be five fewer fountains to maintain. The number of trees to irrigate under Option 1 is estimated to

be up to 14 more trees than the trees that exist within Fulton Mall. These additional trees would require a nominal increase in irrigation ~~the same number as the existing trees~~. Due to a reduction in water requirements for the fountains and an increase in the water requirements for trees under Option 1 compared to existing conditions, the existing water lines that are located in and adjacent to Fulton Mall are expected to ~~will~~ be adequate to convey water to the proposed landscaping and fountains. No new water lines will be required as part of Option 1. Therefore, Option 1 would result in less than significant ~~no~~ impacts to existing water facilities.

Page 5-162, Effects Found Not To Be Significant

The second paragraph on Draft EIR page 5-162 has been revised with updated information.

Although cumulative impacts on water facilities may be significant, the implementation of Option 1 ~~or 2~~ would nominally ~~not directly~~ increase the existing demand for water and this nominal increase represents a less than cumulatively considerable contribution to cumulative impacts on existing water facilities. The implementation of Option 2 would not increase the existing demand for water. Therefore, Option 2 would not contribute to potentially significant cumulative impacts on existing water facilities. ~~; t~~Therefore, Option 1 or 2 would not considerably contribute to the potential significant cumulative impacts on existing water facilities projected with the implementation of future Downtown Fresno growth anticipated through the year 2035. Therefore, the implementation of Option 1 ~~or 2~~ would result in less than significant ~~no~~ cumulative impacts on existing water facilities, and Option 2 would result in no cumulative impacts on existing water facilities.

Page 6-3, Alternatives

The sixth sentence of the third paragraph under the heading 6.2.1 on Draft EIR page 6-3 has been revised with updated information.

In comparison to Project Options 1 and 2, this Alternative would result in greater ground floor vacancies (approximately 5 to 11 percent more vacancies) and less annual gross retail sales (approximately $6.3 ~~17.2~~ million to $26.6~~40.9~~ million less annual gross retail sales).

Page 6-7, Alternatives

The sixth sentence of the second paragraph under heading 6.2.7 on Draft EIR page 6-7 has been revised with updated information.

In comparison to Project Options 1 and 2, this Alternative would result in greater ground floor vacancies (approximately 5 to 11 percent more vacancies) and less annual gross retail sales (approximately $5.6~~6.5~~ million to $25.9~~40.2~~ million less annual gross retail sales).

Page 6-8, Alternatives

The second paragraph under heading 6.2.8 on Draft EIR page 6-8 has been revised with updated information.

This Alternative would increase mobility within the Mall area and would increase access to the Mall storefronts. In addition, this Alternative would add on-street vehicle parking spaces along the length of the Fulton Mall and cross streets. This Alternative would provide for multi-modal access options on the Mall and its cross streets. With the addition of a one-way street through the Fulton alignment, the visibility of the businesses, offices, and other amenities in the Fulton Mall would be improved. Although this Alternative was not specifically evaluated in the Economic Impact Analysis prepared for the Fulton Mall Alternative Plans, this Alternative is expected to result in the same economic effects as Project Option 1 evaluated in the Economic Impact Analysis prepared in 2011. This analysis included 252 on-street parking spaces along Fulton and 117 parking spaces along the cross streets. Parking spaces have reduced under both Project Options 1 and 2 due to a greater level of design. A reduction in parking spaces results in less annual gross retail sales as previously identified for both Project Objectives. Ground floor vacancies would be reduced from 26 percent to 9 percent and would increase annual gross retail sales by $~~47~~32.7 million as shown in the updated economic impact analysis prepared in 2013. ~~Similar to Project Option 1, t~~This Alternative could maximize sustainable development and economic productivity in conjunction with other downtown redevelopment projects while complying with the requirement to receive federal transportation grant funds to minimize harm to the historic site resulting from the Project. This Alternative would provide greater public use of the Mall compared to existing conditions. The current federal grants secured by the City for the Fulton Mall Reconstruction Project would not qualify for use by this Alternative because this Alternative does not provide for a complete street. Transportation projects throughout the City each year have been funded through federal, State, and local funds and no direct funds from the City of Fresno General Fund because the City does not allocate General Fund monies for transportation projects within the City. At this time, City staff is unaware of funding sources that are available to fund this Alternative, and there is no reasonable expectation to obtain funding for this Alternative. Furthermore, the use of the existing pavement does not comply with City roadway design standards. The continual use of the Mall pavement for automobiles may result in cracks in the Mall pavement and could result in roadway surface safety issues.

Page 6-16, Alternatives

The first paragraph on Draft EIR page 6-16 has been revised with updated information.

In comparison to Project Options 1 and 2, this Alternative would result in greater ground floor vacancies (approximately 5 to 11 percent more vacancies) and less annual gross retail sales (approximately $~~16.5~~5.6 million to $~~40.2~~25.9 million less annual gross retail sales). This Alternative would not maximize sustainable development and economic productivity in conjunction with other downtown redevelopment projects while complying with the requirement to receive federal transportation grant funds to minimize harm to the historic site resulting from the Project. This Alternative would provide greater public use of the Mall compared to existing conditions; however, the long-term public use of the Mall may not be greater than Project Options 1 and 2. The current federal grants secured by the City for the

Fulton Mall Reconstruction Project would not qualify for use by this Alternative because the current federal grant is for a project with a complete street extending along Fulton between Inyo Street and Tuolumne Street. Transportation projects throughout the City each year have been funded through federal, State, and local funds and no direct funds from the City of Fresno General Fund because the City does not allocate General Fund monies for transportation projects within the City. At this time, City staff is unaware of funding sources that are available to fund this Alternative, and there is no reasonable expectation to obtain funding for this Alternative.

Page 6-19, Alternatives

The first paragraph on Draft EIR page 6-19 has been revised with updated information.

The current federal grants secured by the City for the Fulton Mall Reconstruction Project would not qualify for use by this Alternative~~.~~ because ~~T~~transportation projects throughout the City each year have been funded through federal, State, and local funds and no direct funds from the City of Fresno General Fund because the City does not allocate General Fund monies for transportation projects within the City.

Page 22, Appendix 4: Air Quality Report

Draft EIR Appendix 4's page 22 prior to heading Rules and Regulations has been revised with updated information.

SJVAPCD's 2013 Plan for the Revoked 1-Hour Ozone Standard
The SJVAPCD prepared and adopted the 2013 Plan for the Revoked 1-Hour Ozone Standard to replace the SJVAPCD's 2004 Extreme Ozone Attainment Demonstration Plan (EOAD Plan).

In 2004, the SJAVPCD adopted the 2004 EOAD Plan to address EPA's 1-hour ozone standard. However, since EPA revoked this standard in 2005, EPA did not act on this plan until 2010, when a court decision required EPA action. EPA's 2010 action approved the 2004 EOAD Plan, but subsequent litigation led to a court finding that EPA had not properly considered new information available since the SJVAPCD adopted the plan in 2004. EPA thus withdrew its plan approval in November 2012, and the SJVAPCD and ARB withdrew this plan from consideration. Therefore, the 2004 EOAD Plan is not a federally-approved plan.

The SJVAPCD's 2013 Plan for the Revoked 1-Hour Ozone Standard was approved by the SJVAPCD Governing Board on September 19, 2013. The modeling confirms that the Air Basin will attain the revoked 1-hour ozone standard by 2017.

Page 60, Appendix 4: Air Quality Report

Table 22, Operational Re-entrained Road Dust by Alternative, on page 60 of the Draft EIR Appendix 4 has been revised with update information.

Table 22: Operational Re-entrained Road Dust by Alternative

Year	Annual Tons PM10		
	Alternative 1 (Build Alternative)	Alternative 2 (Build Alternative)	Alternative 3 (No Project/No Build Alternative)
2010	~~0.00~~ 0.02	~~0.00~~ 0.02	0.00
2015	~~0.00~~ 0.02	~~0.00~~ 0.02	0.00
2035	~~0.00~~ 0.21	~~0.00~~ 0.21	0.00
Notes: Source: MBA 2013.			

Page 7, Appendix 8: Sole-Source Aquifer - Water Quality Assessment

Mitigation Measure HWQ-1 on Draft EIR Appendix 8's page 7 has been revised to reflect the Fresno Metropolitan Flood Control District as the reviewing and approval agency.

MM HWQ-1 Prior to the issuance of a grading permit, specific locations of relocated storm drain inlets within the existing malls shall be reviewed and approved by the Fresno Metropolitan Flood Control District prior to implementation ~~City of Fresno Public Works Department~~.

Attachment A:
Urban Decay Study and Updated Economic Impact Analysis

A.1 - Fulton Mall Urban Decay Study (Includes Economic Impact Analysis)

CITY OF FRESNO
2600 FRESNO STREET, FRESNO, CALIFORNIA 93721

FULTON MALL URBAN DECAY STUDY
FULTON CORRIDOR SPECIFIC PLAN

City of Fresno

July 16, 2012

TABLE OF CONTENTS

Introduction 1

Background & Proposed Options 3

History of the Fulton Mall 3

Development Options 5

Option 1: Reconnect the Grid on Traditional Streets 7

Option 2: Reconnect the Grid with Vignettes 8

Methodology 10

Findings & Analysis 11

Existing Conditions 11

High Vacancy Rates 11

Low Lease Rates 14

Low Retail Sales 15

High Crime Rate 17

Deteriorating Physical Conditions 20

Impact of Proposed Options 20

Case Studies of Other Pedestrian Malls Reopened to Traffic 20

Future Square Footage Demand 22
- Office 22
- Retail 26

Projected Absorption of Square Footage Demand 28
- Office 28
- Retail 30

Impact on Maintenance Costs 31

Conclusions 34

Appendix 1: Photographs of Vacant Buildings 36

Appendix 2: Photos of Recent Vandalism Along the Fulton Mall 56

Appendix 3: Photos of Deteriorating Mall Features 63

Appendix 4: Gibbs Planning Group Fulton Mall Alternative Plans Economic Impact Analysis 64

INTRODUCTION

The Fulton Mall (or "Mall") is an outdoor pedestrian mall located in the heart of Downtown Fresno. The Mall consists of six linear blocks of pedestrian rights-of-way bounded by Tuolumne Street to the north and Inyo Street to the south (see Figure 1). The Mall also includes some segments of Merced Street, Mariposa Street, and Kern Street that intersect the north/south portion. Fresno Street and Tulare Street run through the Mall with cross traffic, however the six blocks of pedestrian rights-of-way function as an integrated pedestrian mall[1]. This study examines a larger Study Area consisting of the six blocks of pedestrian rights-of-way bounded by Van Ness Avenue to the east, Inyo Street to the south, Broadway Street to the west, and Tuolumne Street to the north, as well as the adjacent buildings and structures (see Figure 1) as defined in the Fulton Corridor Specific Plan[2].

Once a vibrant shopping district, the Mall and its surrounding areas have deteriorated since opening in 1964 and suffer from various social and economic issues. The area has been a target for revitalization by the City of Fresno ("City") and the general community for several years. As part of this revitalization effort, the proposed Fulton Corridor Specific Plan ("Specific Plan") aims to provide a policy framework for the restoration of the Fulton Mall and surrounding area.

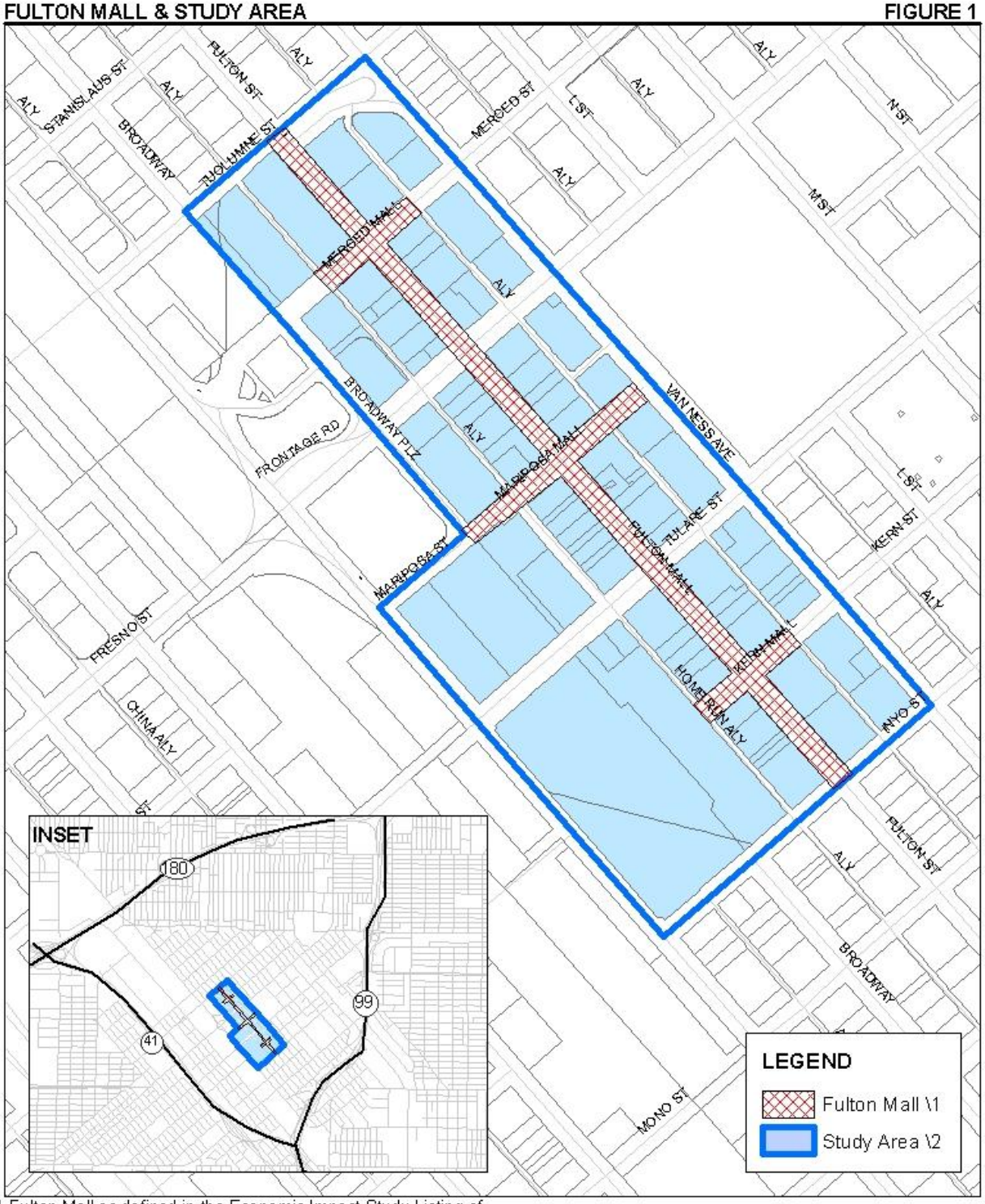
Chapter Four of the Specific Plan presents three options for making public improvements to the Fulton Mall:

1. *Reconnect the Grid on Traditional Streets.* Option 1 returns vehicular two-way traffic to the Mall. Fulton, Kern, Mariposa, and Merced Streets would be redesigned to include wide sidewalks and tree-lined parkways.
2. *Reconnect the Grid with Vignettes.* Option 2 returns vehicular two-way traffic to the Mall. Similar to Option 1, Fulton, Kern, Mariposa, and Merced Streets would be redesigned to include wide sidewalks and tree-lined parkways. The vignettes would be along Fulton Street and include the restoration of selected original Mall design elements in their original location.
3. *Restoration and Completion.* Option 3 maintains the physical configuration of the Fulton Mall as a pedestrian-only area.

This study assesses the probable effect each option would have on the physical condition of the Fulton Mall and adjacent buildings and structures ("Study Area", see Figure 1). This study has been prepared to meet certain requirements set forth by the California Environmental Quality Act ("CEQA"), specifically as they relate to urban decay. CEQA requires significant effects on the environment to be analyzed prior to the approval of a project that will cause a physical change in the environment. Pursuant to CEQA Guidelines Section 15064, both direct and reasonably foreseeable indirect physical changes must be evaluated during the environmental review process. Physical change caused by the economic or social effects of a project may be regarded as having a potentially significant impact. Alternatively, economic and social effects of a physical change may be used to determine that the physical change is a significant effect on the environment. Adverse physical changes to the environment from economic effects generally manifest themselves in the form of urban decay. For the purposes of this study, urban decay is defined as "land use decisions that cause a chain reaction of store closures and long-term vacancies, ultimately destroying existing neighborhoods and leaving decaying shells in their wake".[3] This is characterized by factors such as high vacancy rates, low lease rates, low retail sales, high crime rates, and deteriorating physical conditions. Deteriorating physical conditions include, but are not limited to, boarded windows, damaged building materials, and broken fixtures.

[1] Market Profiles, *Economic Impact Study Listing of Fulton Mall on National Register of Historic Places, September 2008*
[2] Moule & Polyzoides, *Fulton Corridor Specific Plan, Chapter 4: The Fulton Mall (PUBLIC DRAFT), 18 October 2011*
[3] Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 cal.app.4th 1184, 1204

FULTON MALL & STUDY AREA FIGURE 1



\1 Fulton Mall as defined in the Economic Impact Study Listing of Fulton Mall on National Register of Historic Places (September 2008)
\2 Study Area as defined in Chapter 4 of the Fulton Corridor Specific Plan (PUBLIC DRAFT, 14 October 2011)

Urban decay studies typically analyze the effects of new retail developments on the local real estate market. California court decisions (*Bakersfield Citizens for Local Control v. City of Bakersfield*; *Panama 99 Properties,*

LLC, and Castle & Cooke Commercial-CA, Inc.; as well as *Anderson First Coalition, et al. v. City of Anderson, et al.* and *FHK Companies, et al.*) have determined that an economic impact analysis should be undertaken for large retail developments to assess the possibility of urban decay and indirect physical impacts on the environment.[4] This urban decay study is unique as it assesses the impacts of public improvements on urban decay. Additionally, as further described in this study, the Study Area is already in a state of urban decay. Thus, this study takes a different approach from a typical urban decay analysis. Instead of analyzing how a project could *lead to urban decay*, it assesses how proposed public improvement options could *improve or exacerbate existing urban decay*.

This study has been prepared by Rosenow Spevacek Group, Inc. ("RSG") as part of the Environmental Impact Report ("EIR") for the Fulton Corridor Specific Plan. RSG is a community development consulting firm that has worked in over 170 cities and counties throughout California since 1979. RSG has applied its expertise in blight assessment, economic development, real estate, and other areas to analyzing physical and economic conditions in a multitude of study areas for over 30 years.

The findings made in this study conclude that Options 1 and 2 of the Specific Plan will have the greatest impact on decreasing urban decay that currently exists in the Study Area, and Option 3 will have the least impact. Case studies of other pedestrian malls that have reopened to traffic and interviews with local real estate brokers indicate that opening up the Fulton Mall to traffic and adding on-street parking will increase visibility and accessibility, attracting a wider range of office and retail users to the Study Area. This will enhance the Study Area's ability to absorb future square footage demand, thereby decreasing vacancy rates and having a positive affect on lease rates, retail sales, and other socioeconomic factors. It will encourage property and business owners to increase investment into the renovation and maintenance of buildings in the Study Area.

BACKGROUND & PROPOSED OPTIONS

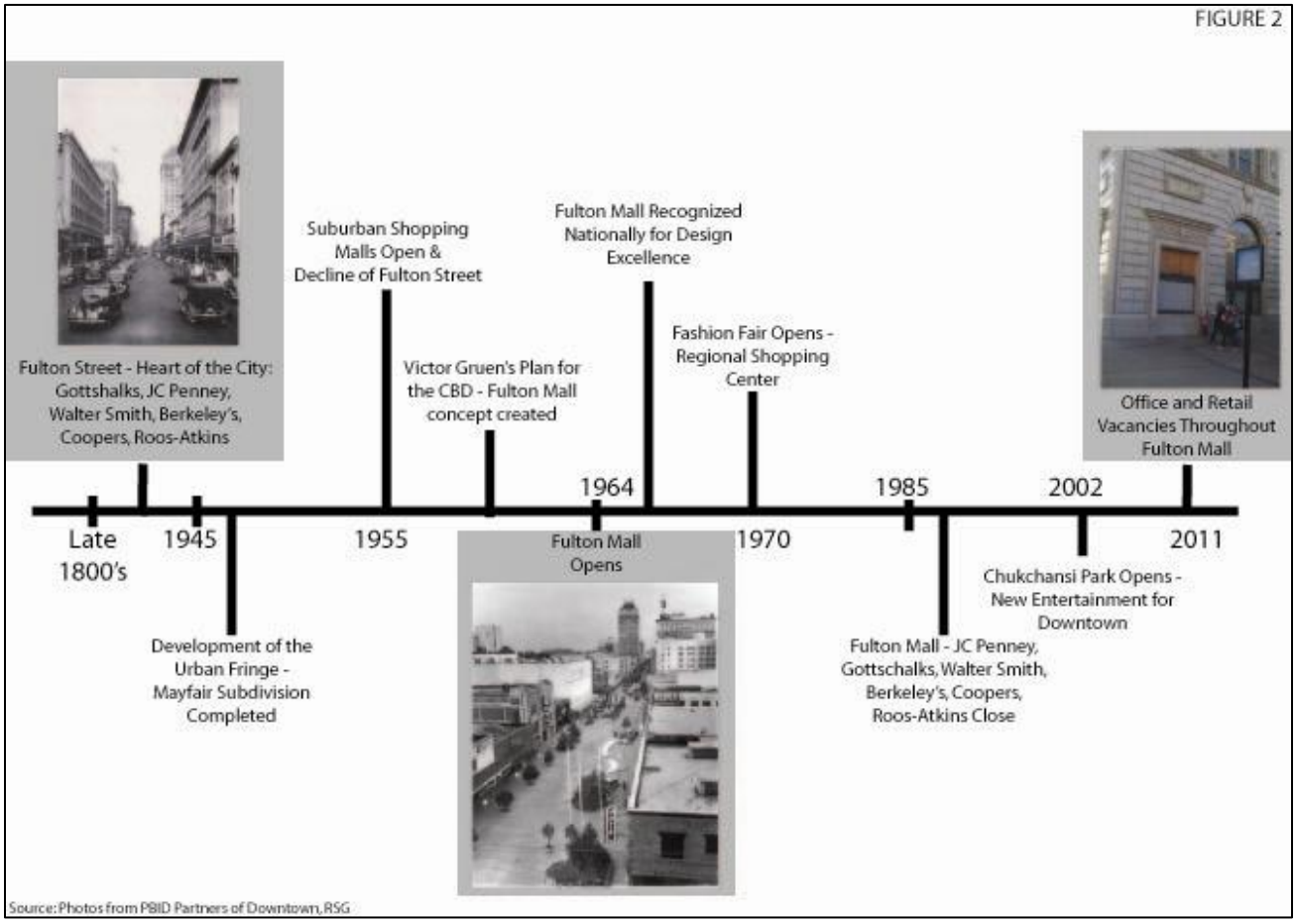
HISTORY OF THE FULTON MALL[5]

Through the post-World War II era (1945), Fulton Street was the heart of Fresno and considered the "Main Street" for commercial and business activity. Fulton Street was the main commercial corridor lined with major retailers such as Gottschalks, JC Penney, Rodder's, Coffee's, Walter Smith, Roos-Atkins, Berkeley's and Cooper's. During the late 1940s Fresno's land use patterns began to alter as a result of the expansion of land uses and movement of people to the city's periphery. The city's urban fringe developed increasingly with residential and commercial uses. As the city celebrated the openings of Manchester Center Mall and Fig Garden Village, suburban shopping malls in the urban fringe, the city also began to experience the commercial decline of Fulton Street. As a response to this decline, the city hired acclaimed shopping mall architects Victor Gruen Associates, Inc. in hopes of creating urban renewal in Fresno's downtown. Victor Gruen developed the Central Business District of Fresno, a comprehensive plan to rebuild the city's core that included a pedestrian-only mall. The development of the Fulton Mall was meant to be the catalyst for the renewal of the downtown and to create a regional shopping area. Modernist architect Garrett Eckbo implemented Gruen's vision and designed the Fulton Mall, which subsequently opened in September 1964. The Mall was nationally recognized, receiving numerous accolades including the "Excellence in Community Architecture" award from the American Institute of Architects and the United States Department of Housing and Urban Development's award for "National Design Excellence" in 1968. The Fulton Mall became a model

[4] Michael Brandman Associates, *City of Suisun City – WaterRoad West Project Draft EIR*
[5] PBID Partners of Downtown Fresno, *History of the Fulton Mall*, www.downtownfresno.org/fulton-mall.html, retrieved Sunday, January 29, 2012.

for cities around the nation as a way of creating urban renewal in downtowns experiencing urban decay as a result of suburban sprawl.

Although the Fulton Mall received critical acclaim locally and nationally, the Study Area continued to struggle in competing with the continued expansion and development of Fresno's urban fringe. In 1970, the 58-acre Fresno Fashion Fair indoor shopping mall opened. It was recognized as the regional retail hub and replaced the Study Area as a regional destination. The Study Area continued to decline in the 1980s and the Study Area's anchor tenants began to vacate for the newly developed urban fringe. In the late 1980s the Study Area's biggest tenants, JC Penney and Gottschalks, vacated the Study Area leaving the large units vacant to eventually be filled with smaller-sized tenants. The Study Area transformed from a regional shopping hub to a shopping district with small mom and pop retailers. A summary of the growth and decline of the Study Area is depicted in Figure 2.



The history of the Fulton Mall is not unique. Pedestrian malls throughout the nation experienced a rise and fall from the mid-20th to today.[6] For example, the City of Kalamazoo, Michigan also hired Victor Gruen Associates, Inc. in the 1950s to address a struggling downtown. According to historian Michael Cheyne, Kalamazoo's downtown faced problems of deindustrialization and urban disinvestment encountered by many cities in the late 1950s. Gruen recommended a pedestrian mall in the central business district. The city opened the Kalamazoo Mall in 1959 and experienced early success. However, in 1960, the Montgomery Ward store moved out of the mall because the company believed the lack of convenient parking was a major deterrent to attracting customers. Parking issues were the main criticism of the mall in its early years, and it was a common complaint with pedestrian malls around the nation. Cheyne references a 1987 Urban Land Institute study that concluded that "by excluding the auto, pedestrian malls in effect excluded the customer". Cheyne further explains that an April 1996 report by Downtown Kalamazoo Inc. (DKI) stated that "the prevailing theory is that busses or cars will provide more steady levels of mall activity". DKI created a plan to reopen the Kalamazoo Mall to traffic and after much debate the mall reopened in 1998.

A Downtown Memphis mall transformation study conducted by the Memphis Center City Commission in 2008[7] cites that nearly 85 percent of the original 200 American pedestrian/transit malls have reopened to traffic. It found that, although some pedestrian malls are successful, "in most cases pedestrian malls in North America have experienced negative economic results from the original conversion." Common problems with pedestrian/transit malls found by the study include unsuccessful retail, a deteriorating retail mix over time, increased vacancies, lower retail sales, lack of visibility and access for retail, disruptions to neighborhood traffic flows, an uncomfortable and threatening environment, an environment that attracts loiterers and transients, and a fear or perception of crime. These are all problems that are shared by the Study Area and discussed in greater detail later in this report.

DEVELOPMENT OPTIONS

As part of the Specific Plan process, the Fulton Corridor Specific Plan Community Advisory Committee ("FCSPCAC" or "Committee") met several times and reviewed ten initial options for future development of the Fulton Mall. The FCSPCAC is a 21-member committee comprised of residents, property and business owners, and community members. The following presents a summary of the FCSPCAC's review process:

- Initial Community Meeting - September 14, 2010: The consultant team first interacted with the public on the subject of the future of the Fulton Mall during a FCSPCAC meeting. At the meeting Committee members and the public voiced their values, concerns, and initial ideas about the Mall's future, and discussed at length the competing issues of commercial development versus historic preservation.
- Design Workshop - September 27, 2010: The design team presented eight development options, describing the existing conditions, historical significance, and economic and physical preconditions for its revitalization. Approximately 400 community members voiced their opinions at the meeting and over 1,300 comments were submitted in writing.
- Decision Meeting - October 19, 2010: Ten options were presented to FCSPCAC at a noticed public hearing. The presentation included photos showing the current state of the Mall and a discussion of the advantages, disadvantages, and estimated construction and maintenance costs of each of the 10 options. The meeting was attended by approximately 125 community members that provided input

[6] Cheyne, Michael. "No Better Way? The Kalamazoo Mall and the Legacy of Pedestrian Malls". *Michigan Historical Review* 36.1 (2010): 103-128. Web.

[7] "Pedestrian & Transit Malls Study". Center City Commission. June 2008. <http://www.indydt.com/Pedestrian_and_Transit_Malls_Study.pdf>. The study was conducted for Main Street in downtown Memphis, an eight-block pedestrian and transit mall where the reintroduction of traffic was under consideration.

on their opinions, concerns and support. The FCSPCAC voted to recommend three options that they would like studied in greater detail by the EIR for the Specific Plan.

The three options chosen by the FCSPCAC at their October 19, 2010 meeting are described on the following pages. Two of the chosen options involve reopening Fulton Mall to vehicular traffic and the third involves maintaining the physical pedestrian-oriented configuration of the Mall. Option 2, reconnecting the grid with vignettes, is the Mayor of Fresno's preferred alternative. They are described in further detail on the following pages. All conceptual renderings of the three options are taken directly from Chapter 4, Section 4.4 of the Specific Plan.

Option 1: Reconnect the Grid on Traditional Streets

Option 1 returns vehicular two-way traffic to the Study Area thereby increasing visibility of ground-floor retail and offices surrounding the Mall to people driving through the area. Fulton, Kern, Mariposa and Merced Streets would be redesigned to include wide sidewalks and tree-lined parkways. To increase accessibility, up to 252 parking spaces would be added to Fulton Street and 117 parking spaces on Kern, Mariposa and Merced Streets. During special events, Fulton Street along with Mariposa Plaza could be closed to vehicular traffic. To preserve the artistic significance of the Mall, 17 of the 20 existing sculptural works would be relocated either along Fulton Street or Mariposa Plaza and three sculptures would remain intact.

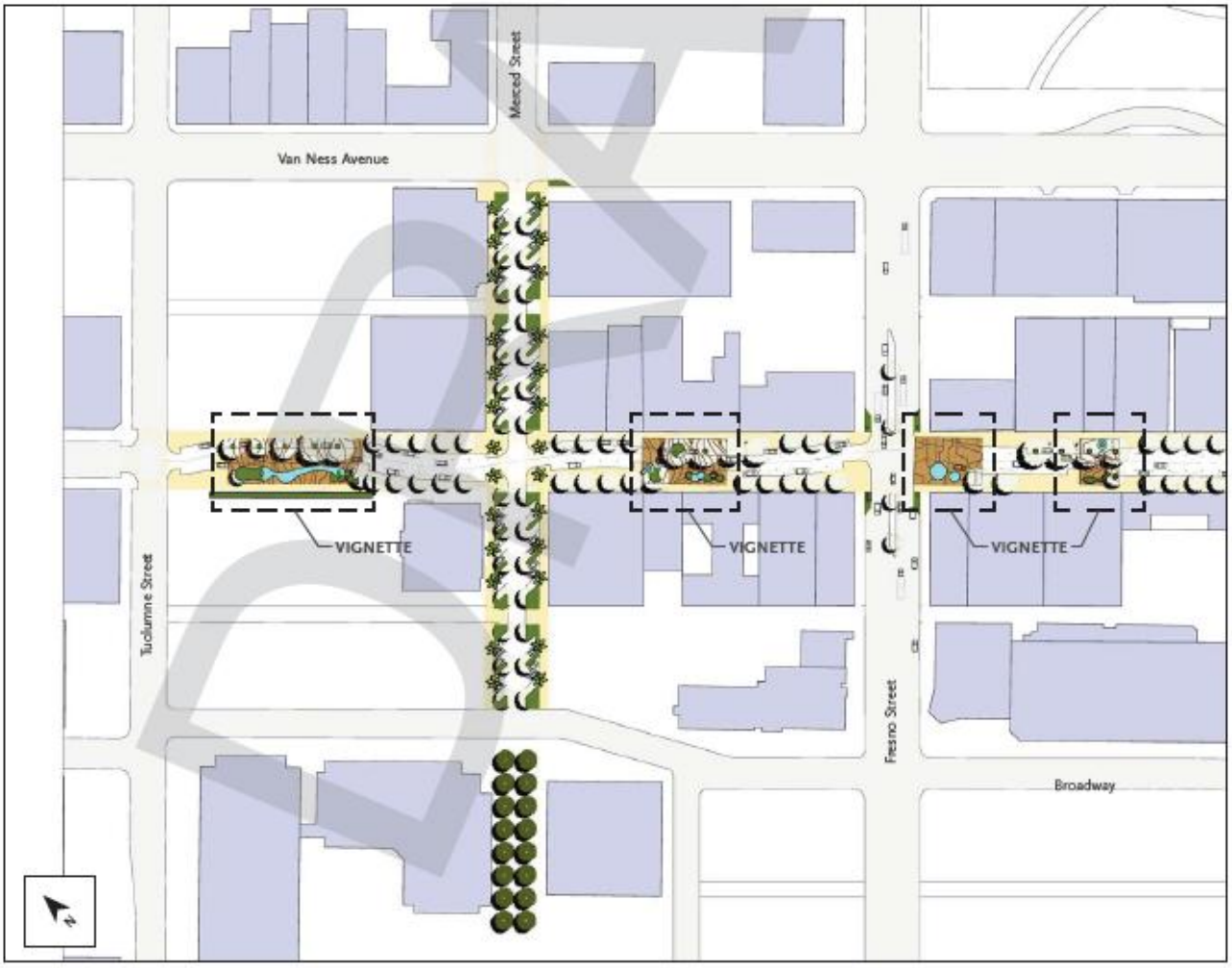
Conceptual Rendering of Option 1

Plan view of Fulton Mall with a enhanced street running down its entire length. Enhanced streets are also introduced on Merced, Mariposa, and Kern Streets.

Option 2: Reconnect the Grid with Vignettes

Option 2 returns vehicular two-way traffic to the Study Area while also incorporating vignettes. Similar to Option 1, Fulton, Kern, Mariposa, and Merced Streets will be redesigned to include wide sidewalks and tree-lined parkways. The vignettes would be along Fulton Street and includes the restoration of selected original Mall design elements in their original location. Original elements such as fountains, landscaping, and street lighting would be restored, and the street surface would incorporate the original paving materials and patterns. The purpose of the vignettes is to quote the character of the historic landscape while also improving retail visibility. Fewer on-street parking spaces would be provided compared to Option 1 due to the wider area required for the vignettes. Option 2 would have up to 127 on-street parking spaces along Fulton Street and 117 on-street street parking spaces on Kern, Mariposa, and Merced Streets. Five of the existing sculptural works would be relocated elsewhere in the Study Area or in Mariposa Plaza, and the other 15 would remain in their present locations.

Conceptual Rendering of Option 2



Plan view of Fulton Mall showing an enhanced street that accommodates vehicular traffic winding through selected preserved and renovated portions ("vignettes") of the original Fulton Mall. The vignettes center around existing fountains, such that most fountains present remain in place and are restored to functionality.

Option 3: Restoration and Completion

Option 3 maintains the physical configuration of the Fulton Mall as a pedestrian-only area. The design elements of the original Mall would be renovated and restored and new design improvements would be introduced including lighting, restrooms, and better way-finding signage. The Study Area would continue to have 14 on-street parking spaces on cross streets adjacent to the Mall.

Conceptual Rendering of Option 3

Plan view of Fulton Mall fully restored.

METHODOLOGY

RSG employed a number of quantitative and qualitative methods to analyze urban decay in the Study Area, including:

1. Field Reconnaissance: Trained staff conducted an on-foot field survey of the Study Area in November 2011, documenting and photographing physical and economic conditions such as deterioration and vacancies.

2. Review of Third-Party Studies: RSG reviewed several third-party studies on the Fulton Mall and surrounding area, Downtown, and the greater Fresno region, as well as case studies on similar projects involving pedestrian malls around the nation. These studies were:

   - *Fulton Corridor Specific Plan* by Moule & Polyzoides (October 14, 2011 Public Draft)
   - *Downtown Retail Market Analysis* by Gibbs Planning Group (July 12, 2011 Draft)
   - *Fulton Mall Alternative Plans Economic Impact Analysis* by Gibbs Planning Group (June 24, 2011)
   - *Final Market Analysis Report: Fulton Corridor Specific Plan* by Strategic Economics (April 25, 2011)
   - *Economic Impact Study: Listing of Fulton Mall on National Register of Historic Places* by Market Profiles (September 2008)
   - *Central Area F, Fresno, CA: Volume 2, The Plan and its Implementation* by Victor Gruen Associates, Inc. (January 1960).
   - *Fresno, California Design for Development: Central Business District Project One, Project No. Calif. R-24* by Victor Gruen Associates, Inc. (October 1964).
   - *The Dynamics of On-Street Parking in Large Central Cities,* Rudin Center for Transportation and Policy Management (December 2002)
   - *Pedestrian & Traffic Malls Study* by the Memphis Center City Commission (June 2008)
   - *Downtown Charlottesville Pedestrian Mall: Business Impact Survey,* City of Charlottesville (January 2008)
   - *Lake Street Profile,* Project for Public Spaces (no date)
   - *16th Street Mall, Denver, Colorado,* Urban Land Institute Advisory Services Panel Report (May 2008)
   - *No Better Way? The Kalamazoo Mall and the Legacy of Pedestrian Malls* by Michael Cheyne, Michigan Historical Review (Spring 2010)
   - *Downtown Pedestrian Shopping Malls: Review of 36 U.S. Cities*, City of Eugene, OR (September 1989)
   - *City of Buffalo Main Street Multi-Modal Access and Revitalization Project Environmental Assessment, Appendix A: Experience of Other Communities with Pedestrian Malls,* Niagara Frontier Transportation Authority (April 2009)

   RSG also reviewed research conducted by staff at the City of Fresno on case studies of pedestrian malls in Kentucky, Illinois, Indiana, Iowa, Michigan, New York, Oregon, Pennsylvania, and Texas. The research included reviews of third-party studies and conversations with staff at business organizations such as downtown associations.

3. Survey of Real Estate Brokers and Stakeholders: RSG conducted telephone surveys with four real estate brokers who represent, and in some cases own, property in the Study Area and surrounding area. The surveys were conducted in November 2011 and brokers were asked about location preferences, market conditions, and personal/client experiences with the area. The brokers interviewed for the study were:

- Craig Capriotti, *Fortune Associates*. Mr. Capriotti has been a real estate broker, business owner, and property owner in Fresno for the last 30 years. He has worked on several task forces focused on improving Downtown Fresno.
- Robert Ellis, *Robert Ellis Leasing & Investment*. Mr. Ellis has over 20 years of experience working as a real estate broker in Fresno and currently owns a building in the Study Area that is leased for retail and office space.
- Robert Fena, *Colliers International*. Mr. Fena has worked as a real estate broker in Fresno for over 30 years. He started his business in the Patterson Building in the Study Area but moved out 33 years ago in order to be closer to business opportunities resulting from new development on the north side of town.
- Victoria Gonzales, *Downtown Properties*. Ms. Gonzales has been a real estate broker in Fresno for over ten years and sits on the Fulton Corridor Specific Plan Community Advisory Committee.

4. Real Estate and Market Analysis: RSG collected and analyzed data from local real estate agents and Fresno real estate market reports to identify average local market conditions. This information was compared to statistics particular to the Study Area obtained through field reconnaissance, the City of Fresno, and real estate databases such as LoopNet and Metroscan.
5. Crime Analysis: RSG analyzed crime statistics in the Study Area and overall City as reported by the City of Fresno Police Department and Federal Bureau of Investigation's Uniform Crime Reporting Database. Crimes were analyzed from 2006 through 2011.

FINDINGS & ANALYSIS

EXISTING CONDITIONS

The Study Area is currently in a state of urban decay due to economic disinvestment; evidenced by high vacancy rates, low lease rates, low retail sales, high crime rates, and deteriorating physical conditions.

High Vacancy Rates

The Study Area suffers from a significantly high vacancy rate. As Table 1 shows, the Study Area has nearly 300,000 square feet of vacant office space and over 430,000 square feet of vacant retail space. This represents a vacancy rate of 46 percent for office uses and 35 percent for retail uses.[8] It should be noted that these figures are based on land uses as designated in the County Assessor's parcel database, and some of the buildings could actually have mixed uses. For example, a building designated as an "office" use by the County Assessor could have retail uses on the ground floor.

[8] Based on total building square footage. Sources include the Fresno County Assessor's Roll via First American Title Metroscan, a Ground Floor Survey conducted by the City of Fresno in June 2011, a field survey conducted by RSG in November 2011, and real estate listings on LoopNet (an online real estate listing service) as of November 2011.

Land Use & Vacancy **Table 1**

Fulton Mall

Land Use[1]	Lot SF	Total Building SF	Vacant SF	% Vacant
Office[2]	279,994	648,964	299,380	46.1%
Retail / Restaurant[3]	439,581	1,232,504	430,528	34.9%
Other Commercial[4]	32,886	164,075		
Residential	225,150	149,003		
Rec - Clubhouse	31,799	46,007		
Parking	174,336	239,184		
Vacant	38,598	0		
Total	1,222,344	2,479,737	729,908	29.4%

[1] Land use pursuant to Assessor's parcel records (via Metroscan).

[2] "Office" includes the Pacific SW Building, which is being converted to a mixed-use space for events, retail, and residential lofts (143,204 SF).

[3] "Retail/Restaurant" includes some buildings that could have mixed uses.

[4] "Other Commercial" includes the Holiday Inn and Crest Theatre.

Sources: First American Title Metroscan, City of Fresno Ground Floor Survey (6/24/11), RSG Field Survey (11/10/11), LoopNet (11/7/11)

The Study Area's vacancy rate is abnormally high compared to the surrounding Downtown and overall City. As shown in Table 2 and accompanying Chart 1, the Study Area's office vacancy rate is over three times higher than Downtown and over twice as high as the City. Its retail vacancy rate is over three times higher than Downtown and the overall City.

Vacancy Rate Comparison **Table 2**

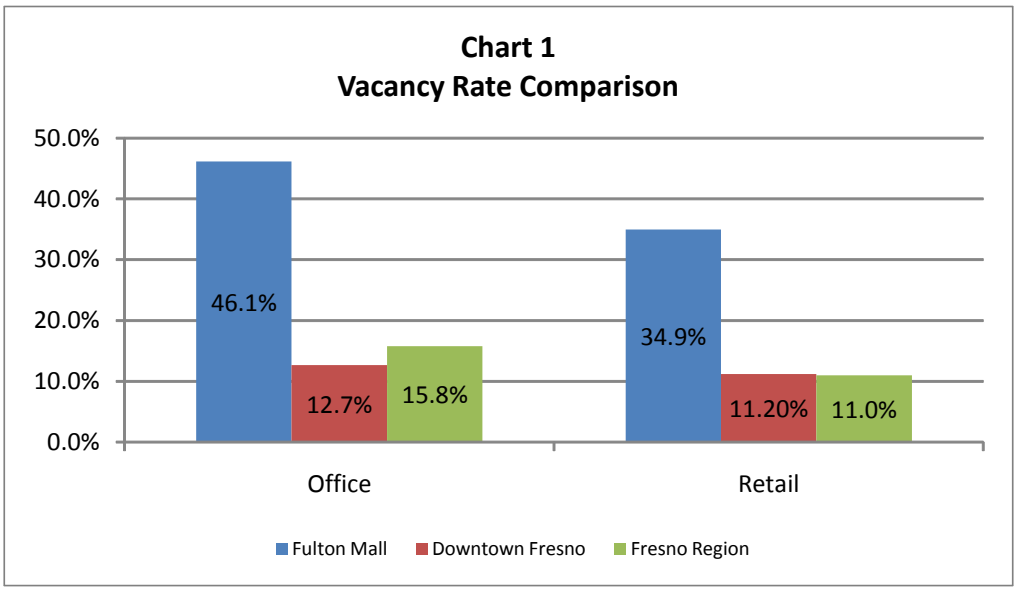
Fulton Mall & Fresno Submarkets

Area	Vacancy Rate	
	Office[2]	Retail[3]
Fulton Mall[1]	46.1%	34.9%
Downtown Fresno	12.7%	11.20%
Fresno Region	15.8%	11.0%

[1] See Table 1. Land use and vacancy rate are based on the total building square footage as designated in the Assessor's parcel database. Vacancy rate would be higher if calculated based on net leaseable area (data unavailable).

[2] Grubb & Ellis Office Trends Report, Third Quarter 2011. Based on net leaseable area. Excludes owner-occupied, government and medical buildings. Excludes buildings less than 5,000 square feet.

[3] Downtown retail vacancy rate from the Downtown Retail Market Analysis by Gibbs Planning Group, June 2011. City retail vacancy rate from CB Richard Ellis Market View Fresno Retail, Second Quarter 2011. Based on net leasable area. Excludes buildings less than 20,000 square feet.



Sources: RSG, Grubb & Ellis, CB Richard Ellis, Gibbs Planning Group

Local market reports show that the Study Area has the highest vacancy rate compared to other City submarkets. According to Grubb & Ellis, office vacancy rates ranged from 8 to 21 percent in 10 submarkets throughout the City; with the highest in East Shaw and Northwest Fresno.[9] CB Richard Ellis reported that retail vacancy rates ranged from 9 to 13 percent, with the highest in Southeast Fresno.[10] The Study Area's

[9] Grubb & Ellis Office Trends Report, Third Quarter 2011, Fresno, CA
[10] CB Richard Ellis MarketView, Fresno Retail, Second Quarter 2011

office and retail vacancy rate is significantly higher than any other City submarket. Additionally, the Downtown submarket, where the Study Area is located, has the second lowest office vacancy rate in the region. This indicates that the Study Area's high vacancy rate is not attributable to its location and is due to other conditions.

According to real estate brokers interviewed for this report, the Study Area suffers from high vacancies in part due to the exclusively pedestrian-orientation of the Mall. The lack of through-traffic is undesirable for office and retail businesses that thrive on visibility, and a lack of on-street parking limits access for both tenants and visitors. Victoria Gonzales, a broker with Downtown Properties who at the time of this study represented several office properties for lease in the Study Area, states that many clients will not locate in the Study Area because of low visibility; customers cannot see them unless they are already visiting the Study Area. This leads to high turnover as many businesses, particularly restaurants, cannot survive at the Study Area. Robert Fena, a broker for Colliers International and former tenant of the Study Area, mentioned that the lack of visibility and on-site parking eliminates the possibility of attracting impulse clients, compared to other areas where people are triggered to shop or utilize a service when they see a business from the street and can easily park nearby. All four brokers interviewed for this study stated that lack of on-street parking is an issue for clients of all uses because the existing parking spaces are too far away and expensive. Existing off-site lots have hourly and monthly fees, which deter potential office and retail visitors and tenants who can park for free elsewhere in the region. On-street parking would allow people to park closer to their destination and provide more incentive to patronize the area. A 2002 study on the dynamics of on-street parking states that there is a clear and generally positive association between on-street parking and retail growth.[11]

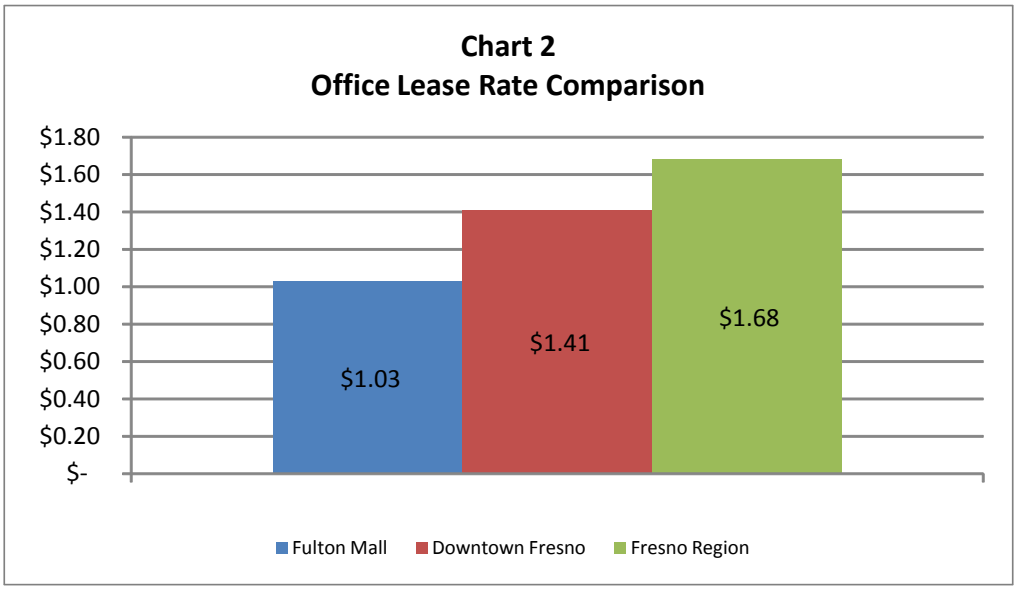
Building age is another reason that was indicated for high vacancies. Craig Capriotti, a broker for Fortune and Associates, states that many of his clients, particularly office users, prefer newer buildings with better amenities. For example, clients prefer newer buildings at Civic Center Square and the Tower District, which include amenities such as customizable spaces, secured covered parking, card-access entry, and higher quality infrastructure for high-speed internet. Additionally, newer buildings are more often compliant with current earthquake and other building standards, whereas older buildings could require expensive renovations. Mr. Fena agrees that one of the main factors that deters clients from locating their business in the Study Area is physically and functionally obsolete buildings. On the contrary, Robert Ellis, a broker who owns retail and office property in the Study Area, pointed to the historical value of buildings as an asset; however these properties are underutilized due to other factors deterring tenants such as expensive parking and the lack of anchor tenants that attract people to the Study Area.

Several buildings in the Study Area are in a state of disrepair, particularly those with long-term vacancies. Appendix 1 includes photos of vacant buildings taken during RSG's November 2011 field survey.

Low Lease Rates

Office lease rates are low in the Study Area in order to compensate for the above-mentioned challenges, as illustrated in Chart 2. The average asking lease rate for Study Area office space available in November 2011 was $1.03 per square foot per month.[12] This is 27 percent lower than the average asking lease rate for Class B office buildings Downtown, which was $1.41 per square foot per month in the third quarter of 2011 according to a Grubb & Ellis Office Market Report.

[11] "The Dynamics of On-Street Parking in Large Central Cities". Rudin Center for Transportation and Policy Management (December 2002).
[12] Based on LoopNet listings



Sources: LoopNet, Grubb & Ellis

According to City staff, the Study Area is prone to having very low rents due to concessions made by property owners. Ms. Gonzales and Mr. Fena agreed that Study Area landlords are willing to accept lower rents in order to have their spaces occupied; based on their experience the effective lease rates for offices in the Study Area can range from approximately $0.40 to $1.00 per square foot per month depending on their age and amenities. This is 30 to 70 percent lower than the average asking lease rate for Class B office buildings Downtown. Lower lease rates mean property owners in the Study Area have fewer revenues to invest in maintaining their buildings.

Low Retail Sales

Study Area businesses generate taxable sales revenues significantly below the national, citywide and city-comparable shopping area averages. According to the Urban Land Institute, commercial businesses are estimated to generate a national average of $275 in sales per square foot of gross leasable area annually.[13] As indicated in Chart 3, from October 2010 through September 2011, Study Area businesses reported approximately $20.2 million in gross annual receipts, or $78.88 per square foot[14]; which is 71 percent less than the national average of $275. In comparison, citywide retail and food services generated $274.08 in taxable sales per square foot in 2009, on par with the national average.[15] The Ventura/Kings Canyon Commercial Corridor is a retail corridor that spans approximately three miles along East Ventura Avenue and East Kings Canyon Road between First Street and Peach Avenue[16]. This shopping corridor serves the same demographic group as the Study Area and there are stores in the Study Area that have a location in the Ventura/Kings Canyon Commercial Corridor. Between October 2010 and September 2011, Ventura/Kings Canyon Commercial Corridor businesses reported approximately $246 million in gross annual receipt, or

[13] Estimate from Dollars & Cents of Shopping Centers/The SCORE 2006 from the Urban Land Institute and International Council of Shopping Centers (U.S. Regional Shopping Centers).

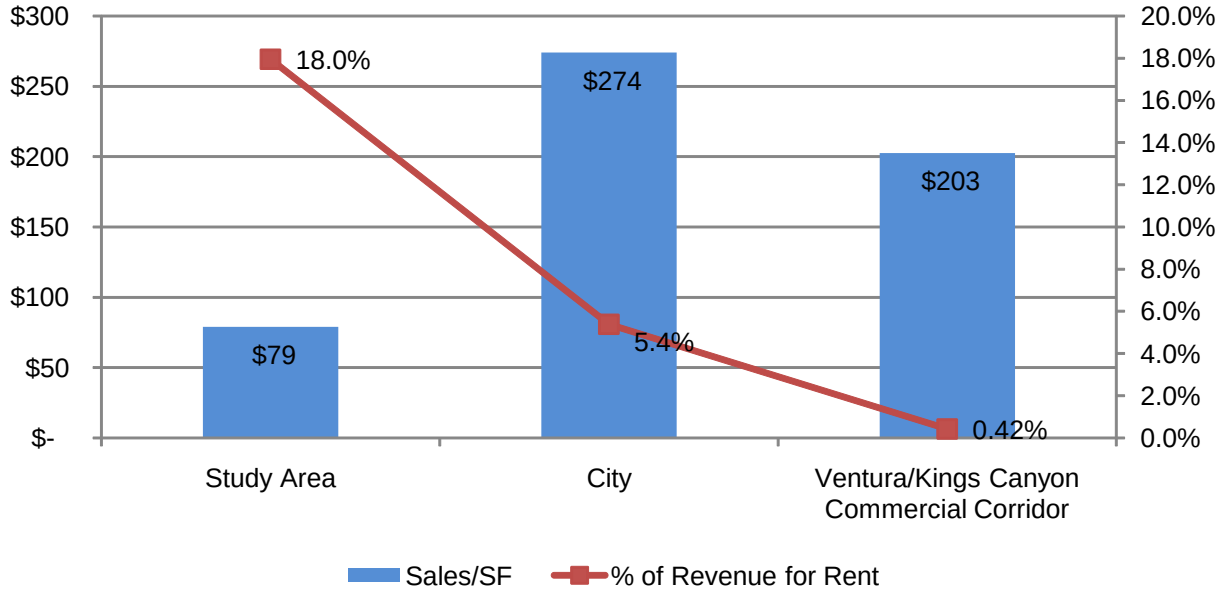
[14] Based on 102 businesses occupying 256,767 square feet of non-leasable and leasable space with frontage on the Fulton Mall that report revenue receipts to the City. Data from the City of Fresno.

[15] More recent citywide annual sales data is unavailable.

[16] 3105-4190 East Ventura Avenue and 4202 through 5202 East Kings Canyon Road. The corridor includes not only commercial uses but also residential and institutional uses such as a school and hospital, and vacant properties.

$202.61 per square foot.[17] Based on these figures, Study Area businesses expend approximately 18 percent of their revenues on rent, whereas businesses citywide spent an average of 5 percent of their revenues on rent.[18]

Chart 3
Taxable Sales by SF & % of Annual Rent to Revenue



Notes:

Ventura/Kings Canyon Commerical Corridor includes commercial outlets along East Ventura Avenue and East Kings Canyon Road between First Street and Peach Avenue (3105-4190 E. Ventura and 4202-5205 E. Kings Canyon).

City calculation includes the Study Area and Ventura/Kings Canyon Commercial Corridor.

Study Area and Ventura/Kings Canyon Commercial Corridor sales are from October 2010 - September 2011. City sales data is for 2009 as this is the most current available data.

Sources: City of Fresno, California State Board of Equalization (2009 data), ESRI BAO, CB Richard Ellis Fresno Retail Second Quarter 2011, Metroscan

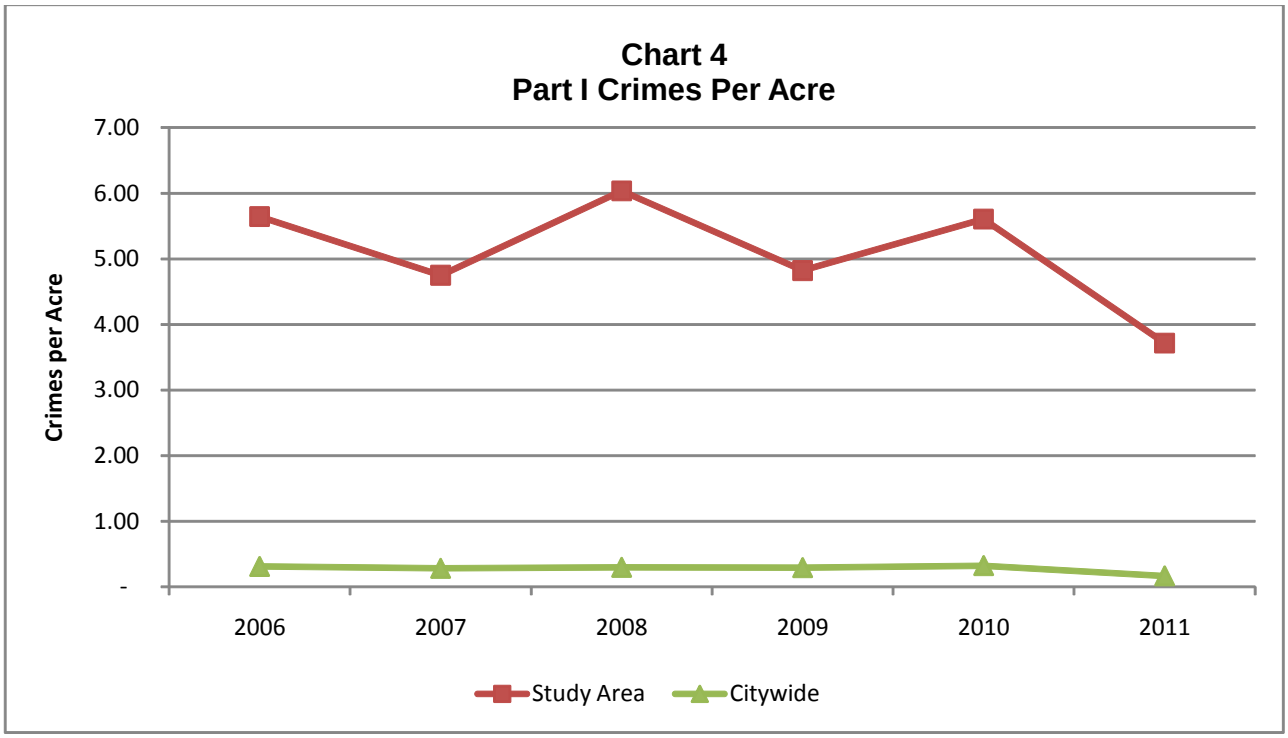
The low revenue performance of Study Area businesses is not necessarily attributed to the poor economy. Payless Shoe Source has a location in the Study Area along with two comparable stores in south Fresno. According to a store representative, sales per square foot at the Study Area location are half that of the other two stores. All three stores experienced a decline in sales in 2010, with the Study Area location experiencing the most dramatic decline of 17 percent while the other locations experienced a decline of 9 to 11 percent in sales.

[17] Taxable sales data from the City of Fresno

[18] Based on an average retail rent of $1.18 per square foot per month in the Fulton Mall and $1.23 per square foot per month citywide.

High Crime Rate

The Study Area has a high crime rate compared to the City overall, as displayed in Chart 4 and Table 3. This is based on an analysis of "Part I" crimes per acre from 2006 through 2009. Part I crimes consist of homicide, rape, robbery, aggravated assault, burglary, larceny-theft, and motor vehicle theft.[19]



Note: FBI 2011 Citywide Part 1 crime data is only available from January through June 2011; therefore, only crimes that occurred in the same time period in the Study Area were used.

Sources: FBI Uniform Crime Reporting Database, City of Fresno ISD-GIS, City of Fresno Police Department, Metroscan, U.S. Census

The Study Area's average crime rate from 2006 through June 2011 was 5.10 crimes per acre, compared to only 0.28 crimes per acre citywide. The rate of crimes classified as larceny-theft is particularly high, which had a six-year average of 3.52 crimes per acre in the Study Area compared to 0.18 crimes per acre citywide.

In addition to having a high Part I crime rate, the Fulton Mall Study Area suffers from frequent vandalism according to City Staff. Some recent incidents are described below:

- On the night of February 21, 2012, vandals knocked the *Rite of Crane* statue from its base on Merced Street and into the fountain below. The concrete base of the statue was damaged and will need to be rebuilt. The fountain pool was also damaged and was drained pending repair.

[19] Crime data is from the FBI Uniform Crime Reporting Database, the City of Fresno Police Department, and the City of Fresno ISD-GIS. Crimes per acre were deducted using acreage statistics from Metroscan and the United States Census. Motor vehicle theft is analyzed because the Study Area includes side streets that are open to traffic and parking. Arson is a Part I crime however it was excluded from the analysis because arson statistics were not included in the total Part I crime count in the FBI's database.

- On the night of August 21, 2011, vandals sprayed graffiti on three sculptures on the Fulton Mall. The paint on two bronze works, among the downtown public art collection's most renowned pieces, took dozens of hours to remove with a toothbrush and gentle chemicals
- On the night of August 1, 2011, vandals caused major damage along the Fulton Mall and adjoining buildings. They painted graffiti on several buildings, attempted to force entry into others, and stole a golf cart from an office. They caused several hundred dollars of damage to the cart before it was found by police. The damage was particularly acute to fountain pools and historic buildings.

These are only a few of several incidents of vandalism that regularly occur in the Fulton Mall Study Area. Pictures of these incidents are contained in Appendix 2.

Captain Greg Garner, the police captain in charge of the Southwest Policing District which includes the Fulton Mall Study Area, states that most criminal acts committed around the Fulton Mall are crimes of opportunity. While criminal offenses range from severe (such as armed robbery) to minor (such as loitering), the most common offences include things such as petty theft, vandalism, and illegal panhandling. Captain Garner believes that opening the Mall to traffic has the potential to have a positive impact on crime by providing an environmental design that reduces the opportunity for criminal conduct, while adapting itself to a larger portion of the population accessing the area on a regular basis.

All four brokers interviewed for this study mentioned that safety and public nuisance concerns deter many clients from locating at the Study Area. The Study Area has reduced visibility due to a lack of through- and cross-traffic, making people feel less safe. The Study Area is also a common place for homeless persons to congregate, and many people consider loitering to be a nuisance. Mr. Capriotti mentioned that potential tenants do not want to be required to park far away and walk through the Study Area for these safety reasons. If the Fulton Mall were opened up to traffic, it would increase visibility and deter crime by providing more "eyes on the street" by vehicles passing through the area.

Historical Crime Rates (Part I Crimes) **Table 3**

Study Area vs. City of Fresno

	2006		2007		2008		2009		2010		2011 [1]		Total	
	Count	Per Acre	Count	Per Acre	Count	Per Acre	Count	Per Acre	Count	Per Acre	Count	Per Acre	Count	Per Acre
Study Area (28 acres)														
Homicide	-	-	1	0.04	6	0.21	2	0.07	-	-	-	-	9	0.32
Rape	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Robbery	14	0.50	6	0.21	11	0.39	6	0.21	11	0.39	10	0.36	58	2.07
Aggravated Assault	6	0.21	9	0.32	8	0.29	3	0.11	10	0.36	3	0.11	39	1.39
Total Violent Crimes	*20*	*0.71*	*16*	*0.57*	*25*	*0.89*	*11*	*0.39*	*21*	0.75	*13*	0.46	*106*	*3.79*
													-	
Burglary	25	0.89	12	0.43	11	0.39	10	0.36	9	0.32	9	0.32	76	2.71
Larceny-Theft	88	3.14	91	3.25	120	4.29	106	3.79	112	4.00	74	2.64	591	21.11
Motor Vehicle Theft	25	0.89	14	0.50	13	0.46	8	0.29	15	0.54	8	0.29	83	2.96
Total Property Crimes	*138*	*4.93*	*117*	*4.18*	*144*	*5.14*	*124*	*4.43*	*136*	4.86	*91*	3.25	*750*	*26.79*
Total Study Area	**158**	**5.64**	**133**	**4.75**	**169**	**6.04**	**135**	**4.82**	**157.00**	**5.61**	**104**	**3.71**	**856**	**30.57**
												Six-Year Average		**5.10**
Citywide (71,654 acres)														
Homicide	52	0.00	52	0.00	40	0.00	42	0.00	45	0.00	22	0.00	253	0.00
Rape	133	0.00	99	0.00	80	0.00	86	0.00	70	0.00	23	0.00	491	0.01
Robbery	1,282	0.02	1,104	0.02	984	0.01	1,085	0.02	1,021	0.01	499	0.01	5,975	0.08
Aggravated Assault	2,057	0.03	1,788	0.02	1,678	0.02	1,720	0.02	1,898	0.03	911	0.01	10,052	0.14
Total Violent Crimes	*3,524*	0.05	*3,043*	0.04	*2,782*	0.04	*2,933*	0.04	*3,034*	0.04	*1,455*	0.02	*16,771*	0.23
Burglary	4,366	0.06	3,897	0.05	4,173	0.06	4,423	0.06	5,262	0.07	2,609	0.04	24,730	0.35
Larceny-Theft	14,097	0.20	13,049	0.18	14,106	0.20	13,359	0.19	14,645	0.20	7,688	0.11	76,944	1.07
Motor Vehicle Theft	4,944	0.07	4,023	0.06	3,777	0.05	3,248	0.05	4,553	0.06	2,793	0.04	23,338	0.33
Total Property Crimes	*18,463*	0.26	*16,946*	0.24	*18,279*	0.26	*17,782*	0.25	19,907	0.28	10,297	0.14	*101,674*	1.42
Total Citywide	**21,987**	**0.31**	**19,989**	**0.28**	**21,061**	**0.29**	**20,715**	**0.29**	**22,941**	**0.32**	**11,752**	**0.16**	**118,445**	**1.65**
												Six-Year Average		**0.28**

Note: Arson statistics are excluded

[1] FBI 2011 Citywide Part 1 crime data is only available from January through June 2011; therefore, only crimes that occurred in the same time period in the Study Area were used.

Sources: FBI Uniform Crime Reporting Database, City of Fresno ISD-GIS, City of Fresno Police Department, Metroscan, U.S. Census

Deteriorating Physical Conditions

Economic disinvestment has led to deteriorating physical conditions in the Study Area. Several buildings are in a state of disrepair due to long-term vacancies. Conditions include boarded up windows and doors, poorly maintained facades, and deteriorating exterior and interior building materials. A flea market located in the former Gottschalks building at 860 Fulton Mall was recently shut down by the City due to unsafe building conditions. An inspector hired by the City found over 270 deficiencies that could cost over $4 million to fix. Repairs are needed for wiring, plumbing, exit signs, deteriorating flooring, broken windows and inferior lighting.[20] Photos of the former Gottschalks and other vacant buildings are included in Appendix 1. The photos were taken during RSG's field survey on November 10, 2011.

The Study Area's infrastructure and other physical features are deteriorating as well. The fountains are cracked and leaking. There are broken lighting fixtures and non-operational skimmers. Electrical vaults have water damage and are dirty and clogged with debris, electrical festoon distribution panels are breached by overgrown roots and foliage, christy boxes have missing lids and exposed wires, and electrical boxes have missing covers and are overtaken by roots. The bases of several lamp poles are broken throughout the Study Area, and concrete is cracked and heaving in various places. Photos of these conditions are included in Appendix 3. According to City staff, the Study Area has high maintenance costs that are difficult to support due to budget shortfalls. An analysis of annual maintenance costs under each development option is included later in this report.

IMPACT OF PROPOSED OPTIONS

As discussed in the previous section, the Study Area is currently in a state of urban decay due to economic disinvestment, which is evidenced by high vacancy rates, low lease rates, low retail sales, high crime rates, and deteriorating physical conditions. The Specific Plan aims to transform the Study Area by, among other things, potentially changing the street layout and traffic patterns. This section analyzes how the three proposed development options could improve or exacerbate conditions of urban decay. Case studies of other pedestrian malls that have opened up to traffic were reviewed to determine the potential impact based on similar scenarios. This section then examines how each development option could impact the Study Area's ability to absorb future square footage demand for office and retail space. The rate of absorption will impact the level of investment at the Study Area. Higher investment would help decrease vacancy rates, increase lease rates and retail sales, and provide more money for maintaining buildings and landscape features in the Study Area. The absorption rate is calculated by projecting the amount of square footage demand for office and retail space in the Fresno Metropolitan Statistical Area ("MSA") through 2020, and estimating how much square footage could be absorbed by the Study Area under each option proposed by the Specific Plan based on projected traffic and on-street parking counts.

Case Studies of Other Pedestrian Malls Reopened to Traffic

Opening up the Fulton Mall to vehicular traffic would provide higher visibility and accessibility, which would increase its flexibility to meet the needs of different users. This would enhance the Study Area's ability to absorb square footage demand. This is based on feedback from local real estate brokers and case studies of pedestrian malls throughout the nation that have reopened to traffic. The Downtown Memphis mall transformation study referenced earlier in this report found that the far majority of malls that have reopened to traffic in the United States experienced a significant decrease in vacancy rates and increase in rental rates, and were successful in attracting new restaurants, retail and offices, including high-end national chains, and

[20] Benjamin, Marc. "City Closing Flea Market in Ex-Gottschalks Building". *The Fresno Bee.* 15 Dec 2011. http://www.fresnobee.com/2011/12/15/2651182/fresno-closing-flea-market-former.html.

attracting new customers. Reopening pedestrian malls to traffic increased visibility for businesses and resulted in a rise in private investment.[21]

The table below presents a sample of pedestrian malls that have reopened to traffic and the resulting changes. It is primarily sourced from research conducted by the City of Buffalo, with additional research conducted by Fresno City staff.[22]

Location	Name	Year Built	Year Reopened to Traffic	Results
New London, CT	Captain's Walk	1973		Very positive results from reopening
Burlington, IA		1970s	1990	Within two years, the vacancy rate on one block went from 80% to 0%
Chicago, IL	State Street	1979	1996	Is thriving again with a new vitality that "positively transformed the pedestrian experience"
Oak Park, IL	Lake Street	1972	1988	Spurred significant private reinvestment. Sales increased 15 to 20%. Vacancy rate decreased from 25% to 19% and in 2009 was only 5%.
South Bend, IN	Michigan Street	1970s	1987	Retail sales increased 20% and vacancies decreased.
Covington, KY	Old Town Plaza		1993	Retailers immediately reported year-over-year sales gains of 30%
Louisville, KY	Fourth Street	1973	1989/2000	Vacancy rate decreased from 80% to 50% and property values increased
Eugene, OR	City Center Mall	1971	1985	Resulted in reinvestment and opening of new businesses. The vacancy rate decreased from 25% to 6% in 4 years.
Kalamazoo, MI	Burdick Street Mall	1959	1998	By 2000, three major projects were under development and two large spaces were redeveloped. By 2011, every storefront was occupied or in agreement to be occupied within two years.
Vicksburg, MS	Main Street	1970s	1980s	Sales increased and property values increased significantly
Poughkeepsie, NY	Main Street Mall	1972	2001	Opening stimulated much interest in reuse, especially retail with residential above. The vacancy rate decreased from 30% to 10.7% (city research)
Sioux Falls, SD	Unnamed	1970s	1987	Sales and property values increased
Waco, TX	Austin Ave		1986	Ground floor vacancies dropped from 80% to 40% after reopening to traffic

[21] "Pedestrian & Transit Malls Study". Center City Commission. June 2008.

[22] "City of Buffalo Main Street Multi-Modal Access and Revitalization Project Environmental Assessment, Appendix A: Experience of Other Communities with Pedestrian Malls." Niagara Frontier Transportation Authority (April 2009).

As evidenced by these case studies, reopening pedestrian malls to traffic results in many positive changes that improve conditions of urban decay. The following sections describe the future square footage demand in the Study Area and the projected rate of absorption under the three development options.

Future Square Footage Demand

Office

Employment forecasts have been used to estimate future square footage demand for office space in the Fresno MSA. Table 4 displays employment forecasts for the Fresno MSA from two different sources: Moody's Analytics and the California Employment Development Department ("EDD").[23] Each source gives a different range of projected job growth. Moody's Analytics generally assumes a higher amount of job growth for office related sectors than the California EDD.

[23] Moody's Analytics Detailed Employment Forecasts (October 2011) and California EDD 2008-2018 Industry Employment Projections

Projected Office Employment by Select Industry Clusters **Table 4**

Fresno MSA

Sector	Moody's 2008-2020			California LMI 2008-2018			Annual
	New Jobs	Cum	Annual	New Jobs	Cum	Annual	Variance
Nongovernmental Office							
Information	(632)	-13.4%	-1.2%	600	12.8%	1.2%	-98.2%
Financial Activities	1,607	10.9%	0.9%	1,000	6.8%	0.7%	131.9%
Professional & Business Services	1,678	5.5%	0.4%	2,800	9.1%	0.9%	50.8%
Education and Health Services	16,804	41.9%	3.0%	4,600	11.5%	1.1%	271.1%
Other Services	(462)	-4.3%	-0.4%	500	4.7%	0.5%	-80.0%
Subtotal	18,995			9,500			
Government Office	2,585	3.7%	0.3%	1,900	2.7%	0.3%	113.0%
Total	21,580			11,400			
Other Sectors Not Included							
Natural Resources & Mining	89	72.2%	4.6%	100	100.0%	7.2%	64.6%
Construction	(1,082)	-6.1%	-0.5%	600	3.4%	0.3%	-157.1%
Manufacturing	516	-5.7%	-0.5%	500	1.8%	0.2%	-267.1%
Wholesale Trade	(324)	-2.5%	-0.2%	500	3.9%	0.4%	-55.7%
Retail Trade	6,921	19.6%	1.5%	2,100	5.9%	0.6%	259.7%
Leisure & Hospitality	6,323	22.6%	1.7%	1,700	6.1%	0.6%	289.9%
Transportation, Warehousing & Utilities	(195)	-1.8%	-0.1%	1,300	11.8%	0.8%	-17.7%
Total	(996)			6,800			

Source: Moody's Analytics Research (October 2011); California Employment Development Department; Rosenow Spevacek Group, Inc.

Employment density factors may be applied to estimate office square footage demand based on job growth. According to the CoStar Group's *Office Report - National Office Market* for mid-year 2011, the national average employment density for office users is 291 square feet per employee.[24] Table 5 shows the average employment density broken down by industry.

SF Per Employee by Industry **Table 5**

National Office Market

Sector	Sq. Feet per Employee
Finance/Ins./RE	295.0
Services	327.6
Business Services	253.1
Manufacturing	310.6
Law Firms	414.4
Medical	274.7
Government	313.3
Retail/Wholesale	293.6
Communications	262.4
Agri/Mining/Utilities	309.5
Engineers/Archit.	284.3
Accountants	275.9
Transportation	167.2
Weighted Average	**290.9**

Source: CoStar Group, *The CoStar Office Report* , *National Office Market* , Mid-Year 2011

Table 6 calculates the projected square footage demand for office sectors in the Fresno MSA based on these employment density figures. Projected job growth and employment density factors indicate that the Fresno MSA could have a demand for up to an additional 6.3 million square feet of nongovernmental office and 809,943 square feet of governmental office space by 2020.

[24] CoStar Group, *The CoStar Office Report, National Office Market*, Mid-Year 2011

Projected Job Growth & Office Square Footage Demand by 2020 **Table 6**

Fresno MSA

Sector	New Jobs Low	New Jobs High	SF per Employee	SF Demand Low	SF Demand High
Nongovernmental Office					
Information	(632)	600	262.40	-	157,440
Financial Activities	1,000	1,607	295.00	295,000	474,037
Professional & Business Services[1]	1,678	2,800	306.93	514,948	859,390
Education & Health Services	4,600	16,804	274.70	1,263,620	4,615,962
Other Services	(462)	500	327.60	-	163,800
Subtotal	6,184	22,311		2,073,568	6,270,629
Government	1,900	2,585		595,270	809,943
Total Office	**8,084**	**24,896**		**2,668,838**	**7,080,572**

[1] Weighted average of Business Services, Law Firms, Engineers/Archit, and Accountants used to calculate SF Demand

Source: Moody's Analytics Research (October 2011); California Employment Development Department; Rosenow Spevacek Group, Inc.; CoStar Group (Mid-Year 2011).

Table 7 displays how much of the Fresno MSA's square footage demand could be captured in the Downtown and Study Area. The calculations assume that the Downtown could absorb 17 percent of the Fresno MSA's square footage demand, and the Study Area could absorb 20 percent of the Downtown's square footage demand at its highest and best use. This is based on each area's current share of the region's office supply. Demand is also adjusted for the office sectors that are supportable in each area. The *Final Market Analysis Report for the Fulton Corridor Specific Plan* by Strategic Economics concluded that the Specific Plan area is currently attractive to government, legal and medical office users. Based on interviews with real estate brokers and economic development professionals, Strategic Economics recommended that future Specific Plan office development expand its targeted users to the government, legal, medical, and creative industries. Table 7 assumes these industries would be supportable in the Downtown area and Study Area.

Projected Job Growth & Office Square Footage Demand by 2020 **Table 7**

Downtown & Fulton Mall

Sector[1]	Downtown SF Demand *(17% of Fresno MSA)* Low	Downtown SF Demand *(17% of Fresno MSA)* High	Fulton Mall SF Demand *(20% of Downtown)* Low	Fulton Mall SF Demand *(20% of Downtown)* High
Nongovernmental Office				
Information	-	27,073	-	5,415
Financial Activities	-	-	-	-
Professional & Business Services	88,548	147,776	17,710	29,555
Health Services[2]	184,220	685,792	36,844	137,158
Other Services	-	-	-	-
Subtotal	272,768	860,640	54,554	172,128
Government[3]	59,261	80,632	11,852	16,126
Total Office	**332,028**	**941,272**	**66,406**	**188,254**

[1] The medical industry is in the Health Services sector, the legal industry is in the Professional & Business Services sector, and the creative industry is in the Information and Professional & Business Services sectors.

[2] The Health Services sector makes up approximately 85% of the total Education & Health Services sector. The Education Services sector is excluded from the Downtown and Fresno Mall demand calculations.

[3] Education related government uses are excluded from the Downtown and Fresno Mall demand calculations (approximately 42% of the total Government sector).

Source: Moody's Analytics Research (October 2011); California Employment Development Department; Rosenow Spevacek Group, Inc.; CoStar Group (Mid-Year 2011).

By 2020, the Downtown could absorb up to an estimated 941,272 square feet of additional office space and the Study Area could absorb up to an estimated 188,254 square feet of additional office space. This would decrease the Study Area's amount of vacant office space by 63 percent (as shown in Table 1, the Study Area currently has 299,380 square feet of office space).

Retail

Gibbs Planning Group ("GPG") conducted a Downtown Retail Market Analysis for the PBID Partners of Downtown Fresno in June 2011. It found that the Downtown area can currently support an additional 313,000 square feet of retail and restaurant development, generating over $83.7 million in new sales. The study also estimates that the Downtown could support 353,000 square feet of new retail by 2016, generating $105.7 million in sales. These predictions were made based on demographic characteristics, consumer expenditure data, employment trends, case studies, field observations, and other market analysis. GPG's projected retail square footage demand is detailed by industry in Table 8. The amount of square footage that could be absorbed by the Study Area is discussed in the next section of this report.

Supportable Retail (Gibbs Downtown Retail Market Analysis) **Table 8**

Downtown Fresno

Retail Category	2011			2016		
	Supportable Retail (SF)	Annual Sales	Sales Per SF	Supportable Retail (SF)	Annual Sales	Sales Per SF
Women's Apparel	22,500	$ 5,467,000	$ 243	23,500	$ 6,533,000	$ 278
Men's Apparel	8,500	$ 1,878,000	$ 221	9,000	$ 2,286,000	$ 254
Unisex Apparel	12,200	$ 2,257,000	$ 185	12,700	$ 2,628,000	$ 207
Shoe Store	14,600	$ 5,621,000	$ 385	15,100	$ 6,523,000	$ 432
Total Apparel, Shoes, Accessories	57,800	$ 15,223,000	$ 259	60,300	$ 17,970,000	$ 293
Computers & Software	1,600	$ 896,000	$ 560	2,100	$ 1,251,000	$ 596
General Electronics	16,800	$ 5,173,000	$ 308	18,000	$ 6,191,000	$ 344
Appliances	5,300	$ 757,000	$ 143	6,500	$ 1,052,000	$ 162
Total Electronics, Appliances, Computers	23,700	$ 6,826,000	$ 337	26,600	$ 8,494,000	$ 367
Full Service Restaurant	37,400	$ 13,164,000	$ 352	40,400	$ 16,725,000	$ 414
Total Food & Restaurant	37,400	$ 13,164,000	$ 352	40,400	$ 16,725,000	$ 414
Grocery Store	64,300	$ 19,933,000	$ 310	76,900	$ 25,992,000	$ 338
Specialty Food Store	1,100	$ 396,000	$ 360	1,400	$ 569,000	$ 406
Beer, Wine & Liquor Store	-			600	$ 237,000	$ 395
Total Food & Beverage	65,400	$ 20,329,000	$ 335	78,900	$ 26,798,000	$ 380
Department Store	35,000	$ 7,979,000	$ 228	38,500	$ 9,585,000	$ 249
Discount Store	51,900	$ 10,742,000	$ 207	57,000	$ 12,881,000	$ 226
Warehouse Club	4,100	$ 1,143,000	$ 279	4,900	$ 1,489,000	$ 304
Used Merchandise Store	7,600	$ 1,094,000	$ 144	9,100	$ 1,392,000	$ 153
Total General Merchandise Store	98,600	$ 20,958,000	$ 215	109,500	$ 25,347,000	$ 233
Lawn, Garden Equipment & Supplies	1,400	$ 309,000	$ 221	1,500	$ 378,000	$ 252
Total Hardware, Lawn & Garden	1,400	$ 309,000	$ 221	1,500	$ 378,000	$ 252
Drug Store/Pharmaceutical	700	$ 341,000	$ 487	2,200	$ 1,229,000	$ 559
Optical/Vision Care	-			700	$ 229,000	$ 327
Personal Services	-			1,200	$ 376,000	$ 313
Total Health Care & Personal Services	700	$ 341,000	$ 487	4,100	$ 1,834,000	$ 400
Furniture Store	11,500	$ 3,289,000	$ 286	12,600	$ 3,930,000	$ 312
Home Furnishings	-			1,000	$ 212,000	$ 212
Total Home Furnishings Store	11,500	$ 3,289,000	$ 286	13,600	$ 4,142,000	$ 262
Jewelry Store	1,100	$ 390,000	$ 355	1,200	$ 476,000	$ 397
Luggage & Leather Store	600	$ 146,000	$ 243	600	$ 163,000	$ 272
Total Jewelry, Luggage & Leather Goods	1,700	$ 536,000	$ 299	1,800	$ 639,000	$ 335
Art, Crafts & Sewing Stores	1,800	$ 360,000	$ 200	2,100	$ 457,000	$ 218
Book & Music Stores	8,600	$ 1,247,000	$ 145	9,200	$ 1,490,000	$ 162
Total Sporting Goods, Hobby, Books, Music	10,400	$ 1,607,000	$ 173	11,300	$ 1,947,000	$ 190
Pet Supply Store	2,600	$ 494,000	$ 190	3,000	$ 644,000	$ 215
Tobacco Shop	1,700	$ 552,000	$ 325	1,900	$ 715,000	$ 376
Video/Entertainment	600	$ 84,000	$ 140	700	$ 105,000	$ 150
Total Miscellaneous Retailers	4,900	$ 1,130,000	$ 218	5,600	$ 1,464,000	$ 247
Total Identified Retail Expenditure	**313,500**	**$ 83,712,000**	**$ 289**	**353,600**	**$ 105,738,000**	**$ 307**

Source: Gibbs Planning Group, Downtown Retail Market Analysis, July 12, 2011 Draft

Projected Absorption of Square Footage Demand

As shown earlier in Table 1, the Study Area has nearly 300,000 square feet of vacant office space and over 430,000 square feet of vacant retail space. At its current vacancy rate, the Study Area has the capacity to absorb almost 730,000 square feet of the region's office and retail square footage demand. The rate of absorption will be impacted by which development option is pursued, as each alternative offers varying levels of flexibility to support different industry types.

Office

Grubb & Ellis publishes office market reports for Fresno that identify existing inventory, vacancy rates and absorption by subarea. The Study Area is located in the Downtown subarea, which contains approximately 17 percent of the office inventory in the Fresno/Clovis market. As summarized in Table 9, the Downtown area has been experiencing positive absorption since 2006 with an average annual absorption rate of 22,088 square feet per year and an average annual vacancy rate of 12.8 percent.

Office Market Trends (2006-2011) **Table 9**

Downtown Subarea

Quarter Ending	Total SF	Vacant SF	Vacancy %	Net Absorption (YTD)
4Q2006	3,055,158	473,876	15.5%	(28,400)
4Q2007	3,062,176	378,685	12.4%	81,100
4Q2008	3,080,697	394,171	12.8%	(7,465)
4Q2009	3,110,722	328,104	10.5%	34,301
4Q2010	3,147,270	403,498	12.8%	(27,085)
3Q2011	3,271,624	415,905	12.7%	80,078

Average Annual Vacancy Rate	12.8%
Average Annual Absorption (Sq. Ft.)	22,088

Source: Grubb & Ellis Office Market Trends Reports

Approximately 20 percent (648,964 square feet) of the Downtown area's office inventory is located in the Study Area. If the Study Area's absorption rate were proportionate to the Downtown area, the Study Area's average annual office absorption rate would be an estimated 4,381 square feet per year. However, the Study Area's vacancy rate is over three times higher than the Downtown's vacancy rate, which means that its absorption rate is much lower, at an estimated 1,215 square feet per year.

The annual absorption rate (or capture rate) would increase at various rates depending on the office sectors that could be supported at the Study Area under each option proposed in the Specific Plan. Table 10 identifies the office sectors that could be accommodated at the Study Area under the three development options proposed in the Specific Plan. As previously discussed, the Specific Plan area is currently attractive to government, legal and medical office users. Future development could also attract creative industries. The potential capture rate of each sector is estimated based on the potential traffic counts generated by each development option. Table 10 also shows the resulting square footage demand at the Study Area under each scenario, and the estimated amount of office square footage the Study Area could absorb under the three options. The Study Area's square footage demand at its highest and best use, calculated earlier in Table 7, is used as a baseline amount to calculate absorption under each development scenario.

Projected Office Absorption by 2020 **Table 10**

Fulton Mall

Option	Supportable Office Sectors[1]	Total Peak Hr Traffic Counts[2]	Capture Rate[3]	New Square Footage Demand (2020) Low	New Square Footage Demand (2020) High	Absorbed Square Footage	Average Absorbed SF/Year	Vacancy	Occupancy	Total
Existing	Professional & Business, Health Services, Government	31,422						299,380 46%	349,584 54%	648,964 100%
1: Traditional Grid	Professional & Business	90,450	100%	66,406	188,254	188,254	23,532	111,126 17%	537,838 83%	648,964 100%
	Information		100%							
	Health Services		100%							
	Government		100%							
2. Vignettes	Professional & Business	90,450	100%	66,406	188,254	188,254	23,532	111,126 17%	537,838 83%	648,964 100%
	Information		100%							
	Health Services		100%							
	Government		100%							
3. Restoration	Professional & Business	75,410	50%	39,129	99,483	99,483	12,435	199,897 31%	449,067 69%	648,964 100%
	Information		0%							
	Health Services		50%							
	Government		100%							

[1] The medical industry is in the Health Services sector, the legal industry is in the Professional & Business Services sector, and the creative industry is in the Information and Professional & Business Services sectors.

[2] Total combined AM & PM peak hour traffic counts for the Study Area. Existing and projected peak hour traffic counts for the Study Area provided by Fehr & Peers Transportation Consultants. Projected traffic counts are for the year 2035.

[3] Capture rate of the Fulton Mall's total potential square footage demand calculated in Table 7.

Sources: Moody's Analytics Research (October 2011); California Employment Development Department; CoStar Group (Mid-Year 2011); Grubb & Ellis; Strategic Economics; Fehr & Peers Transportation Consultants; Rosenow Spevacek Group, Inc.

Options 1 and 2 would have minimal difference in traffic counts. Based on evidence from case studies and local real estate broker opinions, these options offer the highest level of visibility and accessibility from through-traffic, and according to brokers, would be the most attractive for office users. Option 3 would have the least amount of visibility and accessibility, however some additional users would be attracted after the Study Area is restored. A capture rate was estimated for each office sector in each development scenario by taking these factors into consideration. The "Absorbed Square Footage" represents the square footage demand that could be generated under each development option. The resulting vacancy rates for Options 1 and 2 (17%) are nearly half of the projected vacancy rate under Option 3 (31%), all of which are significantly lower than the current office vacancy rate (46%).

Retail

GPG analyzed the impact that each development option would have on ground floor vacancies and sales revenue at the Study Area in the future.[25] Table 11 summarizes GPG's findings. The retail sales figures have been adjusted to apply the Study Area's existing rate of retail sales per square foot calculated earlier in this report.

Estimated Impact on Ground Floor Retail Vacancy and Sales (GPG & RSG) **Table 11**

Fulton Mall

Option	On-Street Parking Spaces	Cross Street Parking Spaces	Ground Floor Vacancy[1]	Ground Floor Occupancy	Ground Floor Sales/SF Change[2]	Total Annual Retail Sales Revenue	Projected Change
Existing	0	14	26% 122,700	74% 350,000	N/A $78.88	$20.2 million	N/A
1: Traditional Grid	252	117	9% 43,500	91% 430,000	100% $157.76	$67.8 million	+ $47.6 million
2. Vignettes	127	117	15% 70,800	85% 401,300	50% $118.32	$47.5 million	+ $27.2 million
3. Restoration	0	14	20% 94,400	80% 377,800	10% $86.77	$32.8 million	+ $12.5 million

[1] GPG's square footage calculations are based on ground floor spaces only, thus do not match vacancy figures elsewhere in this report that are based on total building square footage.

[2] The amount of retail sales is based on RSG's calculations of City data provided for October 2010-September 2011. The rate of projected change is based on GPG's assumptions.

Source: GPG (Fulton Mall Alternative Plans, Economic Impact Analysis, June 24, 2011); City of Fresno

GPG's study concludes that Option 1 will have the greatest impact on vacancies and sales, with ground floor vacancies decreasing by 65 percent and sales per square foot doubling. Option 2 has a mid-range impact, with ground floor vacancies decreasing by 42 percent and sales per square foot increasing by 50 percent. Option 3 will have the least impact, with ground floor vacancies decreasing by 23 percent and sales per square foot increasing by only 10 percent. This is based on the average amount of retail space that could be supported by additional on- and off-street parking spaces, vacancy and sales trends at other pedestrian shopping districts that have opened up to traffic, and other factors such as population growth. GPG's assumptions are summarized below. GPG's methodology and analysis may be viewed in greater detail in the *Fulton Mall Alternative Plans Economic Impact Analysis* attached as Appendix 4 to this report.

[25] Gibbs Planning Group, *Fulton Mall Alternative Plans Economic Impact Analysis*, June 24, 2011

- On-street Parking: Each metered on-street parking stall will receive a minimum of four user turns per day, equating to twice the usage of off-street surface and structured parking spaces. This equates to each parking stall directly supporting 500 square feet of gross retail space.
- Comparative Studies: Research has shown that other pedestrian malls that have reopened to vehicular traffic and added on-street parking have seen a significant reduction of vacancies and increase in sales. Case studies indicate that returning cars to pedestrian malls increased sales of existing businesses by 25-30 percent and cut vacancies in half.
- Other Factors: GPG assumes that no major regional centers will be developed within the trade area over the next five years and only considered existing retail for its study (it did not consider proposed projects such as the Fancher Creek Town Center); annual population growth is estimated to be 0.79 percent for the primary trade area over the next five years; employment distribution is projected to remain constant; the projected lease and vacancy rate model is based on the relationship between changes in employment and vacancy and lease rates; the region's economy will continue at normal or above normal ranges of employment, inflation, retail demand, and growth; and any new construction at the Fulton Mall and surrounding area will be planned, designed, built, and managed to the best practices of various planning and building associations. The study's "trade area" is bordered by the Shaw Avenue shopping district to the north, intensive agriculture areas to the east and west, and the southern edge of Selma, California along Highway 99.

Based on GPG's figures, the Study Area could absorb up to 80,000 square feet of ground floor retail space under Option 1, 51,300 square feet of ground floor retail space under Option 2, and 27,800 square feet of ground floor retail space under Option 3.

Impact on Maintenance Costs

Maintenance at the Fulton Mall is currently funded by the City and the Downtown Fresno Property-Based Business Improvement District ("PBID"). The City's General Fund currently allocates approximately $50,000 annually for the maintenance of the Fulton Mall, which includes baseline services such as the maintenance of landscaping, removal of graffiti, cleaning and maintaining fountains, bicycle patrol, litter removal, and maintaining public parking facilities. The PBID is a property-based assessment district where certain properties in Downtown Fresno are assessed to fund specific downtown improvements and services in addition to those provided by the City. The PBID was established in January 2011 and has a five year life span pursuant to State Law (through 2015)[26]. The PBID allocates approximately 29 percent of their annual operating budget for the Fulton Mall. These funds are for Ambassador services to help keep the area along Van Ness and Fulton Mall clean and safe and for cosmetic improvements along Van Ness and Fulton Mall.

The Specific Plan estimates the City's total cumulative maintenance cost of each option over a 30 year period[27]. They are:

- Option 1: $3,702,555
- Option 2: $4,202,278
- Option 3: $6,686,938

Option 1 would have the lowest maintenance cost. Option 2 would have 13 percent higher maintenance costs than Option 1 and Option 3 would have the highest cost. This is due to higher maintenance costs

[26] After 5 years the PBID must be re-activated by a property owner vote; assumes the PBID will be reactivated and remain through 2020.
[27] Present value of 30 year cost based on 2% inflation rate and 5% discount rate.

associated with maintaining the features preserved in Options 2 and 3 such as landscaping and fountains. As indicated in Table 12 and Chart 5[28], the funds allocated by the City and PBID to maintain the Fulton Mall will exceed the annual estimated maintenance costs for Options 1 and 2 but are not adequate to fund all of the necessary maintenance for Option 3. Table 12 also illustrates that the City does not have enough funds to provide the necessary maintenance for the Fulton Mall on its own and financial assistance from the PBID is necessary. If the PBID becomes inactive, the City will have limited funding for maintenance at the Fulton Mall.

[28] Assumes the PBID remains activated through 2020.

Maintenance Costs & Maintenance Funds Allocated **Table 12**

Fulton Mall

	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Maintenance Funds										
PBID Operating Budget (Environmental)[2, 3]	175,000	175,000	175,000	175,000	175,000	183,750	187,425	191,174	194,997	198,897
PARCS Mall Maintenance Fund[4]	50,000	52,300	52,300	52,300	52,300	54,915	56,013	57,134	58,276	59,442
Total	$225,000	$227,300	$227,300	$227,300	$227,300	$238,665	$243,438	$248,307	$253,273	$258,339
Option 1:										
Maintenance Funds	$225,000	$227,300	$227,300	$227,300	$227,300	$238,665	$243,438	$248,307	$253,273	$258,339
Maintenance Cost[1]	$191,217	$195,042	$198,943	$202,921	$206,980	$211,120	$215,342	$219,649	$224,042	$228,523
Total	**$33,783**	**$32,258**	**$28,357**	**$24,379**	**$20,320**	**$27,545**	**$28,096**	**$28,658**	**$29,231**	**$29,816**
Option 2:										
Maintenance Funds	$225,000	$227,300	$227,300	$227,300	$227,300	$238,665	$243,438	$248,307	$253,273	$258,339
Maintenance Cost[1]	$217,026	$221,366	$225,793	$230,309	$234,915	$239,614	$244,406	$249,294	$254,280	$259,366
Total	**$7,974**	**$5,934**	**$1,507**	**($3,009)**	**($7,615)**	**($949)**	**($968)**	**($987)**	**($1,007)**	**($1,027)**
Option 3:										
Maintenance Funds	$225,000	$227,300	$227,300	$227,300	$227,300	$238,665	$243,438	$248,307	$253,273	$258,339
Maintenance Cost[1]	$345,345	$352,252	$359,297	$366,483	$373,813	$381,289	$388,915	$396,693	$404,627	$412,719
Total	**($120,345)**	**($124,952)**	**($131,997)**	**($139,183)**	**($146,513)**	**($142,624)**	**($145,476)**	**($148,386)**	**($151,354)**	**($154,381)**

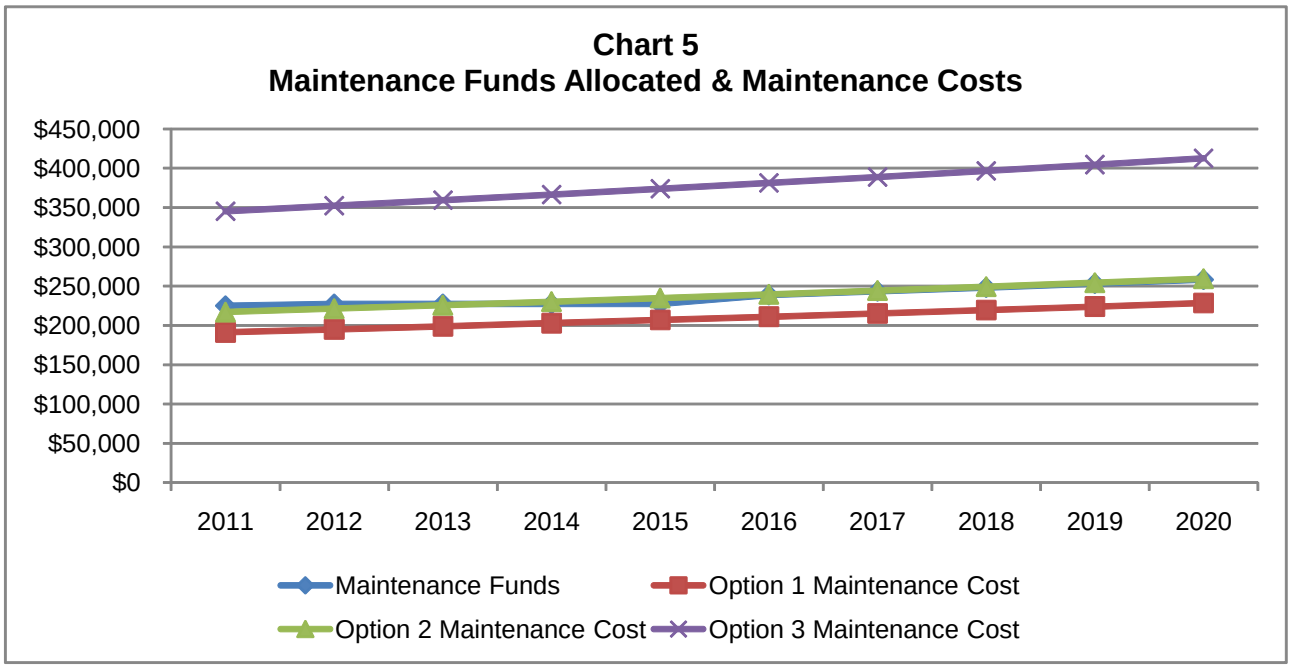
[1]Maintenance Costs are from the Specific Plan. A 2% annual growth rate was applied.

[2]PBID Operating Budget (Environmental) includes salaries, insurance, workmans compensation etc. for Ambassadors and streetscape enahancement allowance. No growth rate was applied although a 5% maximum annual growth rate is permitted per PBID Management District Plan through 2015. A 5% growth rate was applied in 2016 and 2% annual growth rate thereafter.

[3]Assumes PBID remains activated through 2020.

[4]Based on Fresno FY2012 Annual Budget. No growth rate was applied through 2015. A 5% growth rate was applied in 2016 and 2% annual growth rate thereafter, consistent to the growth rate applied from the PBID Operating Budget.

Sources: Appendix A of the Fulton Corridor Specific Plan (Draft 14 October 2011), Fresno FY2012



Notes:

A 2% annual growth rate was applied to the maintenance costs.

Maintenance Funds Allocated includes PBID Operating Budget (Environmental) and Mall Maintenance Fund, with a 2% annual growth rate applied per the PBID Management District Plan (5% growth rate applied in 2016 only). PBID Operating Funds includes salaries, insurance, workmans compensation etc. for Ambassadors and streetscape enahancement allowance.

Sources: Appendix A of the Fulton Corridor Specific Plan (Draft 14 October 2011), Fresno FY2012 Annual Budget, Management District Plan for the Downtown Fresno PBID

The lower maintenance costs required by Options 1 and 2 would improve the City and PBID's ability to maintain the Fulton Mall at the level required to alleviate and prevent urban decay.

CONCLUSIONS

The Study Area is currently in a state of urban decay that is common with pedestrian malls throughout the nation. Existing characteristics of urban decay on and along the Fulton Mall include high vacancy rates, low lease rates, low retail sales, high crime rates, and deteriorating physical conditions. Deteriorating physical conditions include, but are not limited to, boarded windows, damaged building materials, and broken fixtures. Studies have shown that urban decay can result from long-term vacancies that cause property owners to stop maintaining and/or investing in their buildings because they will have no or minimal return on their investment. This in turn can create a vicious cycle where the lack of investment results in fewer tenants, the need to lower rents, and decreased business retention and attraction in the area. Vacancies and low visibility from the absence of through-traffic encourages other factors that exacerbate the problem, including but not limited to, high crime and perception of danger by potential tenants and visitors.

The Study Area's current office vacancy rate is over three times greater than that of Downtown Fresno and over two times higher than the City. The lease rates for office spaces are at least 27 percent lower in the Study Area than Downtown Fresno. The retail vacancy rate is approximately three times higher in the Study Area compared to Downtown Fresno. Furthermore, the Study Area's retail sales per square foot, a prime indicator of retail sales health, is approximately 71 percent below the national average and a third of what is

found in other areas of the City that serve the same demographic. The disparity in vacancy rates, lease rates, and retail sales in the Study Area compared to the rest of Downtown and the City as a whole is primarily attributable to the Fulton Mall's pedestrian-only configuration. The lack of vehicular access, through-traffic, and on-street parking makes buildings in the Study Area less visible and difficult to access. This also results in less "eyes on the street" in the Study Area, which creates more opportunity for crime and perceptions that the area may be unsafe.

Of the three development options presented in this report, Option 1, which fully restores vehicle access to the Study Area and adds the most parking spaces by reconnecting the pedestrian mall to a traditional grid, has the greatest potential for reversing the Study Area's current state of urban decay. It provides the greatest flexibility for accommodating future uses and will have the highest amount of visibility and accessibility from through-traffic and on-street parking. As proven by case studies and broker experiences, this will make the area attractive to a wider variety of tenants, maximizing its ability to absorb future square footage demand and decrease vacancies. Bringing in more tenants to the area will increase investment and make the Study Area a more desirable location, having a positive effect on lease rates and retail sales. Opening the Mall up to traffic will also help deter crime by increasing visibility and safety. Under Option 1, it is projected that the Study Area's office vacancy rate will drop from the current 46 percent to approximately 17 percent by 2020. Furthermore, the implementation of Option 1 will result in an increase in retail sales per square foot from the current $78 per square foot to approximately $158 per square foot. This represents an increase in sales revenue generated by the Study Area to approximately $47 million.

Reconnecting the grid with vignettes will also help decrease urban decay at the Study Area, but on a lesser scale than Option 1. Although opening up the street will attract additional office and retail tenants, it will not attract users who desire more on-street parking, as lower parking is correlated with lower retail sales. The implementation of Option 2 would have a similar impact on office vacancy rates in the Study Area as Option 1. However, it would result in significantly less new retail sales revenue ($27 million versus $47 million in Option 1).

Implementation of Option 3, which is a full restoration of the Study Area without the introduction of vehicle access, has the least potential for reversing urban decay in the Study Area. Although restoration will attract some additional users, remaining closed off to traffic will not attract users who thrive on increased visibility and accessibility. The Study Area's vacancy rate and retail sales will improve marginally under Option 3, but not at significantly as it would under Options 1 and 2. The office vacancy rate would be approximately twice as high under Option 3 versus Options 1 and 2. It is estimated that new sales revenue generation would be a fourth of what would be generated under Option 1 and less than half of what would be generated under Option 2.

Additionally, the cost of maintaining Option 1 is less than half the cost of maintaining Option 3 and approximately a third less than the cost of maintaining Option 2. Although the implementation of Option 3 would result in a temporary improvement in vacancy rates and retail sales, it is uncertain if the improvements would be sustainable as they are heavily dependent upon the Fulton Mall being properly maintained over a long-term period. Because the availability of funding to maintain the Mall over the long-term is uncertain, and likely to be sharply limited, it is possible that a restored Fulton Mall could suffer the same fate as the original Mall, with initial improvement followed by a gradual and sustained decline. Based on the information available about maintenance costs and the Fulton Mall's history, Option 1 has the best chance of permanently eliminating urban decay in the Study Area because it is self-sustainable with lower maintenance costs. Option 3, with the highest maintenance costs and only marginal economic benefits to the Study Area, has the greatest probability of resulting in a state of urban decay once again on the Fulton Mall and in the Study Area by the end of the planning horizon.

APPENDIX 1: PHOTOGRAPHS OF VACANT BUILDINGS

Photos 1 & 2: Former courthouse for lease at 1255 Fulton Mall

Photo 3: Office space for lease at 1260 Fulton Mall

Photos 4 & 5: Commercial retail space for rent at 1242 Fulton Mall

Photo 6: Vacant commercial space for rent at 1228 Fulton Mall

Photos 7 & 8: Vacant space for rent as 1203 Fulton Mall (next to Procter's Jewelers) with deteriorated exterior

Photo 9: Three-story office building for lease at 1150A Fulton Mall / 2000 Fresno Street

Photo 10: Bank-owned vacant commercial space at 1155 Fulton Mall

Photo 11: Vacant commercial units at 1141 Fulton Mall

Photos 12 & 13: Retail/Office space for lease at 1118 Fulton Mall

Photo 14: Two vacant units at 1121 and 1123 Fulton Mall

Photo 15: Vacant unit at the Helm Building, 1111 Fulton Mall

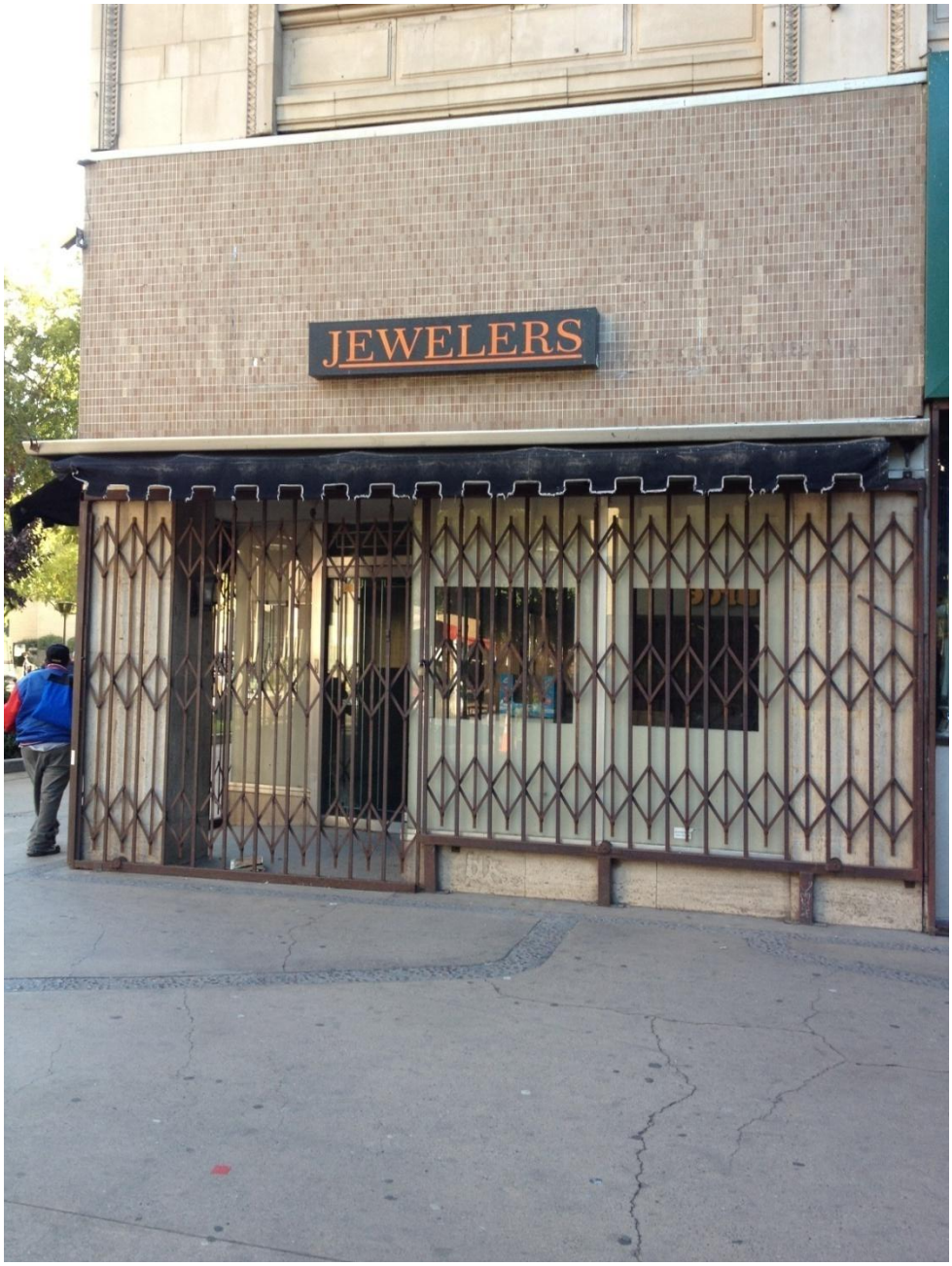


Photo 16: Another vacant unit at the Helm Building, 1101 Fulton Mall

Photo 17: The Banker's Ballroom at 1058 Fulton Mall is a partially occupied mixed-use commercial/residential space that is being remodeled; 10 of the 14 floors are currently vacant.

Photo 18: Entrance to vacant space at 1044 Fulton Mall. Graffiti is visible on the doorway.

Photo 19: Vacant building at 1015 Fulton Mall

Photos 20 & 21: Vacant building at 959 Fulton Mall. The smaller photo shows where people broke through the board over the window to gain entry into the building.

Photos 22 & 23: Former Gottschalks at 860 Fulton Mall. Vacant office space available for lease.

Photo 24: Vacant space at 887 Fulton Mall

Photo 25: Vacant commercial units at 865 Fulton Mall
(Will be occupied by the Social Security Administration in 2012)

Photo 26: Vacant unit at 835 Fulton Mall

APPENDIX 2: PHOTOS OF RECENT VANDALISM ALONG THE FULTON MALL

Photo 1: The concrete base of the *Rite of Crane* statue on the Fulton Mall was damaged by vandals on February 21, 2012. The statue is in safekeeping elsewhere. As of March 3, 2012, the fountain below was drained awaiting repair.

Photo 2: Renoir's *Washer Woman* statue was vandalized on the night of August 21, 2011

Photo 3: Renzi's *The Visit* was vandalized with graffiti on the night of August 21, 2011

Photo 4: The rocks of *Trisem* were vandalized on the night of August 21, 2011

Photo 5: A City employee removing graffiti from the historic TW Patterson Building, which was vandalized with graffiti on the night of August 1, 2011

Photo 6: Evidence of a possible attempt to force access into the front doorway of the historic Bank of Italy building by vandals on the night of August 1, 2011

Photo 7: Graffiti inside a fountain on the Fulton Mall vandalized on the night of August 1, 2011

APPENDIX 3: PHOTOS OF DETERIORATING MALL FEATURES

Photos from Moule & Polyzoides showing deteriorating features at the Fulton Mall are attached as a separate document.

MALL FOUNTAINS
Plaster cracked and leaking

MALL FOUNTAINS
Lighting in disrepair

MALL FOUNTAINS

Skimmers not operational.

ELECTRICAL VAULTS

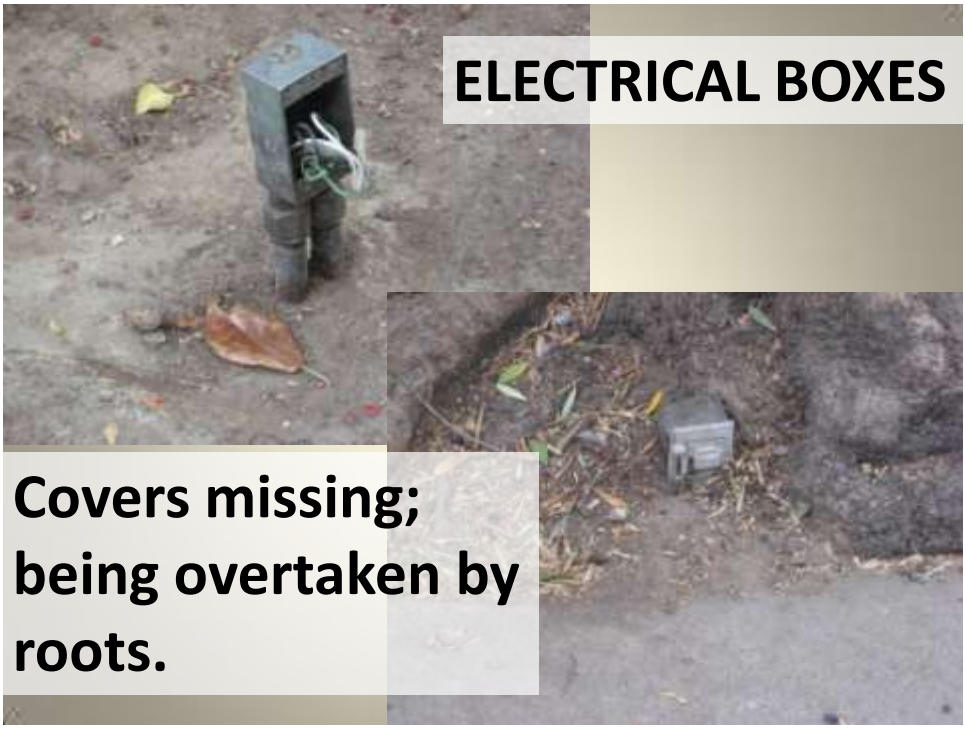
Filthy and clogged with debris.

ELECTRICAL VAULTS
Water leakage and damage.

COCKROACH INFESTATION
Throughout mall.

ELECTRICAL FESTOONS
Distribution panels being breached by roots and foliage.

CHRISTY BOXES
Lids missing; wire exposed.


ELECTRICAL BOXES
Covers missing; being overtaken by roots.

LIGHT POLES
Bases broken throughout mall.

CONCRETE HEAVING
Due to tree roots; seen throughout mall.

CONCRETE
Cracked throughout mall.

APPENDIX 4: GIBBS PLANNING GROUP FULTON MALL ALTERNATIVE PLANS ECONOMIC IMPACT ANALYSIS

Attached as a separate document.

Fulton Mall Alternative Plans

Economic Impact Analysis

Prepared for:
PBID Partners of Downtown Fresno

Prepared by:
Gibbs Planning Group, Inc.

24 June, 2011

Executive Summary

This study finds that the original premise for the creation of the Fulton Street Pedestrian Mall to serve as a regional shopping destination is fundamentally flawed and cannot be supported by Fresno's current market conditions. The 1964 closure of Fulton Street and removal of its on-street parking assumed that the downtown would retain enough critical mass of retailers and department stores to offer the visitor several hours of exciting shopping. In exchange, parking in remote decks and hiking to the shops could be acceptable, just as it is in today's modern malls.

This business model is dependent on at least 500,000 square feet (sf) of proven retailers, competitive centralized management, marketing and extended common shopping hours. It was also based on the traditional two-parent, stay at home mom – working dad, household of the mid-twentieth century.

By every shopping center industry metric, the Fulton Mall is underperforming. Presently, Fulton Mall has the following existing conditions:

- **High Vacancy Rate**: The Fulton Street Mall's ground level retail suffers from an overall 26 percent vacancy of ground floor commercial (120,700 sf vacancy of the 472,200 sf gross ground level). This represents more than twice the City of Fresno's overall retail vacancy rate of 11.2 percent and nearly triple the national regional center vacancy rate of nine percent.

- **Low Sales:** The Fulton Street Mall has average annual retail sales of only $92 per sf ($32.1 million). This represents only 25 percent of the national annual average of $372 per sf for regional centers.

- **Low Rents:** The Fulton Street Mall's rents are reported in the $0.50 to $0.60 per sf/month, or less than half of the region's average rates of $1.20. Many of the buildings are reportedly owner occupied.

Fulton Challenges

Cosmetic enhancements alone will not significantly improve Fulton's economic sustainability and commerce. The pedestrian mall could potentially approach full market potential with the oversight of a qualified third-party shopping center developer and the deployment of multiple department stores and entertainment anchors that are unique to the region. However, similar public-private implementation strategies are risky and often require tens of millions of dollars of public subsidies.

On the other hand, opening the street to vehicular traffic, lined with managed parking, has proven to quickly revitalize similar pedestrian malls across the United States (see attached studies).

GPG concludes that the Fulton Street Mall's existing economic underperformance is primary due to the following factors:

- **Lack of Vehicular Traffic:** The existing businesses along Fulton do not have any vehicular traffic and must rely on advertising or pedestrian traffic to attract commerce. This disadvantage could be minimized if Fulton had multiple department store anchors and an overall tenant mix of over 500,000 sf.

- **Inadequate Parking:** The Fulton Mall has an overall parking ratio of one stall per 460 sf of gross commercial area. This equals less than two cars per 1000 sf, less than half of the industry standard for similar shopping districts (2788 parking stalls for 1,281,310 sf gross commercial area excluding basements).

- **Inconvenient Parking:** 75 percent of Fulton's 2788 parking spaces are located in structures. While structured parking is acceptable for office and regional shopping centers, they are inconvenient for downtown workers, young families and visitors seeking an impulse purchase or with little time to shop.

- **Minimal On-street Parking:** Presently, Fulton only has 14 metered on-street parking stalls. Managed on-street stalls are essential for competitive shopping districts and offer convenient parking for an impulse visit. Research led by Norman Garrick of the University of Connecticut in 2007 concluded: *"We found that on-street parking plays a crucial role in benefiting activity centers on numerous levels…users of downtowns consistently valued on-street parking spaces over and above off-street surface lots and garages".*

- **Poor Tenant Mix**: Fulton lacks any department store anchors or leading regional or national retailers.

- **Young Families:** Fresno has a high ratio of young family and single parent households, with over 80,000 children under age nine living within the downtown's primary trade area (per GPG's market research). These households are defined as the Industrious Urban Fringe and NeWest tapestry lifestyles (source ESRI Research). These young families are time-stressed and prefer convenient shopping destinations.

- **New Consumer Trends:** Today's households are frequently single parents or two-income families that accomplish more shopping in less time than was common in the early 1960's. As a result, modern shoppers frequently have purpose-driven shopping, rather than recreational browsing. They prefer to park directly in front of their destination store, make a quick purchase, and continue with their other responsibilities.

- **Strong Competition:** Fresno has numerous well-managed, state of the art shopping centers that offer leading brands, extended hours, convenient surface parking and effective operations. These centers are frequently located adjacent to

many of Fresno's densely populated areas. Many of Fulton's visitors will need to drive past several of these competitive centers en-route to the downtown pedestrian mall.

- Daytime Office Workers: Fresno has a strong daytime employment base of 40,000 workers in the downtown, and 60,000 within a five minute drive. Office workers are more time-stressed due to the recession, leaving little time for casual dining and shopping during the workday. While daytime office workers make an average of $157 in retail and restaurant purchases weekly, most of these are made while driving to and from work. While their annual spending totals $81.2 million, Fulton does not receive its share of this worker spending because of its lack of a street and convenient on-street parking.

- Limited Management: Similar to most historic shopping districts, Fulton is made up of numerous individually owned properties and lacks central management essential to compete with other commercial centers.

- Site Constrains: Although the Fulton Pedestrian Mall has a market demand for over 300,000 sf of additional retail and strong demographics, it does not meet the minimal site selection criteria for most leading regional and national retailers. These challenges could potentially be overcome with a third-party qualified shopping center developer and a public-private partnership similar to Santa Monica's Third Street Promenade and Miami Beach's Lincoln Road. Alternatively, opening Fulton Street to vehicular traffic with managed on-street parking (individual parking meters) could unleash pent-up market demand and significantly improve the commerce for many of its existing businesses.

Alternative Impacts

The six proposed alternative plans (prepared by Moule-Polozides Architects) each have various levels of economic inpact on the performance of Fulton's retail sales. GPG finds that sales can range from a decrease of $3.9 million with the "Do Nothing" alternative to an increase of $47 million by reopening the street to two-way traffic lined with parking.

Please find below a summary of this study's findings:

Alternative	*Fulton On-Street Parking*	*Cross Street Parking*	*Projected Overall Ground Floor Vacancy*	*Projected Ground Floor Occupancy*	*Projected Ground Floor Sales Change*	*Projected Total Gross Retail Sales Revenue*	*Projected Change from 2011*
2011 Existing Conditions	N/A	14	26% existing 122,700 sf	74% 350,000 sf	N/A $92.00 sf	$32.1 million	N/A
Alt 1: Do Nothing Different	0	14	35% 165,300 sf	65% 307,000 sf	N/A $92.00 sf	$28.2 million	- $3.9 million
Alt 2: Restoration & Completion	0	14	20% 94,400 sf	80% 377,800 sf	+10% $101.20	$38.2 million	+ $6.1 million
Alt 4a: Open the Outer Blocks & Cross Streets	52	117	20% 94,400 sf	80% 377,800 sf	+ 12% $103.00 sf	$38.9 million	+ $6.8 million
Alt 6a: Reconnect the Grid-One Way Street	48	117	20% 94,400 sf	80% 377,800 sf	+ 12% $103.00 sf	$38.9 million	+ $6.8 million
Alt 7: Reconnect the Grid with Vignettes	127	117	15% 70,800 sf	85% 401,300 sf	+ 50% $138.00 sf	$55.4 million	+ $23.3 million
Alt 8 Reconnect the Grid on Traditional Street	252	117	9% 43,500 sf	91% 430,000 sf	+ 100% $184,00 sf	$79.1 million	+ $47 million

Background

Designed by noted architect Victor Gruen and landscape architect Garrett Eckbo, the Fulton Street Pedestrian Mall opened in 1964 and replaced a once-vibrant shopping street. Like most other pedestrian malls, Fulton quickly deteriorated into a mostly vacant city center and many of its leading retailers and department stores moved to suburban shopping centers. Gibbs Planning Group Inc. (GPG) has been retained by the PBID Partners of Downtown Fresno, California to conduct an economic impact analysis for six alternative master plans for the Fulton Street pedestrian mall. These plans have been designed by Moule Polyzoides Architects.

Methodology

To address the above issues, GPG conducted a review of published research prepared by third-party groups on the economics of American pedestrian malls, modern shopping trends and the impacts of on-street parking. GPG has not conducted primary research or tested the existing data for Fresno's current conditions. This evaluation was conducted during the month of June, 2011.

For the purposes of this study, GPG has assumed the following:

- **On-street Parking:** Each metered on-street parking stall will receive a minimum of four user turns per day (actual turns can be as high as 20 per day), equating to twice the usage of off-street surface and structured parking spaces. This equates to each parking stall directly supporting 500 sf of gross retail space. Average U.S. annual regional retail sales are $372 per sf (2008 Dollar & Cents of Shopping Centers, ICSC & ULI). Therefore, each managed (individually metered) on-street Fulton parking stall will conservatively generate $186,000 in annual gross retail sales. Meters located along cross streets are assumed to produce $62,000 in sales because of their distance from Fulton's retailers.

- **Comparative Studies:** Research has indicated that the opening of similar pedestrian malls to vehicular traffic and adding on-street parking has been *"an unqualified success," resulting* in a significant reduction of vacancy and an increase in sales (see attached research). Eugene, Oregon reported: *"retailers were thrilled by the (pedestrian mall) opening; people are coming back by the thousands."* Numerous case studies indicate that returning cars to pedestrian malls increased sales of existing businesses by 25-30 percent and cut vacancies in half, typically to five to ten percent. (See attached case studies for Covington, Kentucky; Eugene, Oregon; Oak Park, Illinois; South Bend, Indiana; Waco, Texas,)

- **Reduced Vacancies:** Based on similar case studies (attached), GPG assumes that the reopening of Fulton and adding on-street parking will reduce the existing vacancy rates from 26 percent to nine percent, equaling the overall Fresno retail vacancies. This represents leasing 72,200 sf of the existing 120,700 vacant ground floor space (20 – 30 new retailers producing $29 million in additional sales revenue).

- **Increased Sales:** Based on similar case studies (attached), GPG assumes that overall existing businesses will increase sales by 10 to 100 percent, depending on the street design and numbers of parking stalls. As a result, the reopening of the mall would generate an additional $6.1 to $47 million in annual retail sales. Fulton's 2010-2011 sales are reported at $32.1 million.

- **No New Competition:** No major regional retail centers will be developed within the trade area of this study through 2016 except as noted below. Other major community retail centers may be planned or proposed (Fancher Creek Town Center), but only the existing retail is considered for this study. The quality of the existing retail trade in the study area is projected to

remain constant. Gains in future average retail sales per sf reflect higher sales per sf in newly developed retail and selected increases in sales per sf by individual retail categories.

- **Population Growth:** Annual population growth for the primary trade area is estimated to be 0.79 percent throughout the five-year period of this study.

- **Employment:** Employment distribution is projected to remain constant, without a spike or decline in employment by NAICS categories.

- **Reported Lease Data:** The projected lease and vacancy rate model is based on our proprietary econometric model of the relationship between changes in employment and changes in vacancy and lease rates. Data was gathered from the US Census Bureau, Experian, ESRI, CBRE, COSTAR Group, Inc., LOOPNET, and local brokerage services.

- **Regional Economy:** The region's economy will continue at normal or above normal ranges of employment, inflation, retail demand, and growth.

- **Implementation:** Any new construction of the Fulton Street Pedestrian Mall will be planned, designed, built, and managed to the best practices of The American Planning Association, The Congress for the New Urbanism, The International Council of Shopping Centers, and The Urban Land Institute.

Limits of Study

The findings of this study represent GPG's best estimates for the potential economic impacts of the above Fulton Pedestrian Mall alternatives. Every reasonable effort has been made to ensure that the data contained in this study reflect the most accurate and timely information possible and are believed to be reliable. This study is based on estimates, assumptions, and other information developed by GPG independent research effort, general knowledge of the industry, and consultations with the client and its representatives.

No responsibility is assumed for inaccuracies in reporting by the client, its agent and representatives or in any other data source used in preparing or presenting this study. This report is based on information that was current as of June 24, 2011, and GPG has not undertaken any update of its research effort since such date.

This report may contain prospective financial information, estimates, or opinions that represent GPG's view of reasonable expectations at a particular time, but such information, estimates, or opinions are not offered as predictions or assurances that a particular level of income or profit will be achieved, that particular events will occur, or that a specific price will be offered or accepted. Actual results achieved during the period covered by our prospective financial analysis may vary from those described in our report, and the variations may be material. Therefore, no warranty or representation is made by GPG that any of the projected values or results contained in this study will be achieved.

GPG does not endorse or recommend that any or all of the subject alternatives be implemented. GPG further acknowledges that the Gruen-Eckbo design and sculptural elements have historical and cultural value that cannot necessarily be quantified for their economic or cultural value to the community. This study should not be the sole basis for programming, planning, designing, financing, or development of any individual property, commercial center or the Fulton Mall. This study is for the use of the City of Fresno for general planning purposes only, and is void for other site locations or developers.

Downtown Retail Market Demand

GPG has recently completed a retail market study for The City of Fresno's PBID, and concluded that Fresno's downtown can presently support an additional 313,000 sf of retail and restaurant development, generating over $83.7 million in new sales. By 2016, the downtown can support a total of 353,000 sf of new commercial growth, generating $105.7 million in sales. The demand could partially be absorbed by existing businesses, or with the opening of 40 to 60 new restaurants and retailers. Downtown Fresno's commercial offerings are under-serving its consumer base, both residential and employees. The greatest categories of supportable retail growth are department and discount department stores, grocery/supermarket, apparel & shoe stores, full service restaurants, and general electronics.

Although there is strong retail competition to the north along the Shaw Avenue corridor, daytime employee expenditure will supplement evening and weekend residential consumer expenditure, creating the base for community-scale retailers to enter the market, or expand their local presence. The existing retail, limited to mostly neighborhood goods and services, but

exceptional freeway and local artery access, along with significant consumer expenditure leakage from the trade areas, offers the potential to expand the scale to include community and regional retailers.

This study further finds that the Fresno study area has a primary trade area population of 395,000 persons, increasing to 410,000 persons by 2015. The projected annual growth rate is 0.79 percent, slightly exceeding both the state and national levels. Average household income in the primary trade area is $44,400, lower than both the state and national averages. The district's per capita income ($13,400) is also less than the city and state levels. The primary trade area has a labor base of 155,900 employees, with 50.8 percent holding white-collar positions.

The supportable 2011 retail stretches across the spectrum of retail categories including:

- 98,600 sf of General Merchandise
- 65,400 sf of Food & Beverage
- 57,800 sf of Apparel, Shoes & Accessories
- 37,400 sf of Food & Restaurants
- 23,700 sf of Electronics, Appliances, & Computers
- 11,500 sf of Home Furnishings
- 10,400 sf of Sporting Goods, Hobby, Books & Music Stores
- 4,900 sf of Miscellaneous Retailers
- 1,700 sf of Jewelry, Luggage & Leather Goods
- 1,400 sf of Hardware, Lawn & Garden Stores
- 700 sf of Health Care & Personal Services.

I. Alternative 1: Do Nothing Different

Alternative 1 Description & Assumptions:

- Existing pedestrian mall to remain unchanged.
- Maintenance of public realm to remain at present levels.
- All public and private parking to remain in existing locations; only 14 parking meters along the cross streets.
- Existing surrounding shopping centers to continue current operations.
- The majority of the existing unmet demand for 313,000 sf of additional retail yielding $83.7 million in sales will be absorbed outside of the Fulton Mall in existing businesses or with the development of a new retail center.

Alternative 1 Projected Economic Impact

- The existing 26 percent (120,700 sf) of ground floor vacancies will increase to 35 percent (165,300 sf).
- Approximately 307,000 sf of the total existing ground floor space (472,200 sf) will be occupied.
- Overall annual gross sales revenues will decrease by $2-$3 million, from $32.1 million to $29 to $30 million.
- Average sales per sf will remain at $92/sf per year.
- Average rents will remain flat or slightly decline.

Alternative 1 Rationale

- Fulton will appear tattered and neglected while the surrounding shopping centers continue to upgrade their physical plant and implement proven management, leasing and marketing practices.
- New businesses and some existing Fulton businesses will be attracted to surrounding better managed centers.
- Downtown workers, families and visitors will continue to find Fulton inconvenient, and lacking the retailers and restaurants that they desire.

II. Alternative 2: Restoration & Completion

Alternative 2 Description & Assumptions

- The Fulton Pedestrian Mall will be restored and completed per original Gruen and Eckbo plans.
- Maintenance of public realm will increase to private sector shopping center industry standards.
- All public and private parking to remain in existing locations; no additional on-street parking along Fulton and only 14 parking meters along cross streets.
- Existing surrounding shopping centers to continue current operations.

Fulton Corridor Specific Plan
Fulton Mall Alternatives
19 October 2010
© Moule & Polyzoides, Architects and Urbanists

ALTERNATIVE 2
RESTORATION AND COMPLETION

Moule & Polyzoides
ADMINISTRATIVE DRAFT

Alternative 2 Projected Economic Impacts

- Ground floor vacancies will decrease from 26 percent to 20 percent with 377,800 sf of occupied ground level space.
- Overall annual gross sales revenues will increase by ten percent from $32.1 million to $38.2 million (+$6.1 million).
- Average annual sales will increase by ten percent from $92.00/sf to 101.20/sf.
- Average rents will increase by five to ten percent.

Alternative 2 Rationale

- Fulton will regain its national attention and become a must-visit destination for visitors and local residents.
-

Alternative 2 Rationale (cont)

- Some businesses will be attracted to deploy new stores along Fulton.
- Some existing businesses and property owners will invest in store upgrades in response to the renovated public realm.
- Shoppers will continue to find Fulton inconvenient, and lacking many of the retailers and restaurants that they desire.
- While the novelty of the improved mall will bring more visitors and tourists, it will not translate into significantly stronger sales because of the lack of major anchors, coordinated management, business hours and its inconvenient parking.

II. Alternative 4A: Keep Four Center Blocks Closed

Fulton Corridor Specific Plan
Fulton Mall Alternatives
19 October 2010
© Moule & Polyzoides, Architects and Urbanists

Alternative 4a
Keep Four Center Blocks Closed

Moule & Polyzoides
ADMINISTRATIVE DRAFT

Alternative 4A Description & Assumptions

- The middle four blocks of the pedestrian mall will be restored and completed per original Gruen and Eckbo plans.
- The outer two blocks will be opened to vehicular traffic.
- Maintenance of public realm will increase to private sector shopping center industry standards.
- 52 additional on-street parking spaces installed along the outer two blocks and 117 metered on-street stalls will be added along the cross-streets.
- The existing surrounding shopping centers to continue current operations.

Alternative 4A Projected Economic Impacts

- Ground floor vacancies will decrease from 26 percent to 20 percent with 377,800 sf of occupied ground level space.
- Overall annual gross sales revenues increase from $32.1 million to $38.9 million (+$6.8 million).
- Average annual sales will increase by 12 percent, from $92.00/sf to 103.00/sf.
- Average rents will increase by five to ten percent.

Alternative 4A Rationale

- Fulton will regain its national attention and become a must-visit destination for visitors and local residents.
- Some new businesses will be attracted to deploy a new store along the restored Fulton Pedestrian Mall; however, some existing mall businesses will seek to relocate to the newly opened outer blocks.
- Some existing businesses and property owners will invest in store upgrades in response to the renovated public realm.
- Shoppers will continue to find the middle four blocks of Fulton inconvenient, and lacking many of the retailers and restaurants that they desire.
- The opened outer blocks will not have enough critical mass of retail to create a destination. The middle four-block pedestrian mall will disrupt vehicular flow and add to the district's inconvenience.
- The 52 additional Fulton on-street parking stalls will only directly support 26,000 sf of the mall's 472,165 sf.
- Most of the 117 cross-street parking stalls are too far removed from Fulton businesses to have a significant impact on their sales.

- While the novelty of the improved mall will bring more visitors and tourists, it will not translate into significantly stronger sales because of the lack of major anchors, coordinated management, business hours and inconvenient parking.

IV. Alternative 6A: Reconnect the Grid With One-Way Street

Alternative 6A Description & Assumptions

- The pedestrian mall will be partially restored and a one-way street installed for the entire length.
- Maintenance of public realm will increase to private sector shopping center industry standards.
- 48 on-street parking spaces will be installed along the Fulton and 117 metered on-street stalls will be added along the cross-streets.
- The existing surrounding shopping centers to continue current operations.

Alternative 6A Projected Economic Impacts

- Ground floor vacancies will decrease from 26 percent to 20 percent, with 377,800 sf of occupied ground level space.
- Overall annual gross sales revenues increase from $32.1 million to $38.9 million (+$6.8 million)
- Average annual sales will increase by 12 percent, from $92.00/sf to 103.00/sf.
- Average rents will increase by five to ten percent.

Alternative 6A Rationale

- Some new businesses will be attracted to deploy a new store along the restored Fulton Pedestrian Mall.
- Some existing businesses and property owners will invest in store upgrades in response to the renovated public realm.
- Shoppers will appreciate the opportunity to easily drive Fulton and view stores and businesses. However, they will continue to find access to the middle eight blocks of Fulton inconvenient due to limited on-street parking.
- The one-way street orientation will frustrate visitors and potential shoppers.
- Overall, Fulton will continue to lack the necessary critical mass of retailers and restaurants to attract the surrounding daytime workers and young families.
- While the novelty of the improved mall will bring more visitors and tourists, it will not translate into significantly stronger sales because of the lack of major anchors, coordinated management, business hours and its inconvenient parking.

V. Alternative 7: **Reconnect the Grid 2** (Two-Way Street)

Alternative 7 Description & Assumptions

- The pedestrian mall is replaced with a two-way street and smaller groupings of the original Gruen and Eckbo design features and sculpture.
- Maintenance of public realm will increase to private sector shopping center industry standards.
- 127 on-street parking spaces will be installed along Fulton Street, and 117 metered on-street stalls will be added along the cross-streets.
- The existing surrounding shopping centers to continue current operations.

Fulton Corridor Specific Plan
Fulton Mall Alternatives
19 October 2010
© Moule & Polyzoides, Architects and Urbanists

ALTERNATIVE 7
RECONNECT THE GRID 2

Moule & Polyzoides
ADMINISTRATIVE DRAFT

Alternative 7 Projected Economic Impacts

- Fulton will experience a significant increase of pedestrian and shopper traffic, including daytime workers, families and visitors, many for the first time.
- Ground floor vacancies will decrease from 26 percent to 15 percent, yielding 401,300 sf of occupied ground level space.
- Overall annual gross sales revenues increase by 50 percent, from $92.00/sf to $138.00/sf, representing approximately 37 percent of the national average of $372/sf.
- Combined sales for the eight-block Fulton district will grow by $23.3 million, from $32.1 to 55.4 million. Average annual sales will increase by 12 percent, from $92.00/sf to 103.00/sf.
- Average rents will increase to approximately eight to ten percent of gross sales (per industry standards).

Alternative 7 Rationale

- Many new businesses will be attracted to deploy a new store along the opened Fulton Street.
- Some existing businesses and property owners will invest in store upgrades in response to the renovated public realm.
- Shoppers will appreciate the opportunity to easily drive and park along Fulton. However, parking will be less than desirable due to the limited on-street stalls.
- These 127 Fulton Street parking stalls will directly support only 13 percent or 65,000 of the mall's 472,000 sf of ground level commercial area.
- The one-way street orientation will frustrate visitors and potential shoppers.
- Overall, Fulton will continue to lack the necessary critical mass of retailers and restaurants to attract the surrounding daytime workers and young families.
- While the novelty of the improved mall will bring more visitors and tourists, it will not translate into significantly stronger sales because of the lack of major anchors, coordinated management, business hours and inconvenient parking.

VI. Alternative 8: Reconnect the Grid 3

Alternative 8 Description & Assumptions

- The pedestrian mall is replaced with a two-way street and smaller groupings of the original Gruen and Eckbo design features and sculpture.
- Maintenance of the public realm will increase to private sector shopping center industry standards.
- 252 on-street parking spaces will be installed along Fulton Street, and 117 metered on-street stalls will be added along the cross-streets.
- The existing surrounding shopping centers to continue current operations.

Fulton Corridor Specific Plan
Fulton Mall Alternatives
19 October 2010
© Moule & Polyzoides, Architects and Urbanists

ALTERNATIVE 8
RECONNECT THE GRID 3

Moule & Polyzoides
ADMINISTRATIVE DRAFT

Alternative 8 Projected Economic Impacts

- Fulton will experience a significant increase of pedestrian and shopper traffic, including daytime workers, families and visitors, many for the first time.
- Ground floor vacancies will decrease from 26 percent to 9 percent, with 430,000 sf of occupied ground level space.
- Overall annual gross sales revenues increase from $32.1 million to $79.1 million (+$47 million)
- Average retail sales will double from $92.00/sf to $184.00/sf. Some new retailers will likely generate sales equal to or greater than the industry standard of $372/sf.

Alternative 8 Rationale

- Fulton's combination of quality urbanism, numerous historic buildings and convenient accessibility and parking will attract many retailers to deploy a new store in Fresno.
- Many existing businesses and property owners will invest in store upgrades in response to the renovated public realm.
- Shoppers will appreciate the opportunity to easily drive and park.
- The new 252 Fulton Street parking stalls, if properly metered and managed, will directly generate up to $48.9 million in new retail sales, supporting 126,000 sf of retail space or 42 stores.
- Overall, Fulton will eventually gain the necessary critical mass of retailers and restaurants to attract the surrounding daytime workers and young families.

Background Research Summary

1.0 Introduction

The first pedestrian mall in the United States opened in 1959 in Kalamazoo, MI, part of a much larger plan by Victor Gruen Associates—otherwise never realized—to revitalize that city's downtown area[1]. The concept spread throughout the country in the following decades, and it is estimated that more than 200 communities of varying sizes had installed pedestrian malls by the early 1990s[2][3]. By this time, however, many communities had already begun to reevaluate their malls' effectiveness; at least 15 malls had reopened to some form of vehicular traffic by 1977, and dozens more did so during the 1980s. This trend continued unabated into the 1990s and beyond, with Kalamazoo reopening its Burdick Street Mall to traffic in 1998[4]. By 2005, less than 25 pedestrian malls remained in place[5]

[1] Cheyne, Michael. "No Better Way? The Kalamazoo Mall and the Legacy of Pedestrian Malls." *Michigan Historical Review* 36, no. 1 (Spring 2010): 103-28.

[2] Rubenstein, Harvey M. *Pedestrian Malls, Streetscapes, and Urban Spaces*. New York: Wiley, 1992. 17-22.

[3] This figure includes fully-pedestrianized streets, as well as streets open only to transit, and 'semimalls' which allowed all motor vehicles, albeit with severely reduced capacity and parking.

[4] Cheyne, pp. 116-128.

[5] Smith, Kennedy L. *Pedestrian Malls.* Report. Accessed June 10, 2011. http://www.cluegroup.com/Downloads/Pedestrian%20Malls%20%28Kennedy%20Smith%29.pdf.

Those communities who have reintroduced vehicular traffic to their pedestrian malls—either completely or partially—have on the whole seen a positive economic impact after doing so. Two major studies commissioned in 1989, by the cities of Eugene, Oregon and Poughkeepsie, New York, were catalysts for proponents of 'de-malling' in the 1990s and beyond: of the 10 cities studied in the latter survey completed by the firm HyettPalma, five had reopened their malls to traffic, and all reported "an increase in property values, sales, and number of businesses[6]." As more communities de-malled, later surveys of greater sample size[7][8] confirmed the same results: taken together, of 72 communities surveyed nearly 80 percent had reintroduced some form of vehicular traffic on their pedestrian malls, and 10 percent of them had the idea under consideration in 2009. Of those malls reopened to vehicular traffic, 90 percent reported "significant improvements in occupancy rates, retail sales, property values, and private sector reinvestment in the downtown area[9]."

The following case studies aim to provide more specific details relating to the economic impacts of pedestrian mall conversions where retail sales, occupancy or rent data were made available.

2.0 Case Studies

2.1 Kalamazoo, MI

As mentioned previously, Kalamazoo was home to the country's first pedestrian mall. After a protracted battle[10][11], the mall on Burdick Street was reopened to traffic in 1998. By this time, one major retailer remained on the street, only to leave within

[6] Cheyne, p. 116; Vizard, Mary M. "Some Downtown Areas Are Coming Full Circle." *The New York Times*, December 29, 1991.; Bressi, Todd. "Retrofits." *Planning*, June 1990.

[7] West, Amanda B. *An Information Brief on Downtown Pedestrian Malls, April 1995.* Issue brief. Accessed June 10, 2011. http://weblink.cityofdubuque.org/WebLink8/1/doc/40005/Page124.aspx. Included as an attachment in the memorandum, "Streetscape Improvements - Main Street from 5th Street to 9th Street", City of Dubuque, IA.

[8] City of Buffalo, NY. *City of Buffalo Main Street Multi-Modal Access and Revitalization Project Environmental Assessment.* Report. April 2009. www.nfta.com/pdfs/Appendix%20A.pdf.
Appendix A, "Experience of Other Communities with Pedestrian Malls"

[9] City of Buffalo, NY. *City of Buffalo Main Street Multi-Modal Access and Revitalization Project Environmental Assessment*. Report. April 2009. www.nfta.com/pdfs/COBMulti-Modal%20Access.pdf. p. 1-5.

[10] Cheyne, pp. 119-128.

[11] Steinhauer, Jennifer. "When Shoppers Walk Away From Pedestrian Malls." *The New York Times*, November 5, 1996.

nine months of the reopening[12]. While the reopening coincided with a low point for downtown retail, new investment came quickly: by early 2000, three major projects were under development[13]: two redeveloped the large spaces previously occupied by the last major retailers to leave into mixed-use spaces with first floor retail and upper story residential and office space. 2011 marked a milestone for the former mall when it was announced that every storefront was occupied or under agreement to be filled within two years—the first time in four decades retail vacancy had seen such levels[14][15][16].

2.2 Oak Park, IL[17]

Oak Park Center Mall was built in 1967 along four blocks of Lake Street, the traditional main street in this suburban Chicago community. By 1987, one major retailer—who had direct access to a parking structure—remained, though overall vacancy along the mall was 25%. Retail sales had been cut in half from a high of $50 million annually in 1972. Three of the four blocks were reopened to traffic in November 1988, and within the next year vacancies dropped to 19% while retail sales increased 6.3%[18]. In the decades since reopening, new redevelopment of the corridor—including two “unobtrusive” parking structures—has taken place, resulting in a 15 to 20% overall increase in sales from the time of reopening, and a vacancy rate that today is around 5%[19].

---

[12] Flisram, Greg. "Post Modern or Post-Mortem? The Kalamazoo Mall Revisited." *American Planning Association/Viewpoints*, March 2000.

[13] LoBianco, Dan. *Other Plaza Research Findings, January - May 2000*. Report. Dubuque Main Street. http://weblink.cityofdubuque.org/WebLink8/1/doc/40005/Page124.aspx. Included as an attachment in the memorandum, "Streetscape Improvements - Main Street from 5th Street to 9th Street", City of Dubuque, IA.

[14] Nixon, Alex. "Kalamazoo Mall: Retail Is Making a Comeback in City's Core Shopping Area." *Kalamazoo Gazette*, March 18, 2011. http://www.mlive.com/news/kalamazoo/index.ssf/2011/03/kalamazoo_mall_retail_is_makin.html.

[15] Nixon, Alex. "Kalamazoo Mall: After Loss of Department Stores, Companies Step Forward to Fill Empty Spaces." *Kalamazoo Gazette*, March 19, 2011. http://www.mlive.com/news/kalamazoo/index.ssf/2011/03/kalamazoo_mall_after_loss_of_m.html.

[16] Nixon, Alex. "Kalamazoo Mall: Every Storefront May Be Filled in 2 Years as Prominent Developers Rehab Buildings." *Kalamazoo Gazette*, March 20, 2011. http://www.mlive.com/news/kalamazoo/index.ssf/2011/03/kalamazoo_mall_every_storefron.html.

[17] Lang, Jon. "Case Study: Oak Park Center Mall, Oak Park, Illinois, USA: a Mall Built and Demolished (1967, 1989)." In *Urban Design: a Typology of Procedures and Products*, 81-83. Oxford: Architectural Press, 2006.

[18] Vizard, 1991.

[19] City of Buffalo, NY, Appendix A.

2.3 Poughkeepsie, NY

In 1973, when Poughkeepsie's Main Street Mall was completed, more than 70 businesses operated along the four-block stretch of street, which contained "over one hundred trees, numerous benches and six fountains, […] a pavilion and playground equipment[20]." These features were not enough to prevent the loss of the street's anchor stores—and subsequently other retailers—to new regional malls in the ensuing years; by 1991, vacancy rates were around 30%. When the street was reopened to one lane of traffic that year, vacancies dropped to 10.7% as buildings were sold or tenanted[21]. The street was converted to two lanes of traffic with on-street parking in 2001[22].

2.4 South Bend, IN

Michigan Street, South Bend's main thoroughfare had lost its two department stores and movie theatre to regional malls by 1987, the year it decided to reopen the street to two-way traffic. Retail sales increased by 20% after the reopening of the street to traffic, prompting new development including the reopening of the State Theater. Less than ten years after the reopening, the street had become a revitalized area for restaurants and entertainment[23].

2.5 Pittsburgh, PA

East Liberty Mall opened in 1969, restricting three streets to buses and taxis while directing auto traffic around a perimeter ring road. In 1986, the streets were reopened to all vehicles and on-street parking was added. A retail study undertaken at the time determined that shoppers were not willing to navigate the ring road system to find perimeter parking. Where the vacancy rate along the malled streets had been at 60% in 1983, the six years after their reopening saw $80 million in development of both new and restored buildings. By 1992, 200 new businesses had opened in the area[24][25][26].

---

[20] Longo, Gianni, and Virginia Dzurinko. *American Urban Malls: A Compendium*. By Roberto Brambilla. Washington, DC: US Government Printing Office, 1977. 86-87. Institute for Environmental Action in association with Columbia University Center for Advanced Research in Urban and Environmental Affairs.

[21] Vizard, 1991.

[22] City of Buffalo, NY, Appendix A.

[23] West, 1995.

[24] Longo et al, pp. 46-47.

[25] West, 1995.

[26] LoBianco, 2000.

2.5 Further Case Studies

Eugene, OR	7-block, H-Shaped pedestrian mall opened in 1971. Several blocks were reopened in 1985; retail vacancy on those blocks was reduced from 25% to 6% by 1989. All but two blocks had been reopened by 2000, due to the previous successes[27][28][29].
Louisville, KY	3-block River City Mall opened in 1973[30]. When reconverted to two-way traffic in 2000, vacancy rate was 80%, but decreased to 50% the following year[31][32].
Waco, TX	Austin Avenue reopened to traffic in 1986; ground-floor vacancies fell by 50%[33].
Covington, KY	Old Town Plaza was reopened to two-way traffic with parallel parking prior to the 1993 Holiday shopping season. Retailers immediately reported year-over-year sales gains of 30%[34].
Burlington, IA	Two separate blocks converted to pedestrian mall in the late 1970s, one adjacent to the Mississippi River and the other was the historic retail block. Within a decade, retail vacancy on the latter block was close to 80%. Both blocks were reopened in 1990; by 1992 all retail space on the latter block was filled[35][36].

[27] City of Buffalo, NY, Appendix A.
[28] LoBianco, 2000.
[29] West, 1995.
[30] Longo et al, pp. 80-81.
[31] Center City Commission (Memphis, TN). *Pedestrian & Transit Malls Study.* Report. June 2008. www.indydt.com/Pedestrian_and_Transit_Malls_Study.pdf.
[32] City of Buffalo, NY, Appendix A.
[33] West, 1995.
[34] LoBianco, 2000.
[35] Ibid.
[36] Smith, Kennedy L.

Robert J. Gibbs

Robert Gibbs is considered one of the foremost urban retail planners in America. For more than two decades, his expertise has been sought by some of the most respected mayors, renowned architects, and successful real-estate developers in the country. Profiled in *The New York Times*, *The Wall Street Journal,* and *Urban Land*, Gibbs has, writes *The Atlantic Monthly*, “a commercial sensibility unlike anything possessed by the urban planners who usually design downtown-renewal efforts.” He is also a recognized leader in the New Urbanism, having pioneered the implementation of its environmentally sustainable principles of Traditional Town Planning and Smart Growth as an antidote to the formless, wasteful sprawl of suburbia.

For the past 25 years, Gibbs has been active in developing innovative yet practical methods for applying modern trends in commercial development to more than 400 town centers and historic cities here and abroad. A speaker at the First Congress of the New Urbanism in 1992 and eight subsequent CNUs, Gibbs lectures frequently throughout the country. He is the author of *Principles of Urban Retail Planning and Development* and the Retail Module of the SmartCode, and has contributed articles to numerous books and publications. For the past 13 years, he has taught “Urban Retail Planning” in the Executive Education Program at the Harvard Graduate School of Design.

Among the American cities that have consulted Gibbs are Alexandria, Atlanta, Cambridge, Charleston, Chicago, Denver, Fresno, Houston, Knoxville, Naples, Portland, Santa Cruz, and Seattle, as have the states of Florida and Oregon. His consulting for New Urbanist developments has included the towns of Kentlands, Maryland; The Glen, Illinois; Rosemary Beach, Florida; and Seaside, Florida. Leading universities, such as Brown, Johns Hopkins, Michigan, Ohio State and Pennsylvania, have also retained his services. Gibbs’s corporate clientele has included Fortune 500 companies such as Electronic Data Systems, General Motors, and The Walt Disney Company, real-estate industry leaders such as Taubman Centers, Inc., and Simon Property Group, and architectural innovators such as Duany Plater-Zyberk and Company.

Before establishing Gibbs Planning Group in 1988, Gibbs gained invaluable expertise in retail planning by advising shopping center developers on the psychology of commerce—the practical science of analyzing and adjusting all elements known to affect a shopper's mood in the marketplace. From this experience, Gibbs distilled the fundamental retail and merchandising principles for reviving retail in moribund downtowns and for instilling successful commerce in new ones.

Gibbs serves as GPG’s president and as such supervises all operations, planning, and research.

He holds a Bachelors degree from Oakland University and a Masters of Landscape Architecture degree from the University of Michigan. A Charter Member of the Congress for the New Urbanism and Board member of the CNU-Michigan chapter, his other professional affiliations include the American Planning Association, American Society of Landscape Architects, the International Council of Shopping Centers, and the Urban Land Institute.

Contact Information

Gibbs Planning Group, Inc.
240 Martin Street
Birmingham, Michigan 48009
Tel: (248) 642-4800
Fax: (248) 642-5758
Email: rgibbs@gibbsplanning.com
Website: www.gibbsplanning.com

Academic

Alexandria, Virginia

Harvard University, Continuing Education Lecturer, Urban Retail Principles: 1994-2013
Educational Tour of Havana, Cuba with the Seaside Institute: 2013
University of Michigan, School of Architecture & Urban Planning Visiting Lecturer: 1998-2009
Urban Land Institute: Ten Principles for Developing Traditional Town Centers: 2006
University of Michigan, Masters of Landscape Architecture: concentration, Urban Planning
Oakland University, Bachelor of Arts
University of Miami, School of Architecture Visiting Lecturer: 1995, 1996
Lawrence Institute of Technology, Site Planning Junior Undergraduate Course Instructor: 1995, 1996 Rutgers University, Walt Whitman School of Government: 1995
University of Maryland Visiting Lecturer: 1994

Awards, Honorarium & Lectures

Charleston, South Carolina

MiASLA Annual Meeting: "Landscape Architects and the New Urbanism in Michigan:" 2013
Florida Main Street: "Effective Urban Development Techniques & Principles for Historic Towns and New Urban Communities:" 2013
MAP Annual Conference: "Proven Techniques for Increasing Commerce in Michigan Towns, Cities & New Town Centers:" 2013
William J. Clinton Distinguished Lecturer: "How Great Communities are Conceived and Built:" 2012
ICSC Research Connections: "Implementing New Retail to Lead in Rebuilding Towns & Cities:" 2012
MiASLA: Landscape Architecture Research and Communication Award - Book: 2012
Michigan Downtown Association Statewide Downtown Conference Speaker: 2012
Form Based Code Institute, Lansing, Michigan, "The Birmingham 2016 Plan:" 2012
Oakland Heritage Conference: "Michigan's First Form-Based Code": 2012
CNU 20: "Principles of Urban Retail Planning and Development" 202 Presentation: 2012
CNU 20: "Worth Avenue: After Hours Street-Level Merchandising" Tour: 2012
CNU of the Carolinas, Chapter Lecture Series "Proven Urban Retail Development:" 2012
Auckland Conversations: Featured Speaker: 2012
University of Kentucky Gaines Center for the Humanities: 2012
NAIOP Seattle, Washington Featured Speaker: 2012
ULI Detroit 25th Annual UM-ULI Real Estate Forum Speaker: 2012
ULI Philadelphia Urban Retail Planning & Development: 2012
CNU 19: "Retail Planning Principles for Cities & New Urban Commercial Centers "Presentation: 2011
CNU 19: "Middleton Hills: New Urbanism Meets Frank Lloyd Wright" Tour: 2011
College of Charleston: "Sustainable Urban Retail: Proven Applications for Charleston's Historic Districts:" 2011
CNU 18, "SmartCode Intensive Workshop" Presentation: 2010
CNU 18, "New Trends in the Retail Industry: An Increased Reliance on Small Retailers": 2010
SmartCode Workshop Retail Module Presentation: 2009
US Green Building Council Middle Tennessee Annual Conference Keynote Speaker: 2009
Florida Main Street Annual Conference Presentation: 2009
CNU 17, "Sustainable Retail Development" 202 Session: 2009
CNU 17, "The Retail Development Crisis: Now What?": 2009
ASLA Alabama & Mississippi Twin States Conference Keynote Address: 2009
University of Michigan SNRE Lecture: 2009
Corps! Magazine Best of Michigan Business Award: 2009
Cocoa, Florida Office of Economic Development Presentation: 2008
Georgia Institute of Technology Lecture: 2008
Wayne State University/ULI Conference "The New Economy: The University as Catalyst for Urban Development" Session Moderator: 2008
ASLA Annual Meeting Presentation: 2008
MAP Annual Conference Presentation, "From Radical to Influential: The CNU: 2008
Florida Main Street Annual Conference Presentation: 2008
ICSC Virginia Idea Exchange Keynote Speaker: 2008
OALA 40th Anniversary Conference Keynote Speaker: 2008
CNU XVI, "Retail Recipes" 202 Development Program Lecture: 2008
ULI Annual Conference Moderator & Speaker: 2008
Michigan ICSC Keynote Address: 2008
MAP Annual Conference, "New Trends & Smart Growth Codes for Big Box Retailers": 2007
Florida Main Street Annual Conference Presentation: 2007
NAIOP Albuquerque, New Mexico Featured Speaker: 2007
Inland Empire APA Annual Conference Keynote Speaker: 2007
Oklahoma City, Oklahoma Mayor's Roundtable Presentation: 2007
Sarasota SemCon 2007 Conference Moderator & Speaker: 2007
Guelph Civic League, Ontario, Canada Keynote Speaker: 2007
"Tools for Urban Development Conference," Grand Rapids, Michigan Featured Speaker: 2007
MNCPPC Growth Management Series Presentation: 2007
South Carolina Governor's Land Use Conference, Charleston, South Carolina Presentation: 2007
Oregon ICSC Alliance Conference, Portland, Oregon Keynote Speaker: 2007
CUI Brownie Awards, East Fraserlands, Vancouver, British Columbia: 2007
American Planning Association National Convention, Lecture: 2006
APA/Florida Award of Excellence, St. Lucie County Master Plan: 2006

Florida Main Street Annual Conference Presentation: 2006
California Home Builders Community of the Year, San Elijo, California: 2006
Midtown Alliance, Atlanta, Georgia Keynote Speaker: 2006
Rochester Regional Community Design Center, Rochester, New York Keynote Speaker: 2006
Finding Community & Commerce in Town Centers, Williston, Vermont: 2006
City of Buffalo, New York Downtown Partnership Keynote Lecture: 2005
ULI Award, The Glen Town Center: 2005
Kansas State University, Honorary Lecture: 2005
Michigan Home Builders Community of the Year, Eton Station: 2005
Advanced Session, Congress for New Urbanism: June 2004
Florida Economic Development Department Keynote Address: 2004
Urban Land Institute, Austin, Texas Keynote Lecture: 2004
Urban Land Institute, Beverly Hills, California, "How to Tame Big Box Retail": 2004
Florida American Planning Association Keynote Lecture: 2003
National Trust for Historic Preservation Panel Member on National Chains: 2003
Royal Society of Planners, Dublin, Ireland: 2001
National Trust for Historic Preservation, Indianapolis, Indiana Keynote Speaker: 2001
Urban Land Institute, Detroit, Michigan Keynote Speaker: 2000
Christchurch, New Zealand, International City & Town Centre Conference Keynote Lecture: 1998
Dearborn, Michigan, ICSC Conference Keynote Lecture: 1998
Indiana Main Street Annual Conference, National Endowment of the Arts Keynote Lecture: 1998
Michigan Society of Landscape Architects Merit Award, Birmingham Master Plan: 1998
Seaside, Florida, Seaside Institute Smart Growth State Conference Speaker: 1998
West Palm Beach, Florida, Urban Land Institute Mayor's Forum Keynote Speaker: 1998
Chicago, Illinois, Chicago Transportation Conference Keynote Lecture: 1997
Los Angeles, California, California Cities for Livable Communities Lecture: 1997
New York, Urban Land Institute Lecture: 1997
St. Louis, Missouri, Railvolution Lecture: 1997
National Endowment for the Arts, Harvard University Faculty to the Mayor's Instate for City Planning: Gary; Nashville, Santa Fe, New Mexico; Long Beach; Cincinnati; Anchorage: 1996
ASLA Merit Award, Novi, Michigan, The Vistas of Novi Master Plan: 1995
Congress for New Urbanism, First, Second & Fourth Congress Lecture: 1994-1997
Michigan Society of Planning Officials Honor Award, Oxford Township General Area Plan: 1994

Retail Consulting

Houston, Texas

Coconut Grove, Florida: 2013
Jensen Beach, Florida: 2013
Abacoa, Jupiter, Florida: 2013
Beverly Hills, Michigan: 2013
Chum's Corner, Blair Township, Michigan: 2013
Palm Beach Gardens, Florida: 2013
Des Moines, Iowa: 2012-2013
Woodward Corridor, Detroit, Michigan: 2012
Grand Rapids, Michigan: 2012
Royal Park Hotel, Toronto, Ontario: 2012
Abacoa Town Center, Jupiter, Florida: 2012
Carmel, Indiana: 2012
Woodstock, Georgia: 2012
Nine Springs, Fitchburg, Wisconsin: 2012
Pier 57, New York, New York: 2012
West Ocala, Florida: 2012
Memphis, Tennessee: 2012-2013
Butler Plaza, Gainesville, Florida: 2012
Daytona Beach, Florida: 2012
Carlisle, Pennsylvania: 2012
Southfield, Michigan: 2012
Downtown Santa Cruz, California: 2011
Fresno, California: 2011
Fulton Mall, Fresno, California: 2011
Daytona Beach, Florida: 2011
Green Lake Township, Michigan: 2011
Coligny, Hilton Head Island, South Carolina: 2011
Mesquite, Texas: 2011
Master Plan Peer Review, Galveston, Texas: 2011
Montgomery, Alabama: 2011
Volcano Heights Town Center, Albuquerque, New Mexico: 2011
Butler Plaza, Gainesville, Florida: 2011
Port Sanilac, Michigan: 2010
Tyson's West, Virginia: 2010
Londonderry, New Hampshire: 2010-2012
Historic Market Hall, Charleston, South Carolina: 2010

GardenWalk Center, Anaheim, California: 2010
Fantasy Springs Resort Casino, Indio, California: 2009-2010
Daybreak Town Center, South Jordan, Utah: 2010
West Palm Beach, Florida, TCRPC: 2010
Whitehall, Delaware: 2009
City of Holland, Michigan: 2009
City of Wasilla, Alaska: 2009
King Street Long Range Retail Plan, Alexandria, Virginia: 2009
Naples, Florida: 2009
Lacey Gateway Town Center, Lacey, Washington: 2009
New Smyrna Beach, Florida: 2009
Wildwood, Missouri: 2009
Palm Beach Gardens, Florida: 2009
Chesterfield Town Center, Chesterfield, Missouri: 2009
Jupiter, Florida: 2009
Public Market Analysis: Kitchener, Ontario: 2009
Potomac Yard Impact Study, Alexandria, Virginia: 2008
The Roses, Bossier Parish, Louisiana: 2008
Palm Beach Mall, West Palm Beach, Florida: 2008
Van Dorn Commercial Study, Alexandria, Virginia, 2008
Griffin Park, Greenville, South Carolina: 2008
King Street, Alexandria, Virginia: 2008
East Lansing, Michigan: 2008
Bossier Town Center, Bossier Parish, Louisiana: 2008
Beverly Hills, Michigan: 2008
City of Alexandria, Virginia: 2008
City of Plano, Texas: 2008
City of Carmel, Indiana: 2008
751 Village, Durham, North Carolina: 2008
Charleston, South Carolina: 2008
NASA Site Redevelopment, Downey, California: 2008
Kirkland Parkplace, Kirkland, Washington: 2008
Clarksburg Town Center, Clarksburg, Maryland: 2008
South Chapel Hill Town Center, Durham, North Carolina: 2008
Market Study, Saugatuck, Michigan: 2008
Long Savannah Plantation, Charleston, South Carolina: 2007
River Lights Town Center, Wilmington, North Carolina: 2007
River District Village Center, Liberty Lake, Washington: 2007
Village at Hendrix, Conway, Arkansas: 2007
Raleigh-Durham, North Carolina: 2007
Downtown Airpark, Oklahoma City, Oklahoma: 2007
East Beach Town Center, Norfolk, Virginia: 2007
Portland Development Center, Portland, Oregon: 2007
Punta Cacique, Costa Rica: 2007
Sprague/Appleway Corridor Revitalization, Spokane Valley, Washington: 2007
West Palm Beach Mall, West Palm Beach, Florida: 2007
River District Village Center, Liberty Lake, Washington: 2007
The Petroglyphs, Albuquerque, New Mexico: 2007
Hampton Roads Crossing, Suffolk, Virginia: 2007
Hutto Town Center, Hutto, Texas: 2007
Dardenne Prairie, Missouri: 2007
Mariner's Cove Master Plan, Lake Toho, Florida: 2007
Jackson Memorial Medical Center, Miami, Florida: 2007
Kannapolis, North Carolina: 2006
Long-term Planning & Development, Central Florida Panhandle: 2006
Proposed Town Center, Baton Rouge, Louisiana: 2006
Palm Beach County, Florida: 2006
Proposed Town Center, Osceola, Florida: 2006
Bannister Mall, Kansas City, Missouri: 2006
Water's Edge Town Center, Athens, Georgia: 2006
Erie Station II, West Henrietta, New York: 2006
Goodyear, Arizona: 2006
Placentia, California: 2006
Proposed Town Center, Houston, Texas: 2006
Santa Ana Town Center, Albuquerque, New Mexico: 2006
City of Whittier, California: 2006
Lincoln, Nebraska: 2006
Burr Ridge Town Center, Burr Ridge, Illinois: 2005
East Fraserlands Town Center, Vancouver, BC: 2005
Niagara Falls, Canada: 2005
Proposed Town Center, Rochester, New York: 2005
Daytona, Florida: 2005

Wasilla, Alaska

Rosemary Beach, Florida

Santa Cruz, California

University of Connecticut: 2004
D-C Ranch, Scottsdale, Arizona: 2004
Ashford, England, Expansion Master Plan: 2004
Biltmore Farms, Ashville, North Carolina: 2004
Jekyll Island, Georgia: 2003
Ponce de Leon Avenue Retail Study, San Juan Puerto Rico: 2003
Town Center Study, City of University Place, Washington: 2002
Mart Dock Waterfront Retail Study, Muskegon, Michigan: 2002
Bolton Road Market Study, Atlanta, Georgia: 2002
Cooley Farms Position Paper, Gilbert, Arizona: 2002
Market Study, Alfreda, Georgia: 2002
Market Study, Lower East Side Convent Hill, Milwaukee, 2002
Market Study, Near West Side-Highland Park, Milwaukee, 2002
GM Tech Center, Warren, Michigan: 2001
Coffee Creek Town Center, Chesterton, Indiana: 2001
Downtown Macon Revitalization, Macon, Georgia: 2000
Downtown Study, Portland, Oregon: 2000
Retail Planning Study, Chicago, Illinois: 1999
Retail Planning Study, Melbourne, Australia: 1999
Ellard Village Retail Planning Study, Roswell, Georgia: 1999
Retail Planning Study, Sydney, Australia: 1999
Retail Planning Study, Arlington, Texas: 1998
Retail Market Study, Asheville, North Carolina: 1998
Retail Planning Study, Austin, Texas: 1998
Downtown Retail Market Analysis & Retail Master Plan (DPZ lead), Baton Rouge, Louisiana: 1998
Retail Planning Study, Boulder, Virginia: 1998
Retail Planning Study, Charlottesville, Virginia: 1998
Miracle Mile Retail Study (The Taubman Company lead), Coral Gables, Florida: 1998
Retail Market Study, Covington, Louisiana: 1998
Retail Planning Study, Davidson, North Carolina: 1998
Retail Planning Study, Dexter, Michigan: 1998
Market Analysis & Retail Planning Study, Galveston, Texas: 1998
Market Analysis, Guelph, Ontario: 1998
Visual Merchandising Presentation, Jeffersonville, Indiana: 1998
State Street Market Analysis (JJR lead), Madison, Wisconsin: 1998
Grand Avenue Retail Market & Financial Analysis, Milwaukee, Wisconsin: 1998
Retail Market Analysis, Oconomowoc, Wisconsin: 1998
High Street strategy and overall tenant mix, Ohio State University: 1998
Retail Planning Study, Orlando, Florida: 1998
Market Analysis, City of Plano, Texas: 1998
Market Analysis, Quincy, Michigan: 1998
Retail Planning Study, Smyrna, Georgia: 1998
Central Business District & Neighborhoods Retail Market Analysis, St. Paul, Minnesota: 1998
Market Analysis & Retail Planning Analysis (Dover Kohl Associates lead), Winter Springs, Florida: 1998
Retail Market Analysis, Belmont, North Carolina: 1997
Market Analysis & Retail Planning Analysis, DuPont, Washington: 1996-1997
Market Analysis & Retail Planning Analysis, Eagle, Colorado: 1996-1997
Retail Market Analysis, Hillsdale, Michigan: 1997
Retail Planning Study, Long Beach, California: 1997
Retail Market Analysis, Merritt Island, Florida: 1997
Visual Merchandising Presentation, Norfolk, Virginia: 1997
Retail Study (McKenna & Associates lead), Richmond, Michigan: 1997
Retail Master Plan (DPZ lead), Bennettsville, South Carolina: 1996
Rodeo Drive-Golden Triangle Retail Planning Study, Beverly Hills, California: 1996
Downtown Market Feasibility Study, Northville, Michigan: 1996
Market Void Analysis, 42nd and Walnut Streets, University of Pennsylvania, Philadelphia: 1995-1996
Retail Planning Study (DPZ lead), Gaithersburg, Maryland: 1995
Homewood Building Retail Market Analysis, John Hopkins University, Baltimore, Maryland: 1995
5th Avenue Retail Master Plan (DPZ lead), Naples, Florida: 1995
Downtown Retail Master Plan, West Palm Beach, Florida: 1993
Retail Study (DPZ lead), Providence, Rhode Island: 1992
Fairlane Town Center Mall Entry Renovation, Dearborn, Michigan: 1991

Charleston, South Carolina

Naples, Florida

Retail Market Research

Oak Park, Michigan: 2013
Mitchell Ranch, Pasco County, Florida: 2013
Downtown North, Hartford, Connecticut: 2013
Freshfields Village, Kiawah, South Carolina: 2013
Hamlin Town Center, Horizon West, Orlando, Florida: 2013
Downtown Ocala, Florida: 2013
Marquette, Michigan: 2013
Oxford Road, Fern Park, Florida: 2013

Santa Ana, Albuquerque, New Mexico: 2013
Stonecrest Mall, Lithonia, Georgia: 2013
Fantasy Springs, California: 2013
Waterset Community, Apollo Beach, Florida: 2013
Carlisle, Pennsylvania: 2013
Florida Hospital, Orlando, Florida: 2013
Des Moines, Iowa: 2013
Carter Country Club, Lebanon, New Hampshire: 2013
Abacoa Town Center, Jupiter, Florida: 2012-2013
Malbis Plantation, Daphne, Georgia: 2013
Village of Southampton, New York: 2013
Patrick Square, Clemson, South Carolina: 2013
Woodward Corridor, Detroit, Michigan: 2012
Coconut Grove, Florida: 2012
Woodstock, Georgia: 2012
Walnut Street Corridor, Des Moines, IA: 2012
South Memphis, Tennessee: 2012-2013
Carmel, Indiana: 2012
West Ocala, Florida: 2012
Gainesville, Florida: 2012
King of Prussia, Pennsylvania: 2012
Southfield, Michigan: 2012
Carlisle, Pennsylvania: 2012
Lexington Depot District, Lexington, North Carolina: 2012
Daytona Beach, Florida: 2011
Santa Cruz, California: 2011
Fresno, California: 2011
Windsor, Connecticut: 2011
Maxwell Boulevard, Montgomery, Alabama: 2011
Narcoossee Road Corridor, Osceola County, Florida: 2011
East Highway 192 Corridor, Osceola County, Florida: 2011
Volcano Heights Town Center, Albuquerque, New Mexico: 2011
Interlochen, Michigan: 2011
International District, Albuquerque, New Mexico: 2010
West Central District, Albuquerque, New Mexico: 2010
Martineztown Commercial District, Albuquerque, New Mexico: 2010
Port Sanilac, Michigan: 2010
Londonderry, New Hampshire: 2010
Reston Heights, Virginia: 2010
Revelstoke, B.C., Canada: 2010
GardenWalk Center, Anaheim, California: 2010
Daybreak Town Center, South Jordan, Utah: 2010
Fantasy Springs Resort Casino, Indio, California: 2009-2010
City of Houston, Texas: 2009
Kailua-Kona, Hawaii: 2009
City of Wasilla, Alaska: 2009
King Street Long Range Retail Plan, Alexandria, Virginia: 2009
Chesterfield Town Center, Chesterfield, Missouri: 2009
Naples, Florida: 2009
Jupiter, Florida: 2009
Palm Beach Gardens: 2009
Grand Rapids, Michigan: 2009
Fauberg Boisbriand, Montreal, Quebec: 2008
Clarkstown, New York: 2008
Potomac Yard, Alexandria, Virginia: 2008
King Street, Alexandria, Virginia: 2008
New Town at Liberty, Liberty, Missouri: 2008
Rio, Florida: 2008
Mixson Town Center, North Charleston, South Carolina: 2008
Lancaster, Pennsylvania: 2008
Griffin Park, Greensville, South Carolina: 2008
Saugatuck, Michigan: 2008
City of Plano, Texas: 2008
City of Carmel, Indiana: 2008
Kirkland Park Place, Kirkland, Washington: 2008
Tohoqua Town Center, Lake Toho, Florida: 2008
Downtown City Center, Carmel, Indiana: 2008
Bradford Health Services, Madison, Alabama: 2008
River Lights Town Center, Wilmington, North Carolina: 2007
Punta Cacique, Costa Rica: 2007
Mariner's Cove, Lake Toho, Florida: 2007
River District Village Center, Liberty Lake, Washington: 2007

Coconut Grove, Florida

Birmingham, Michigan

Newcastle Town Center, Newcastle, Oklahoma: 2007
Oklahoma City Downtown Air Park, Oklahoma City, Oklahoma: 2007
Tuxedo & Tuxedo Park, New York: 2007
West Ocala, Florida: 2007
Noah's Ark Town Center, St. Charles, Missouri: 2007
Gulfport Highlands, Gulfport, Mississippi: 2007
The Petroglyphs, Albuquerque, New Mexico: 2007
Trinity River Properties, Dallas, Texas: 2007
Dahlonega, Georgia: 2007
Palm Beach County, Florida: 2006
North Carolina Research Campus, Kannapolis, North Carolina: 2006
Central Florida Panhandle: 2006
Baton Rouge, Louisiana: 2006
Erie Station II, West Henrietta, New York: 2006
Water's Edge, Athens, Georgia: 2006
Town Center, Houston, Texas: 2006
City of Whittier, California: 2006
Santa Ana, California: 2006
Taylor Crossings, Idaho Falls, Idaho: 2006
Melon Valley, Hurricane, Utah: 2006
SW Albuquerque Regional Study, Albuquerque, New Mexico: 2006
City of Ballwin, Missouri: 2006
Niagara Falls, Canada: 2005
Vilano Beach, Florida: 2005
St. Armand's Circle Business District, Sarasota, Florida: 2005
York Township, Michigan: 2005
Metro Health Center, Grand Rapids, Michigan: 2004
Rosemary Beach, Florida, Town Center Study: 2002
Frisco Square, Frisco, Texas: 2002
Glenview Naval Station Town Center, Glenview, Illinois: 2002
Downtown Waterfront Study, Jupiter, Florida: 2001
Corridor Study, 28th Street, Wyoming, Michigan: 2001
Town Center, Prairie Crossing, Illinois: 2001
Corridor Study, Harper Avenue, St. Clair Shores, Michigan: 2001
Redevelopment Plan, Greenbrier Mall, Atlanta, Georgia: 2001
Corridor Study, Van Dyke Highway, Warren, Michigan: 2001
Redevelopment Plan, Antioch Mall, Kansas City, Missouri: 2001
Town Center, General Motors Tech Center, Warren Michigan: 2001
Mexican Town, SW Detroit, Michigan: 2001
Hope VI Redevelopment Project, Norfolk, Virginia: 2000
Downtown Study, Bloomington, Indiana: 2000
Microsoft Regional Offices, Seattle, Washington: 2000
San Elijah Town Center, Carlsbad, California: 2000
Coffee Creek Town Center, Chesterton, Indiana: 2000
DuPont Town Center, DuPont, Washington: 2000
Retail Planning Study, Cambridge, Massachusetts
Harmony Town Center, Orlando, Florida: 2000
Inner Harbor East Retail Market Research, Baltimore, Maryland: 1999
Bon Marche´ Mall Retail Planning Study, Baton Rouge, Louisiana: 1999
Stop & Shop Supermarket Company Retail Analysis, Bloomfield, Connecticut: 1999
Eastgate Mall Retail Planning Study, Chattanooga, Tennessee: 1999
North Broadway Project Retail Market Research, Tacoma, Washington: 1999
Inner Harbor East Retail Market Research, Baltimore, Maryland: 1999
Stop & Shop Supermarket Company Retail Analysis, Bloomfield, Connecticut: 1999
Retail Planning Study, Cambridge, Massachusetts: 1999
Chattanooga, Tennessee, Eastgate Mall Retail Planning Study: 1999
Central Square, Cambridge, Massachusetts: 1999
Redevelopment Project, Bon Marche´ Mall, Baton Rouge, Louisiana: 1999
Redevelopment Project, Northland Mall, Southfield, Michigan: 1999
Bon Marche´ Mall Retail Planning Study, Baton Rouge, Louisiana: 1998
Town Center Analysis, Kentland's, Gaithersburg, Maryland: 1998
Marina Commercial Study, WCI Communities, Bonita Springs, Florida: 1998
Retail Market Analysis and Site Planning, Trenton, New Jersey: 1998
Downtown Redevelopment Study, Baton Rouge, Louisiana: 1998
Downtown Master Plan, Bennettsville, South Carolina: 1997
Fifth Avenue & Third Street Downtown Study, Naples Florida: 1996
Downtown Study, Northville, Michigan: 1996
Clematis Street Study, West Palm Beach: 1995

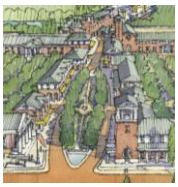
Memphis, Tennessee

Easton Center, Columbus, Ohio

Urban Planning Consulting

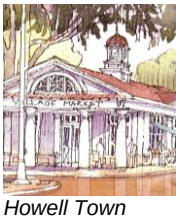
Alpena, Michigan: 2013
Walloon Village, Michigan: 2013
Markham, Unionville, Ontario, Canada: 2013
Grand Rapids, Michigan: 2012
Chesterfield, Missouri: 2012
Downtown Commercial Master Plan: City of Daytona Beach, Florida 2011
Downtown Commercial Master Plan: Santa Cruz, California: 2011
Commercial Study: City of Montgomery, Alabama: 2011
Interlochen Village, Green Lake Township, Michigan: 2011
Narcoossee Road Corridor, Osceola County, Florida: 2011
East Highway 192 Corridor, Osceola County, Florida: 2011
SR-7 Corridor, Palm Beach County, Florida: 2010
Houston Central Business District, Houston, Texas: 2009-2010
Master Plan: City of Wasilla, Alaska: 2009
Master Plan: City of Damariscotta, Maine: 2009
Master Plan: Beverly Hills, Michigan: 2009
Kirkland Town Center Master Plan (LMN Architects lead consultant): 2009
Palm Beach Gardens Master Plan (Treasure Coast Regional Planning Commission lead): 2009
Old Town Master Plan, Alexandria, Virginia: 2009
Hutt, New Zealand CBD: 2008
Consulting: City of Carmel Central Business District, Carmel, Indiana: 2008
Fort Pierce, Florida, TCRPC: 2008
Fort Worth, Florida, TCRPC: 2008
Jensen Beach, Florida, TCRPC: 2008
Margate, Florida, TCRPC: 2008
Master Plan: City of Palm Beach, Florida, TCRPC: 2008
ULI Council: Speedway, Indiana, ULI Advisory Panel: 2008
City of Plano, Texas: 2008
Master Plan: City of Alexandria, Virginia: 2008
City of Downey, California: 2008
Sprague/Appleway Corridor, City of Spokane Valley, Washington: 2007-2008
Albuquerque, New Mexico, South Yale Corridor: 2007
Rockville Pike Corridor, Maryland: 2007
City of Charleston, South Carolina: 2007
Jensen Beach, Florida: 2007
St. Louis Park, Minnesota: 2007
Temecula, California, Master Plan: 2007
Louisiana Recovery Authority: 2006
West Palm Beach, Florida: 2006
Downtown Placentia, California, Master Plan: 2006*
Downtown Master Plan, Santa Ana, California: 2006*
Downtown Master Plan, Whittier California: 2006*
Niagara Falls, Canada: 2005-2006*
Overland Park, Kansas, Master Plan Review: 2006
Downtown Study, Crystal River, Florida: 2005
State of Florida, Community Development: 2005
Downtown Plan, Sarasota Florida: 2004-2005
Town Expansion Plan, Ashford, England: 2004
Zoning Study, Austin, Texas: 2004
East Lansing-Michigan State University: 2004
King Street & Market Square Retail Plan, Charleston, South Carolina: 2003
Westgate Master Plan, Toledo, Ohio: 2003
Downtown Plan, Wilkes-Barre, Pennsylvania: 2003
Third Ward Master Plan, St. Louis: 2002
Northwest Expansion for 40,000 population, Dublin, Ireland: 2001
Harper Avenue Corridor, St. Clair Shores, Michigan: 2001
Downtown Study, Bloomington, Indiana: 2000
Mid-Block Task Force, Portland, Oregon: 2000
Downtown Study, Macon, Georgia: 2000
Downtown Study, Kirkland, Washington: 2000
Downtown Master Plan, Lake Orion, Michigan: 2000
Master Plan, Macon, Georgia: 2000
Master Planning Study, Normal, Illinois: 2000
Master Plan, Grosse Pointe Farms, Michigan: 1999
Retail Market Analysis and Site Planning, Trenton, New Jersey: 1999
CBD Master Plan (DPZ lead), Baton Rouge, Louisiana: 1998
Master Plan (DPZ lead), Hickory, North Carolina: 1998
CBD Study, Lower Hutt, New Zealand: 1997-1998
CBD Master Plan and Charrette, Macomb Township, Michigan: 1998
CBD Study, St. Paul, Minnesota: 1998

Village of Rochester Hills, Michigan



Woodfield, Michigan

CBD Study, Wildwood, Missouri: 1998
Hartford Road Corridor Study (DPZ lead), Baltimore, Maryland: 1997
Downtown Master Plan, Bennettsville, South Carolina: 1997
Howell CBD Master Plan, Howell, Michigan: 1997
Third Ward Public Market Plan, Milwaukee, Wisconsin: 1997
Master Plan Evaluation, Naples, Florida: 1997
CBD Master Plan, Northville, Michigan: 1997
Sunset Transit Station Planning Study, Washington County, Oregon: 1997
City Master Plan Study, Birmingham, Michigan: 1996
City Master Planning Study, Cedar Mill, Oregon: 1996
Retail Planning Study (Lennertz Coyle lead), Forest Grove, Oregon: 1996
Cedar Mill Retail Market Study (Lennertz Coyle lead), Portland, Oregon: 1996
Urban Shopping Center Study, Windsor, Ontario: 1996
Lincoln Road Infill Redevelopment Study (DPZ lead), Miami Beach, Florida: 1995
South Beach Planning Charrette, Miami Beach, Florida: 1995
Fifth Avenue Master Plan, City of Naples, Florida: 1995
CBC Master Plan, Oxnard, California: 1995
Master Plan, City of West Palm Beach, Florida: 1995
CBC Master Plan, Ventura, California: 1995
Master Planning Study, (McKenna Associates lead), Bay City, Michigan: 1993


Howell Town Center, Michigan

Neo-Traditional Town Planning

Middleton Hills, Wisconsin

Mixson Town Center, North Charleston, South Carolina: 2008
Town Center Study, Saugatuck, Michigan: 2008
City of Downey, California: 2008
Lake Hutto, Florida: 2008
Lake Toho, Florida: 2008
Clarksburg Town Center, Clarksburg, Maryland: 2008
Lacey Gateway, Lacey, Washington: 2007
Missoula Town Center, Missoula, Montana: 2007
Noah's Ark Town Center, St. Charles, Missouri: 2007
Tuxedo Town Center, Tuxedo, New York: 2007
Lacey Gateway, Lacey, Washington: 2007
Water's Edge Town Center, Athens, Georgia: 2006
North Carolina Research Campus, Kannapolis, North Carolina: 2006
Rouzan Town Center, Baton Rouge, Louisiana: 2006
Houston, Texas, Proposed Town Center: 2006*
Santa Ana Town Center, Albuquerque, New Mexico: 2006*
Erie Canal Town Center, Rochester, New York: 2005-2006
San Elijo Hills Town Center, San Marcos, California: 2005*
East Fraserlands Town Center, Vancouver, BC: 2005
Leeland Station, Virginia: 2005
City of Carmel Town Center, Carmel, Indiana: 2005
Evening Rose Town Center, Tallahassee, Florida: 2005
Domino's Farms General Master Plan: 2004
Treasure Coast Regional Plan, Florida: 2004*
Lorna Stone, Rochester Hills, Michigan: 2003
University Place Town Center, University Place, Washington State: 2003
Domino's Farms Town Center, Ann Arbor, Michigan: 2002
The Glen Town Center, Glenview, Illinois: 2002
Village of Rochester Hills Town Center, Rochester Hills, Michigan: 2002
Rosemary Beach, Florida, Town Center Study: 2002
Baldwin Town Center, Grand Blanc, Michigan: 2002
BTS Town Center, Lansing, Michigan: 2001
The Hamlet, Canton, Michigan: 2001
Acme Town Center, Acme Township, Michigan: 2001
Nixon Road Town Center, Ann Arbor, Michigan: 2001
Prairie Crossings Town Center, Chicago, Illinois: 2001
Asher Village, Linden, Michigan: 2001
Regional Town Center, Draper, Utah: 2001
Coffee Creek Town Center, Chesterton, Indiana: 2001
Multiple Town Center Master Planning, Draper, Utah: 2000
Coconut Point Town Center/ The Simon Company, Bonita Springs, Florida: 2000
Glenview Town Center, Glenview, Illinois: 2000
Eton Street Station Master Plan, Birmingham, Michigan: 2000
Shelby Town Center, Shelby Township, Michigan: 2000
Analysis and Zoning Review, Bay City, Michigan: 1999
Master Landscape Plan, Cherry Hill Village, Michigan: 1999
San Elijo Village Center Master Plan, San Diego, California: 1999
Mt. Laurel Village Center Master Plan (DPZ lead), Birmingham, Alabama: 1998
Northwest Landing Town Center (Calthorpe Associates lead) Dupont, Washington: 1998

Town Commons 60 acre TND, Howell, Michigan: 1998
Washington Village Master Plan, Washington Township, Michigan: 1998
Heritage Village Master Plan & Landscape Plan, Waterford Township, Michigan: 1997
Westwood Village Master Plan & Landscape Plan, Beverly Hills, Michigan: 1996-1997
Kentland's Town Center expansion Master Plan (DPZ lead), Gaithersburg, Maryland: 1996
Aberdeen Town Center, Valparaiso, Indiana: 1995
Mayfield Park Village Master Plan, Mayfield Township, Michigan: 1995
The Vistas Master Plan & PUD approval, Novi, Michigan: 1993
Woodside Village 800-acre Master Plan, Grand Blanc, Michigan: 1991

University Planning

University of Pennsylvania

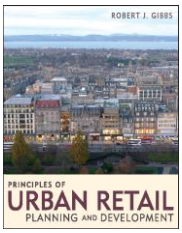
University of Miami Medical District, Miami, Florida: 2008
Hendrix College, Conway, Arkansas: 2008
University of Connecticut Town Center Plan, Storrs, Connecticut: 2004
Michigan State University, East Lansing, Michigan: 2003
Downtown Study, Illinois State University, Normal, Illinois: 2000
High Street Master Plan, Ohio State University, Columbus, Ohio: 1998
State Street Master Plan, University of Wisconsin, Madison, Wisconsin: 1998
Adaptive Re-Use Study, John Hopkins University, Baltimore, Maryland: 1996
42nd Street Master Planning Study, University of Pennsylvania, Philadelphia, Pennsylvania: 1996
Walnut Street Master Planning Study, University of Pennsylvania, Philadelphia, Pennsylvania: 1996
Thayer Street Master Plan, Brown University, Providence, Rhode Island: 1994

Partial Client List

AECom
Butler Enterprises
Calthorpe Associates
Castle & Cooke North Carolina, LLC
Chevy Chase Bank, Maryland
City of Atlanta, Georgia
City of Birmingham, Michigan
City of Cambridge, Massachusetts
City of Chicago, Illinois
City of Draper, Utah
City of Fresno, California
City of Houston DDA
City of Madison, Wisconsin
City of Memphis, Tennessee
City of Naples, Florida
City of Portland, Oregon
City of Santa Cruz, California
City of Southfield, Michigan
City of Southampton, New York
City of St. Paul, Minnesota
City of University Place, Washington
City of West Palm Beach, Florida
Disney Development
Dover, Kohl & Partners
Duany Plater-Zyberk & Company Architects
East-West Partners
Fantasy Springs Resort and Casino
Florida Hospital
General Motors Corporation
Glatting Jackson Kercher Anglin
Griffin Properties
Kennecott Land Company
JBG Companies
Lake Erie Land Company
Leland Station, LLC
The Limited Corporation
Mitchell Oil Companies
Moule & Polyzoides Architects
Newland Communities, LLC
Oliver McMillan
Pillsbury Realty
Revolution Places, LLC
Simon Property Group
SOSH Architects
Southern Sandoval Investments
St. Armand's Business Improvement District
St. Joe Company
State of Oregon
State of Florida
Taubman Company
Treasure Coast Regional Planning Council
VHB MillerSellen
Weyerhaeuser Land Company

Professional Organization Memberships

American Planning Association: Member
American Society of Landscape Architects: Member
Congress for New Urbanism: Charter Member
CNU Michigan: Director, East Region
International Council of Shopping Centers: Corporate Member
Urban Land Institute: Member



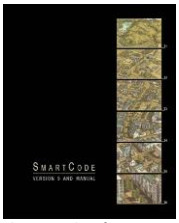
Robert Gibbs

Books

Principles of Urban Retail Planning and Development ***(****Wiley Publishing, December 2011)*

Book Contributions

New Urbanism & Beyond, Edited by Tigran Hass
Smart Code Manual, SmartCode Institute
Sustainable Urbanism, Edited by Douglas Farr



Smart Code Retail Module

Publications

Atlantic Monthly
Albuquerque Journal
Better Cities & Towns
Charleston Business Journal
Chain Store Age
Chicago Tribune
Consumers Report
Crain's Detroit Business
Detroit News
Governing Magazine
ICSC Research Magazine
Los Angeles Times
New York Times
New Urban News
Orange County Register
Palm Beach Daily News
Portland Oregonian
Shopping Centers Today
Urban Land Institute
Wall Street Journal
Washington Post

A.2 - Fulton Mall Reconstruction Alternatives Plans - Economic Impact Analysis Updated Alternatives Review

Fulton Mall Reconstruction Alternative Plans

Economic Impact Analysis Updated Alternatives Review

Prepared for:
PBID Partners of Downtown Fresno

Prepared by:
Gibbs Planning Group, Inc.

26 November 2013

Executive Summary

This study finds that the recent three alternatives for Fulton Mall reconstruction will likely result in a $6 - $33 million improvement of the malls existing retail commerce. However, the alternatives will reduce projected retail sales by $10.9 - $15.7 million over the earlier plan alternatives that included as many as 165 additional on-street parking spaces. When implemented, the alternative plans may also decrease the malls 26 percent first level commercial vacancy to as little as nine percent, depending on the plan. Please find below a summary comparison of the original and new alternative plans:

2011 Alternatives	*2013 Alternatives*	*Fulton On-Street Parking*	*Cross Street Parking*	*Projected Annual Total Gross Retail Sales Revenue*	*Projected Annual Change from 2011*
2011 Existing Conditions		0	14	$32.1 million	N/A
Alt 2: Restoration & Completion		0	14	$38.2 million	+ $6.1 million
Alt 7: Reconnect the Grid with Vignettes		127	117	$55.4 million	+ $23.3 million
Alt 8 Reconnect the Grid on Traditional Street (2-way)		252	117	$79.1 million	+ $47 million
	Alt 1: Reconnect Grid with Straight Street (Traditional 2-way)	162	42	$64.8 million	+ $32.7 million
	Alt 2: Reconnect Grid with Curving Street (2-way)	52	44	$44.5 million	+ $12.4 million
	Alt 3: Retain & Rehabilitate	0	14	$38.2 million	+ $6.1 million

The original premise for the creation of the Fulton Street Pedestrian Mall to serve as a regional shopping destination is fundamentally flawed and cannot be supported by Fresno's current market conditions. The 1964 closure of Fulton Street and removal of its on-street parking assumed that the downtown would retain enough critical mass of retailers and department stores to offer the visitor several hours of exciting shopping. In exchange, parking in remote decks and hiking to the shops could be acceptable, just as it is in today's modern malls. This business model is dependent on at least 500,000 square feet (sf) of proven retailers, competitive centralized management, marketing and extended common shopping hours. It was also based on the traditional two-parent, stay at home mom – working dad, household of the mid-twentieth century.

By every shopping center industry metric, the Fulton Mall is underperforming. As of 2011, Fulton Mall has the following existing conditions:

- High Vacancy Rate: The Fulton Street Mall's ground level retail suffers from an overall 26 percent vacancy of ground floor commercial (120,700 sf vacancy of the 472,200 sf gross ground level). This represents more than twice the City of Fresno's overall retail vacancy rate of 11.2 percent and nearly triple the national regional center vacancy rate of nine percent.

- Low Sales: The Fulton Street Mall has average annual retail sales of only $92 per sf ($32.1 million). This represents only 25 percent of the national annual average of $372 per sf for regional centers.

- Low Rents: The Fulton Street Mall's rents are reported in the $0.50 to $0.60 per sf/month, or less than half of the region's average rates of $1.20. Many of the buildings are reportedly owner occupied.

Fulton Challenges

Cosmetic enhancements alone will not significantly improve Fulton's economic sustainability and commerce. The pedestrian mall could potentially approach full market potential with the oversight of a qualified third-party shopping center developer and the deployment of multiple department stores and entertainment anchors that are unique to the region. However, similar public-private implementation strategies are risky and often require tens of millions of dollars of public subsidies. On the other hand, opening the street to vehicular traffic, lined with managed parking, has proven to quickly revitalize similar pedestrian malls across the United States (see attached studies).

GPG concludes that the Fulton Street Mall's existing economic underperformance is primary due to the following factors:

- **Lack of Vehicular Traffic:** The existing businesses along Fulton do not have any vehicular traffic and must rely on advertising or pedestrian traffic to attract commerce. This disadvantage could be minimized if Fulton had multiple department store anchors and an overall tenant mix of over 500,000 sf.

- **Inadequate Parking for Full Build-out:** The Fulton Mall has an overall gross parking ratio of one stall per 460 sf of gross commercial area. This equals less than two cars per 1000 sf, less than half of the industry standard for similar shopping districts (2788 parking stalls for 1,281,310 sf gross commercial area excluding basements). While the parking is apparently statically adequate for the existing commercial occupancy levels, it will be significantly insufficient for a competitive shopping district should Fulton become successfully redeveloped.

- **Inconvenient Parking:** 75 percent of Fulton's 2788 parking spaces are located in structures. While structured parking is acceptable for office and regional shopping centers, they are inconvenient for downtown workers, young families and visitors seeking an impulse purchase or with little time to shop.

- **Minimal On-street Parking:** Presently, Fulton only has 14 metered on-street parking stalls. Managed on-street stalls are essential for competitive shopping districts and offer convenient parking for an impulse visit. Research led by Norman Garrick of the University of Connecticut in 2007 concluded: *"We found that on-street parking plays a crucial role in benefiting activity centers on numerous levels…users of downtowns consistently valued on-street parking spaces over and above off-street surface lots and garages".*

- **Poor Tenant Mix**: Fulton lacks any department store anchors or leading regional or national retailers.

- **Young Families:** Fresno has a high ratio of young family and single parent households, with over 80,000 children under age nine living within the downtown's primary trade area (per GPG's market research). These households are defined as the Industrious Urban Fringe and NeWest tapestry lifestyles (source ESRI Research). These young families are time-stressed and prefer convenient shopping destinations.

- **New Consumer Trends:** Today's households are frequently single parents or two-income families that accomplish more shopping in less time than was common in the early 1960's. As a result, modern shoppers frequently have purpose-driven shopping, rather than recreational browsing. They prefer to park directly in front of their destination store, make a quick purchase, and continue with their other responsibilities. The multi-anchored, well tenanted larger shopping centers can attract recreational shopper because of their wide selection of retailing and dining opportunities. Fulton does not have the necessary variety of goods and services to meet the expectations of the casual visitor and it is too inconvenient for the purpose drive shopper.

- **Strong Competition:** Fresno has numerous well-managed, state of the art shopping centers that offer leading brands, extended hours, convenient surface parking and effective operations. These centers are frequently located adjacent to many of Fresno's densely populated areas. Many of Fulton's visitors will need to drive past several of these competitive centers en-route to the downtown pedestrian mall.

- **Daytime Office Workers**: Fresno has a strong daytime employment base of 40,000 workers in the downtown, and 60,000 within a five minute drive. Office workers are more time-stressed due to the recession, leaving little time for casual dining and shopping during the workday. While daytime office workers make an average of $157 in retail and restaurant purchases weekly, most of these are made while driving to and from work. While their annual spending totals $81.2 million, Fulton does not receive its share of this worker spending because of its lack of a street and convenient on-street parking.

- **Limited Management:** Similar to most historic shopping districts, Fulton is made up of numerous individually owned properties and lacks central management essential to compete with other commercial centers. As such, each business or property owner must provide their own marketing and advertisement and cannot rely on the 'drive-by' vehicular traffic that is common for American traditional main streets. Effective management, maintenance and marketing programs can be expensive and may require specialized funding sources.

- **Site Constrains:** Although the Fulton Pedestrian Mall has a market demand for over 300,000 sf of additional retail and strong demographics, it does not meet the minimal site selection criteria for most leading regional and national retailers. These challenges could potentially be overcome with a third-party qualified shopping center developer and a public-private partnership similar to Santa Monica's Third Street Promenade and Miami Beach's Lincoln Road. Note,

such partnerships are can require considerable public investment and can involve similar risk. Alternatively, opening Fulton Street to vehicular traffic with managed on-street parking (individual parking meters) could unleash pent-up market demand and significantly improve the commerce for many of its existing businesses.

- **Public Perception:** The Fulton Mall likely suffers from a general poor image by many Fresno residents and workers. This perception may not necessarily be warranted and can be reversed with redevelopment and a well managed 're-grand opening'.

Alternative Impacts

The three proposed alternative plans (prepared by RHAA Landscape Architects) each have various levels of economic impact on the performance of Fulton's retail sales. GPG finds that sales can range from an annual increase of $6.1 million with the "Retain and Rehabilitate" alternative to an increase of $32.7 million by reopening the street to two-way traffic lined with parking.

Please find below a summary of this study's findings of the three chosen alternative plans:

Alternative	*Fulton On-Street Parking*	*Cross Street Parking*	*Projected Overall Ground Floor Vacancy*	*Projected Ground Floor Occupancy*	*Projected Ground Floor Sales Change*	*Projected Annual Total Gross Retail Sales Revenue*	*Projected Annual Change from 2011*
2011 Existing Conditions	N/A	14	26% existing 120,700 sf	74% 351,500 sf	N/A $92.00 sf	$32.1 million	N/A
Alt 1: Reconnect Grid with Straight Street (Traditional 2-way)	162	42	9% 42,500 sf	91% 429,700 sf	+ 64% $150.80 sf	$64.8 million	+ $32.7 million
Alt 2: Reconnect Grid with Curving Street (2-way)	52	44	15% 70,900 sf	85% 401,300 sf	+20% $110.90	$44.5 million	+ $12.4 million
Alt 3: Retain & Rehabilitate	0	14	20% 94,400 sf	80% 377,800 sf	+10% $101.20	$38.2 million	+ $6.1 million

Background

Designed by noted architect Victor Gruen and landscape architect Garrett Eckbo, the Fulton Street Pedestrian Mall opened in 1964 and replaced a once-vibrant shopping street. Like most other pedestrian malls, Fulton quickly deteriorated into a mostly vacant city center and many of its leading retailers and department stores moved to suburban shopping centers. Gibbs Planning Group Inc. (GPG) was retained in 2011 by the PBID Partners of Downtown Fresno, California to conduct an economic impact analysis for six alternative master plans (designed by Moule-Polyzoides Architects) for the Fulton Street pedestrian mall. After a comprehensive planning process, three of the master plans from the original analysis have been refined by a consultant team led by RHAA Landscape Architects. This analysis serves as an update to the original given the new characteristics of each alternative.

The results of GPG's 2011 study of the alternatives designed by Moule-Polyzoides Architects are found below:

Alternative	*Fulton On-Street Parking*	*Cross Street Parking*	*Projected Overall Ground Floor Vacancy*	*Projected Ground Floor Occupancy*	*Projected Ground Floor Sales Change*	*Projected Annual Total Gross Retail Sales Revenue*	*Projected Annual Change from 2011*
2011 Existing Conditions	N/A	14	26% existing 120,700 sf	74% 350,000 sf	N/A $92.00 sf	$32.1 million	N/A
Alt 1: Do Nothing Different	0	14	35% 165,200 sf	65% 307,000 sf	N/A $92.00 sf	$28.2 million	- $3.9 million
Alt 2: Restoration & Completion	0	14	20% 94,400 sf	80% 377,800 sf	+10% $101.20	$38.2 million	+ $6.1 million
Alt 4a: Open the Outer Blocks & Cross Streets	52	117	20% 94,400 sf	80% 377,800 sf	+ 12% $103.00 sf	$38.9 million	+ $6.8 million
Alt 6a: Reconnect the Grid-One Way Street	48	117	20% 94,400 sf	80% 377,800 sf	+ 12% $103.00 sf	$38.9 million	+ $6.8 million
Alt 7: Reconnect the Grid with Vignettes	127	117	15% 70,800 sf	85% 401,300 sf	+ 50% $138.00 sf	$55.4 million	+ $23.3 million
Alt 8 Reconnect the Grid on Traditional Street (2-way)	252	117	9% 43,500 sf	91% 430,000 sf	+ 100% $184.00 sf	$79.1 million	+ $47 million

Methodology

To address the above issues, GPG conducted a review of published research prepared by third-party groups on the economics of American pedestrian malls, modern shopping trends and the impacts of on-street parking. GPG has not conducted primary research or tested the existing data for Fresno's current conditions. This evaluation was conducted during the month of June, 2011.

For the purposes of this study, GPG has assumed the following:

- **On-street Parking:** Each metered on-street parking stall will receive a minimum of four user turns per day (actual turns can be as high as 20 per day), equating to twice the usage of off-street surface and structured parking spaces. This equates to each parking stall directly supporting 500 sf of gross retail space. Average U.S. annual regional retail sales are $372 per sf (2008 Dollar & Cents of Shopping Centers, ICSC & ULI). Therefore, each managed (individually metered) on-street Fulton parking stall will conservatively generate $186,000 in annual gross retail sales. Meters located along cross streets are assumed to produce $62,000 in sales because of their distance from Fulton's retailers.

- **Comparative Studies:** Research has indicated that the opening of similar pedestrian malls to vehicular traffic and adding on-street parking has been *"an unqualified success," resulting* in a significant reduction of vacancy and an increase in sales (see attached research). Eugene, Oregon reported: *"retailers were thrilled by the (pedestrian mall) opening; people are coming back by the thousands."* Numerous case studies indicate that returning cars to pedestrian malls increased sales of existing businesses by 25-30 percent and cut vacancies in half, typically to five to ten percent. (See attached case studies for Covington, Kentucky; Eugene, Oregon; Oak Park, Illinois; South Bend, Indiana; Waco, Texas,)

- **Reduced Vacancies:** Based on similar case studies (attached), GPG assumes that the reopening of Fulton and adding on-street parking will reduce the existing vacancy rates from 26 percent to nine percent, equaling the overall Fresno retail vacancies. This represents leasing 78,200 sf of the existing 120,700 vacant ground floor space (20 – 30 new retailers producing $32.7 million in additional sales revenue).

- **Increased Sales:** Based on similar case studies (attached), GPG assumes that overall existing businesses will increase sales by 10 to 65 percent, depending on the street design and numbers of parking stalls. As a result, the reopening of the

mall would generate an additional $6.1 to $32.7 million in annual retail sales. Fulton's 2010-2011 sales are reported at $32.1 million.

- **No New Competition:** No major regional retail centers will be developed within the trade area of this study through 2016 except as noted below. Other major community retail centers may be planned or proposed (Fancher Creek Town Center and the El Paseo Shopping Center), but only the existing retail is considered for this study. The quality of the existing retail trade in the study area is projected to remain constant. Gains in future average retail sales per sf reflect higher sales per sf in newly developed retail and selected increases in sales per sf by individual retail categories.

- **Population Growth:** Annual population growth for the primary trade area is estimated to be 0.79 percent throughout the five-year period of this study.

- **Employment:** Employment distribution is projected to remain constant, without a spike or decline in employment by NAICS categories.

- **Reported Lease Data:** The projected lease and vacancy rate model is based on our proprietary econometric model of the relationship between changes in employment and changes in vacancy and lease rates. Data was gathered from the US Census Bureau, Experian, ESRI, CBRE, COSTAR Group, Inc., LOOPNET, and local brokerage services.

- **Regional Economy:** The Fresno region's economy will continue at relative normal or above normal ranges of employment, inflation, retail demand, and growth.

- **Implementation:** Any new construction of the Fulton Street Pedestrian Mall will be planned, designed, built, and managed to the best practices of The American Planning Association, The Congress for the New Urbanism, The International Council of Shopping Centers, and The Urban Land Institute.

Limits of Study

The findings of this study represent GPG's best estimates for the potential economic impacts of the above Fulton Pedestrian Mall alternatives. Every reasonable effort has been made to ensure that the data contained in this study reflect the most accurate and timely information possible and are believed to be reliable. This study is based on estimates, assumptions, and other information developed by GPG independent research effort, general knowledge of the industry, and consultations with the client and its representatives.

No responsibility is assumed for inaccuracies in reporting by the client, its agent and representatives or in any other data source used in preparing or presenting this study. This report is based on information that was current as of June 24, 2011, and GPG has not undertaken any update of its research effort since such date.

This report may contain prospective financial information, estimates, or opinions that represent GPG's view of reasonable expectations at a particular time, but such information, estimates, or opinions are not offered as predictions or assurances that a particular level of income or profit will be achieved, that particular events will occur, or that a specific price will be offered or accepted. Actual results achieved during the period covered by our prospective financial analysis may vary from those described in our report, and the variations may be material. Therefore, no warranty or representation is made by GPG that any of the projected values or results contained in this study will be achieved.

GPG does not endorse or recommend that any or all of the subject alternatives be implemented. GPG further acknowledges that the Gruen-Eckbo design and sculptural elements have historical and cultural value that cannot necessarily be quantified for their economic or cultural value to the community. This study should not be the sole basis for programming, planning, designing, financing, or development of any individual property, commercial center or the Fulton Mall. This study is for the use of the City of Fresno and the Redevelopment Agency for general planning purposes only, and is void for other site locations or developers.

Downtown Retail Market Demand

In 2011, GPG completed a retail market study for PBID Partners of Downtown Fresno, and concluded that Fresno's downtown can presently support an additional 313,000 sf of retail and restaurant development, generating over $83.7 million in new sales. By 2016, the downtown can support a total of 353,000 sf of new commercial growth, generating $105.7 million in sales. The demand could partially be absorbed by existing businesses, or with the opening of 40 to 60 new restaurants and retailers.

Downtown Fresno's commercial offerings are under-serving its consumer base, both residential and employees. The greatest categories of supportable retail growth are department and discount department stores, grocery/supermarket, apparel & shoe stores, full service restaurants, and general electronics.

Although there is strong retail competition to the north along the Shaw Avenue corridor, daytime employee expenditure will supplement evening and weekend residential consumer expenditure, creating the base for community-scale retailers to enter the market, or expand their local presence. The existing retail, limited to mostly neighborhood goods and services, but exceptional freeway and local artery access, along with significant consumer expenditure leakage from the trade areas, offers the potential to expand the scale to include community and regional retailers.

This study further finds that the Fresno study area has a primary trade area population of 395,000 persons, increasing to 410,000 persons by 2015. The projected annual growth rate is 0.79 percent, slightly exceeding both the state and national levels. Average household income in the primary trade area is $44,400, lower than both the state and national averages. The district's per capita income ($13,400) is also less than the city and state levels. The primary trade area has a labor base of 155,900 employees, with 50.8 percent holding white-collar positions. The supportable 2011 retail includes:

- 98,600 sf of General Merchandise
- 65,400 sf of Food & Beverage
- 57,800 sf of Apparel, Shoes & Accessories
- 37,400 sf of Food & Restaurants
- 23,700 sf of Electronics, Appliances, & Computers
- 11,500 sf of Home Furnishings
- 10,400 sf of Sporting Goods, Hobby, Books & Music Stores
- 4,900 sf of Miscellaneous Retailers
- 1,700 sf of Jewelry, Luggage & Leather Goods
- 1,400 sf of Hardware, Lawn & Garden Stores
- 700 sf of Health Care & Personal Services.

I. Alternative 1: Reconnect the Grid with Straight Street (Traditional Two-Way)

Alternative 1 Description & Assumptions:

- The pedestrian mall is replaced with a traditional, two-way street with wide sidewalks and ample storefront parking.
- The side streets of Merced, Mariposa, and Kern are similarly opened to vehicles, with the exception that Kern between Fulton and Chukchansi Park and Mariposa between Federal Alley and Van Ness remain pedestrian.
- In some locations along the street, parking would not be provided in order to preserve existing, healthy, shade trees.
- The plan calls to offset the center of the street and provide a standard 14 ft sidewalk on one side and a wider 28 ft sidewalk promenade zone on the other to retain qualities of the Eckbo design.
- Maintenance of the public realm will increase to private sector shopping center industry standards.
- 162 on-street parking spaces will be installed along Fulton Street, and 44 metered on-street stalls will be added along the cross-streets.
- The existing surrounding shopping centers to continue current operations.

Alternative 1 Projected Economic Impacts

- Fulton will experience a significant increase of pedestrian and shopper traffic, including daytime workers, families and visitors, many for the first time.

- Ground floor vacancies will potentially decrease from 26 percent to 9 percent, with 429,500 sf of occupied ground level space.
- Potential overall annual gross sales revenues increase from $32.1 million to $64.8 million (+$32.7 million).
- Average retail sales will potentially increase from $92.00/sf to $150.80/sf. Some new retailers will likely generate sales equal to or greater than the industry standard of $372/sf.

Alternative 1 Rationale

- Fulton's combination of quality urbanism, numerous historic buildings and convenient accessibility and parking will attract many retailers to deploy a new store in Fresno.
- Many existing businesses and property owners will invest in store upgrades in response to the renovated public realm.
- Shoppers will appreciate the opportunity to easily drive and park.
- The new 162 Fulton Street parking stalls, if properly metered and managed, will directly generate up to $30.1 million in new retail sales, contributing to the viability of existing retailers and an additional 81,000 sf of retail space or 28 stores.
- Overall, Fulton will eventually gain the necessary critical mass of retailers and restaurants to attract the surrounding daytime workers and young families.

II. Alternative 2: Reconnect Grid with Curving Street

Alternative 2 Description & Assumptions

- The pedestrian mall is replaced by a two-way street with one travel lane in each direction in a curving design with parallel parking and wide sidewalks.
- As in Alternative 1, the side streets of Merced, Mariposa, and Kern are opened with one lane of vehicular traffic in each direction and parallel parking, with the exception that Kern between Fulton and Chukchansi Park and Mariposa between Federal Alley and Van Ness remain pedestrian.
- The curving roadway allows for many water features, artworks, and shade trees of the Eckbo design to be retained and rehabilitated in their existing location.
- Maintenance of public realm will increase to private sector shopping center industry standards.
- 52 on-street parking spaces will be installed along Fulton Street, and 44 metered on-street stalls will be added along the cross-streets.
- The existing surrounding shopping centers to continue current operations.

Alternative 2 Projected Economic Impacts

- Fulton will experience a significant increase of pedestrian and shopper traffic, including daytime workers, families and visitors, many for the first time.
- Ground floor vacancies will potentially decrease from 26 percent to 15 percent, yielding approximately 401,300 sf of occupied ground level space.
- Overall annual gross sales revenues increase by 20 percent, from $92.00/sf to $110.90/sf, representing approximately 30 percent of the national average of $372/sf.
- Average rents will potentially increase to approximately eight to ten percent of gross sales (per industry standards).

Alternative 2 Rationale

- Many existing businesses will gain market share and sales revenue.
- Many new businesses will be attracted to deploy a new store along the opened Fulton Street.
- Some existing businesses and property owners will invest in store upgrades in response to the renovated public realm.
- Shoppers will appreciate the opportunity to easily drive and park along Fulton. However, parking will be less than desirable due to the limited on-street stalls and convenient parking expected for impulse shopping visits.

- These 52 Fulton Street parking stalls will support approximately 17 percent or 81,800 of the mall's 472,200 sf of ground level commercial area.
- Overall, the improved flow and ease of customer access to Fulton will improve the critical mass of retailers and restaurants which will help attract the surrounding daytime workers and young families.
- The novelty of the improved mall will bring more visitors and tourists; resulting in lower vacancies and a $12.4 million increase in annual retail sales. However, at an estimated $110/square foot in annual sales revenue, the overall performance of the Fulton's commercial will likely remain one-third of industry averages because of the lack of major anchors, coordinated management, business hours and inconvenient parking.

III. Alternative 3: Retain and Rehabilitate

Alternative 3 Description & Assumptions

- The Fulton Pedestrian Mall will be comprehensively rehabilitated per the original Eckbo plan.
- Existing features in poor condition will be removed and reconstructed; other features can be retained in place and renewed.
- Some elements of the historic design will be altered comply with modern building codes and accessibility guidelines.
- Maintenance of public realm will increase to private sector shopping center industry standards.

- All public and private parking to remain in existing locations; no additional on-street parking along Fulton and only 14 parking meters along cross streets.
- Existing surrounding shopping centers to continue current operations.

Alternative 3 Projected Economic Impacts

- Ground floor vacancies will decrease from 26 percent to 20 percent with 377,800 sf of occupied ground level space.
- Overall annual gross sales revenues will increase by approximately ten percent from $32.1 million to $38.2 million (+$6.1 million).
- Average annual sales will increase by ten percent from $92.00/sf to 101.20/sf.
- Average rents will increase by five to ten percent on average.

Alternative 3 Rationale

- Fulton will regain its national attention and become a must-visit destination for visitors and local residents.
- Some businesses will be attracted to deploy new stores along Fulton.
- Some existing businesses and property owners will invest in store upgrades in response to the renovated public realm.
- Shoppers will continue to find Fulton inconvenient, and lacking many of the retailers and restaurants that they desire.
- While the novelty of the improved mall will bring more visitors and tourists, it will not translate into significantly stronger sales because of the lack of major anchors, coordinated management, business hours and its inconvenient parking.

Background Research Summary

1.0 Introduction

The first pedestrian mall in the United States opened in 1959 in Kalamazoo, MI, part of a much larger plan by Victor Gruen Associates—otherwise never realized—to revitalize that city's downtown area[1]. The concept spread throughout the country in the following decades, and it is estimated that more than 200 communities of varying sizes had installed pedestrian malls by

[1] Cheyne, Michael. "No Better Way? The Kalamazoo Mall and the Legacy of Pedestrian Malls." *Michigan Historical Review* 36, no. 1 (Spring 2010): 103-28.

the early 1990s[2][3]. By this time, however, many communities had already begun to reevaluate their malls' effectiveness; at least 15 malls had reopened to some form of vehicular traffic by 1977, and dozens more did so during the 1980s. This trend continued unabated into the 1990s and beyond, with Kalamazoo reopening its Burdick Street Mall to traffic in 1998[4]. By 2005, less than 25 pedestrian malls remained in place[5]

Those communities who have reintroduced vehicular traffic to their pedestrian malls—either completely or partially—have on the whole seen a positive economic impact after doing so. Two major studies commissioned in 1989, by the cities of Eugene, Oregon and Poughkeepsie, New York, were catalysts for proponents of 'de-malling' in the 1990s and beyond: of the 10 cities studied in the latter survey completed by the firm HyettPalma, five had reopened their malls to traffic, and all reported "an increase in property values, sales, and number of businesses[6]." As more communities de-malled, later surveys of greater sample size[7][8] confirmed the same results: taken together, of 72 communities surveyed nearly 80 percent had reintroduced some form of vehicular traffic on their pedestrian malls, and 10 percent of them had the idea under consideration in 2009. Of those malls reopened to vehicular traffic, 90 percent reported "significant improvements in occupancy rates, retail sales, property values, and private sector reinvestment in the downtown area[9]."

---

[2] Rubenstein, Harvey M. *Pedestrian Malls, Streetscapes, and Urban Spaces*. New York: Wiley, 1992. 17-22.

[3] This figure includes fully-pedestrianized streets, as well as streets open only to transit, and 'semimalls' which allowed all motor vehicles, albeit with severely reduced capacity and parking.

[4] Cheyne, pp. 116-128.

[5] Smith, Kennedy L. *Pedestrian Malls.* Report. Accessed June 10, 2011.
http://www.cluegroup.com/Downloads/Pedestrian%20Malls%20%28Kennedy%20Smith%29.pdf.

[6] Cheyne, p. 116; Vizard, Mary M. "Some Downtown Areas Are Coming Full Circle." *The New York Times*, December 29, 1991.; Bressi, Todd. "Retrofits." *Planning*, June 1990.

[7] West, Amanda B. *An Information Brief on Downtown Pedestrian Malls, April 1995.* Issue brief. Accessed June 10, 2011.
http://weblink.cityofdubuque.org/WebLink8/1/doc/40005/Page124.aspx. Included as an attachment in the memorandum, "Streetscape Improvements - Main Street from 5th Street to 9th Street", City of Dubuque, IA.

[8] City of Buffalo, NY. *City of Buffalo Main Street Multi-Modal Access and Revitalization Project Environmental Assessment.* Report. April 2009.
www.nfta.com/pdfs/Appendix%20A.pdf.
Appendix A, "Experience of Other Communities with Pedestrian Malls"

[9] City of Buffalo, NY. *City of Buffalo Main Street Multi-Modal Access and Revitalization Project Environmental Assessment*. Report. April 2009.
www.nfta.com/pdfs/COBMulti-Modal%20Access.pdf. p. 1-5.

The following case studies aim to provide more specific details relating to the economic impacts of pedestrian mall conversions where retail sales, occupancy or rent data were made available.

2.0 Case Studies

2.1 Kalamazoo, MI

As mentioned previously, Kalamazoo was home to the country's first pedestrian mall. After a protracted battle[10][11], the mall on Burdick Street was reopened to traffic in 1998. By this time, one major retailer remained on the street, only to leave within nine months of the reopening[12]. While the reopening coincided with a low point for downtown retail, new investment came quickly: by early 2000, three major projects were under development[13]: two redeveloped the large spaces previously occupied by the last major retailers to leave into mixed-use spaces with first floor retail and upper story residential and office space. 2011 marked a milestone for the former mall when it was announced that every storefront was occupied or under agreement to be filled within two years—the first time in four decades retail vacancy had seen such levels[14][15][16].

2.2 Oak Park, IL[17]

Oak Park Center Mall was built in 1967 along four blocks of Lake Street, the traditional main street in this suburban Chicago community. By 1987, one major retailer—who had direct access to a parking structure—remained, though overall vacancy along the mall was 25%. Retail sales had been cut in half from a high of $50 million annually in 1972. Three of the four blocks

---

[10] Cheyne, pp. 119-128.

[11] Steinhauer, Jennifer. "When Shoppers Walk Away From Pedestrian Malls." *The New York Times*, November 5, 1996.

[12] Flisram, Greg. "Post Modern or Post-Mortem? The Kalamazoo Mall Revisited." *American Planning Association/Viewpoints*, March 2000.

[13] LoBianco, Dan. *Other Plaza Research Findings, January - May 2000*. Report. Dubuque Main Street. http://weblink.cityofdubuque.org/WebLink8/1/doc/40005/Page124.aspx. Included as an attachment in the memorandum, "Streetscape Improvements - Main Street from 5th Street to 9th Street", City of Dubuque, IA.

[14] Nixon, Alex. "Kalamazoo Mall: Retail Is Making a Comeback in City's Core Shopping Area." *Kalamazoo Gazette*, March 18, 2011. http://www.mlive.com/news/kalamazoo/index.ssf/2011/03/kalamazoo_mall_retail_is_makin.html.

[15] Nixon, Alex. "Kalamazoo Mall: After Loss of Department Stores, Companies Step Forward to Fill Empty Spaces." *Kalamazoo Gazette*, March 19, 2011. http://www.mlive.com/news/kalamazoo/index.ssf/2011/03/kalamazoo_mall_after_loss_of_m.html.

[16] Nixon, Alex. "Kalamazoo Mall: Every Storefront May Be Filled in 2 Years as Prominent Developers Rehab Buildings." *Kalamazoo Gazette*, March 20, 2011. http://www.mlive.com/news/kalamazoo/index.ssf/2011/03/kalamazoo_mall_every_storefron.html.

[17] Lang, Jon. "Case Study: Oak Park Center Mall, Oak Park, Illinois, USA: a Mall Built and Demolished (1967, 1989)." In *Urban Design: a Typology of Procedures and Products*, 81-83. Oxford: Architectural Press, 2006.

were reopened to traffic in November 1988, and within the next year vacancies dropped to 19% while retail sales increased 6.3%[18]. In the decades since reopening, new redevelopment of the corridor—including two "unobtrusive" parking structures—has taken place, resulting in a 15 to 20% overall increase in sales from the time of reopening, and a vacancy rate that today is around 5%[19].

2.3 Poughkeepsie, NY

In 1973, when Poughkeepsie's Main Street Mall was completed, more than 70 businesses operated along the four-block stretch of street, which contained "over one hundred trees, numerous benches and six fountains, […] a pavilion and playground equipment[20]." These features were not enough to prevent the loss of the street's anchor stores—and subsequently other retailers—to new regional malls in the ensuing years; by 1991, vacancy rates were around 30%. When the street was reopened to one lane of traffic that year, vacancies dropped to 10.7% as buildings were sold or tenanted[21]. The street was converted to two lanes of traffic with on-street parking in 2001[22].

2.4 South Bend, IN

Michigan Street, South Bend's main thoroughfare had lost its two department stores and movie theatre to regional malls by 1987, the year it decided to reopen the street to two-way traffic. Retail sales increased by 20% after the reopening of the street to traffic, prompting new development including the reopening of the State Theater. Less than ten years after the reopening, the street had become a revitalized area for restaurants and entertainment[23].

2.5 Pittsburgh, PA

East Liberty Mall opened in 1969, restricting three streets to buses and taxis while directing auto traffic around a perimeter ring road. In 1986, the streets were reopened to all vehicles and on-street parking was added. A retail study undertaken at the time determined that shoppers were not willing to navigate the ring road system to find perimeter parking. Where the vacancy

[18] Vizard, 1991.

[19] City of Buffalo, NY, Appendix A.

[20] Longo, Gianni, and Virginia Dzurinko. *American Urban Malls: A Compendium*. By Roberto Brambilla. Washington, DC: US Government Printing Office, 1977. 86-87. Institute for Environmental Action in association with Columbia University Center for Advanced Research in Urban and Environmental Affairs.

[21] Vizard, 1991.

[22] City of Buffalo, NY, Appendix A.

[23] West, 1995.

rate along the malled streets had been at 60% in 1983, the six years after their reopening saw $80 million in development of both new and restored buildings. By 1992, 200 new businesses had opened in the area[24][25][26].

2.5 Further Case Studies

Eugene, OR	7-block, H-Shaped pedestrian mall opened in 1971. Several blocks were reopened in 1985; retail vacancy on those blocks was reduced from 25% to 6% by 1989. All but two blocks had been reopened by 2000, due to the previous successes[27][28][29].
Louisville, KY	3-block River City Mall opened in 1973[30]. When reconverted to two-way traffic in 2000, vacancy rate was 80%, but decreased to 50% the following year[31][32].
Waco, TX	Austin Avenue reopened to traffic in 1986; ground-floor vacancies fell by 50%[33].
Covington, KY	Old Town Plaza was reopened to two-way traffic with parallel parking prior to the 1993 Holiday shopping season. Retailers immediately reported year-over-year sales gains of 30%[34].
Burlington, IA	Two separate blocks converted to pedestrian mall in the late 1970s, one adjacent to the Mississippi River and the other was the historic retail block. Within a decade, retail vacancy on the latter block was close to 80%. Both blocks were reopened in 1990; by 1992 all retail space on the latter block was filled[35][36].

[24] Longo et al, pp. 46-47.
[25] West, 1995.
[26] LoBianco, 2000.
[27] City of Buffalo, NY, Appendix A.
[28] LoBianco, 2000.
[29] West, 1995.
[30] Longo et al, pp. 80-81.
[31] Center City Commission (Memphis, TN). *Pedestrian & Transit Malls Study.* Report. June 2008. www.indydt.com/Pedestrian_and_Transit_Malls_Study.pdf.
[32] City of Buffalo, NY, Appendix A.
[33] West, 1995.
[34] LoBianco, 2000.
[35] Ibid.
[36] Smith, Kennedy L.

Attachment B:
Air Quality - Updated Re-entrained Road Dust Modeling

Fulton Mall - Reintrained Road Dust 2010

Fresno County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Retail	10.00	User Defined Unit	0.00	0.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	45
Climate Zone	3			**Operational Year**	2010
Utility Company					
CO2 Intensity (lb/MWhr)	0	**CH4 Intensity (lb/MWhr)**	0	**N2O Intensity (lb/MWhr)**	0

1.3 User Entered Comments & Non-Default Data

Vehicle Trips - 21 trips per unit, 10 units, Road Length (C-C Trip Length) 0.79 mile. 100 percent primary, 100 percent C-C Trips

Vechicle Emission Factors - PM 10 Idling, Brakewear, Tirewear, and Running Exhaust and Startup Exhaust set to Zero (0)

Road Dust - Mean Vehicle Speed revised from 40 mph to 35 mph

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	OperationalYear	2014	2010
tblRoadDust	MeanVehicleSpeed	40	35
tblVehicleEF	HHD	0.08	0.00
tblVehicleEF	HHD	0.06	0.00
tblVehicleEF	HHD	0.04	0.00
tblVehicleEF	HHD	0.46	0.00

tblVehicleEF	HHD	0.02	0.00
tblVehicleEF	LDA	0.04	0.00
tblVehicleEF	LDA	8.0000e-003	0.00
tblVehicleEF	LDA	3.2920e-003	0.00
tblVehicleEF	LDA	5.0790e-003	0.00
tblVehicleEF	LDT1	0.04	0.00
tblVehicleEF	LDT1	8.0000e-003	0.00
tblVehicleEF	LDT1	6.7720e-003	0.00
tblVehicleEF	LDT1	9.3040e-003	0.00
tblVehicleEF	LDT2	0.04	0.00
tblVehicleEF	LDT2	8.0000e-003	0.00
tblVehicleEF	LDT2	3.3720e-003	0.00
tblVehicleEF	LDT2	5.1300e-003	0.00
tblVehicleEF	LHD1	8.4000e-004	0.00
tblVehicleEF	LHD1	0.05	0.00
tblVehicleEF	LHD1	9.5300e-003	0.00
tblVehicleEF	LHD1	0.03	0.00
tblVehicleEF	LHD1	1.8840e-003	0.00
tblVehicleEF	LHD2	1.4150e-003	0.00
tblVehicleEF	LHD2	0.07	0.00
tblVehicleEF	LHD2	0.01	0.00
tblVehicleEF	LHD2	0.04	0.00
tblVehicleEF	LHD2	1.8460e-003	0.00
tblVehicleEF	MCY	0.04	0.00
tblVehicleEF	MCY	7.9980e-003	0.00
tblVehicleEF	MCY	1.9660e-003	0.00
tblVehicleEF	MCY	4.8060e-003	0.00
tblVehicleEF	MDV	0.04	0.00
tblVehicleEF	MDV	8.0000e-003	0.00
tblVehicleEF	MDV	2.8030e-003	0.00

tblVehicleEF	MDV	4.7070e-003	0.00
tblVehicleEF	MH	0.05	0.00
tblVehicleEF	MH	8.7620e-003	0.00
tblVehicleEF	MH	0.05	0.00
tblVehicleEF	MH	4.4360e-003	0.00
tblVehicleEF	MHD	0.13	0.00
tblVehicleEF	MHD	0.12	0.00
tblVehicleEF	MHD	0.01	0.00
tblVehicleEF	MHD	0.30	0.00
tblVehicleEF	MHD	0.02	0.00
tblVehicleEF	OBUS	0.14	0.00
tblVehicleEF	OBUS	0.08	0.00
tblVehicleEF	OBUS	0.01	0.00
tblVehicleEF	OBUS	0.23	0.00
tblVehicleEF	OBUS	2.8950e-003	0.00
tblVehicleEF	SBUS	0.17	0.00
tblVehicleEF	SBUS	0.55	0.00
tblVehicleEF	SBUS	0.01	0.00
tblVehicleEF	SBUS	0.39	0.00
tblVehicleEF	SBUS	0.02	0.00
tblVehicleEF	UBUS	0.61	0.00
tblVehicleEF	UBUS	8.0000e-003	0.00
tblVehicleEF	UBUS	0.20	0.00
tblVehicleEF	UBUS	6.1900e-004	0.00
tblVehicleTrips	CC_TL	7.30	0.79
tblVehicleTrips	CC_TTP	0.00	100.00
tblVehicleTrips	CNW_TL	7.30	0.00
tblVehicleTrips	CW_TL	9.50	0.00
tblVehicleTrips	PR_TP	0.00	100.00
tblVehicleTrips	ST_TR	0.00	20.90

tblVehicleTrips	SU_TR	0.00	21.00
tblVehicleTrips	WD_TR	0.00	21.00

2.0 Emissions Summary

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mobile					0.0193											
Total					**0.0193**											

3.0 Construction Detail

Not Applicable

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Unmitigated					0.0193											

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Retail	210.00	209.00	210.00	60,347	60,347
Total	210.00	209.00	210.00	60,347	60,347

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Retail	0.00	0.79	0.00	0.00	100.00	0.00	100	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.436339	0.062589	0.164360	0.185964	0.047183	0.007687	0.015217	0.067153	0.002143	0.001947	0.006654	0.000846	0.001918

Fulton Mall - Reintrained Road Dust 2015

Fresno County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Retail	10.00	User Defined Unit	0.00	0.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	45
Climate Zone	3			**Operational Year**	2015
Utility Company					
CO2 Intensity (lb/MWhr)	0	**CH4 Intensity (lb/MWhr)**	0	**N2O Intensity (lb/MWhr)**	0

1.3 User Entered Comments & Non-Default Data

Vehicle Trips - 21 trips per unit, 10 units, Road Length (C-C Trip Length) 0.79 mile. 100 percent primary, 100 percent C-C Trips

Vechicle Emission Factors - PM 10 Idling, Brakewear, Tirewear, and Running Exhaust and Startup Exhaust set to Zero (0)

Road Dust - Mean Vehicle Speed revised from 40 mph to 35 mph

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	OperationalYear	2014	2015
tblRoadDust	MeanVehicleSpeed	40	35
tblVehicleEF	HHD	0.02	0.00
tblVehicleEF	HHD	0.06	0.00
tblVehicleEF	HHD	0.04	0.00
tblVehicleEF	HHD	0.11	0.00

tblVehicleEF	HHD	7.4370e-003	0.00
tblVehicleEF	LDA	0.04	0.00
tblVehicleEF	LDA	8.0000e-003	0.00
tblVehicleEF	LDA	1.6740e-003	0.00
tblVehicleEF	LDA	3.0800e-003	0.00
tblVehicleEF	LDT1	0.04	0.00
tblVehicleEF	LDT1	8.0000e-003	0.00
tblVehicleEF	LDT1	3.7490e-003	0.00
tblVehicleEF	LDT1	5.7860e-003	0.00
tblVehicleEF	LDT2	0.04	0.00
tblVehicleEF	LDT2	8.0000e-003	0.00
tblVehicleEF	LDT2	1.8710e-003	0.00
tblVehicleEF	LDT2	3.3020e-003	0.00
tblVehicleEF	LHD1	7.9400e-004	0.00
tblVehicleEF	LHD1	0.05	0.00
tblVehicleEF	LHD1	9.5150e-003	0.00
tblVehicleEF	LHD1	0.02	0.00
tblVehicleEF	LHD1	1.2180e-003	0.00
tblVehicleEF	LHD2	1.3390e-003	0.00
tblVehicleEF	LHD2	0.07	0.00
tblVehicleEF	LHD2	0.01	0.00
tblVehicleEF	LHD2	0.03	0.00
tblVehicleEF	LHD2	8.1100e-004	0.00
tblVehicleEF	MCY	0.04	0.00
tblVehicleEF	MCY	8.0000e-003	0.00
tblVehicleEF	MCY	7.1700e-004	0.00
tblVehicleEF	MCY	1.9070e-003	0.00
tblVehicleEF	MDV	0.04	0.00
tblVehicleEF	MDV	8.0000e-003	0.00
tblVehicleEF	MDV	2.0690e-003	0.00

tblVehicleEF	MDV	3.6720e-003	0.00
tblVehicleEF	MH	0.05	0.00
tblVehicleEF	MH	8.7160e-003	0.00
tblVehicleEF	MH	0.04	0.00
tblVehicleEF	MH	1.7600e-003	0.00
tblVehicleEF	MHD	0.05	0.00
tblVehicleEF	MHD	0.12	0.00
tblVehicleEF	MHD	0.01	0.00
tblVehicleEF	MHD	0.13	0.00
tblVehicleEF	MHD	6.3310e-003	0.00
tblVehicleEF	OBUS	0.02	0.00
tblVehicleEF	OBUS	0.09	0.00
tblVehicleEF	OBUS	0.01	0.00
tblVehicleEF	OBUS	0.06	0.00
tblVehicleEF	OBUS	1.5280e-003	0.00
tblVehicleEF	SBUS	0.03	0.00
tblVehicleEF	SBUS	0.56	0.00
tblVehicleEF	SBUS	0.01	0.00
tblVehicleEF	SBUS	0.09	0.00
tblVehicleEF	SBUS	0.01	0.00
tblVehicleEF	UBUS	0.61	0.00
tblVehicleEF	UBUS	8.0000e-003	0.00
tblVehicleEF	UBUS	0.17	0.00
tblVehicleEF	UBUS	5.6700e-004	0.00
tblVehicleTrips	CC_TL	7.30	0.79
tblVehicleTrips	CC_TTP	0.00	100.00
tblVehicleTrips	CNW_TL	7.30	0.00
tblVehicleTrips	CW_TL	9.50	0.00
tblVehicleTrips	PR_TP	0.00	100.00
tblVehicleTrips	ST_TR	0.00	20.90

tblVehicleTrips	SU_TR	0.00	21.00
tblVehicleTrips	WD_TR	0.00	21.00

2.0 Emissions Summary

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mobile					0.0193											
Total					**0.0193**											

3.0 Construction Detail

Not Applicable

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Unmitigated					0.0193											

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Retail	210.00	209.00	210.00	60,347	60,347
Total	210.00	209.00	210.00	60,347	60,347

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Retail	0.00	0.79	0.00	0.00	100.00	0.00	100	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.441574	0.064201	0.163401	0.172084	0.043603	0.007188	0.017917	0.077020	0.002062	0.001777	0.006511	0.000795	0.001867

Fulton Mall - Reintrained Road Dust 2035

Fresno County, Annual

1.0 Project Characteristics

1.1 Land Usage

Land Uses	Size	Metric	Lot Acreage	Floor Surface Area	Population
User Defined Retail	10.00	User Defined Unit	0.00	0.00	0

1.2 Other Project Characteristics

Urbanization	Urban	**Wind Speed (m/s)**	2.2	**Precipitation Freq (Days)**	45
Climate Zone	3			**Operational Year**	2035
Utility Company					
CO2 Intensity (lb/MWhr)	0	**CH4 Intensity (lb/MWhr)**	0	**N2O Intensity (lb/MWhr)**	0

1.3 User Entered Comments & Non-Default Data

Vehicle Trips - 231 trips per unit, 10 units, Road Length (C-C Trip Length) 0.79 mile. 100 percent primary, 100 percent C-C Trips

Vechicle Emission Factors - PM 10 Idling, Brakewear, Tirewear, and Running Exhaust and Startup Exhaust set to Zero (0)

Road Dust - Mean Vehicle Speed revised from 40 mph to 35 mph

Table Name	Column Name	Default Value	New Value
tblProjectCharacteristics	OperationalYear	2014	2035
tblRoadDust	MeanVehicleSpeed	40	35
tblVehicleEF	HHD	0.08	0.00
tblVehicleEF	HHD	0.06	0.00
tblVehicleEF	HHD	0.04	0.00
tblVehicleEF	HHD	0.46	0.00

tblVehicleEF	HHD	0.02	0.00
tblVehicleEF	LDA	0.04	0.00
tblVehicleEF	LDA	8.0000e-003	0.00
tblVehicleEF	LDA	3.2920e-003	0.00
tblVehicleEF	LDA	5.0790e-003	0.00
tblVehicleEF	LDT1	0.04	0.00
tblVehicleEF	LDT1	8.0000e-003	0.00
tblVehicleEF	LDT1	6.7720e-003	0.00
tblVehicleEF	LDT1	9.3040e-003	0.00
tblVehicleEF	LDT2	0.04	0.00
tblVehicleEF	LDT2	8.0000e-003	0.00
tblVehicleEF	LDT2	3.3720e-003	0.00
tblVehicleEF	LDT2	5.1300e-003	0.00
tblVehicleEF	LHD1	8.4000e-004	0.00
tblVehicleEF	LHD1	0.05	0.00
tblVehicleEF	LHD1	9.5300e-003	0.00
tblVehicleEF	LHD1	0.03	0.00
tblVehicleEF	LHD1	1.8840e-003	0.00
tblVehicleEF	LHD2	1.4150e-003	0.00
tblVehicleEF	LHD2	0.07	0.00
tblVehicleEF	LHD2	0.01	0.00
tblVehicleEF	LHD2	0.04	0.00
tblVehicleEF	LHD2	1.8460e-003	0.00
tblVehicleEF	MCY	0.04	0.00
tblVehicleEF	MCY	7.9980e-003	0.00
tblVehicleEF	MCY	1.9660e-003	0.00
tblVehicleEF	MCY	4.8060e-003	0.00
tblVehicleEF	MDV	0.04	0.00
tblVehicleEF	MDV	8.0000e-003	0.00
tblVehicleEF	MDV	2.8030e-003	0.00

tblVehicleEF	MDV	4.7070e-003	0.00
tblVehicleEF	MH	0.05	0.00
tblVehicleEF	MH	8.7620e-003	0.00
tblVehicleEF	MH	0.05	0.00
tblVehicleEF	MH	4.4360e-003	0.00
tblVehicleEF	MHD	0.13	0.00
tblVehicleEF	MHD	0.12	0.00
tblVehicleEF	MHD	0.01	0.00
tblVehicleEF	MHD	0.30	0.00
tblVehicleEF	MHD	0.02	0.00
tblVehicleEF	OBUS	0.14	0.00
tblVehicleEF	OBUS	0.08	0.00
tblVehicleEF	OBUS	0.01	0.00
tblVehicleEF	OBUS	0.23	0.00
tblVehicleEF	OBUS	2.8950e-003	0.00
tblVehicleEF	SBUS	0.17	0.00
tblVehicleEF	SBUS	0.55	0.00
tblVehicleEF	SBUS	0.01	0.00
tblVehicleEF	SBUS	0.39	0.00
tblVehicleEF	SBUS	0.02	0.00
tblVehicleEF	UBUS	0.61	0.00
tblVehicleEF	UBUS	8.0000e-003	0.00
tblVehicleEF	UBUS	0.20	0.00
tblVehicleEF	UBUS	6.1900e-004	0.00
tblVehicleTrips	CC_TL	7.30	0.79
tblVehicleTrips	CC_TTP	0.00	100.00
tblVehicleTrips	CNW_TL	7.30	0.00
tblVehicleTrips	CW_TL	9.50	0.00
tblVehicleTrips	PR_TP	0.00	100.00
tblVehicleTrips	ST_TR	0.00	230.70

tblVehicleTrips	SU_TR	0.00	230.60
tblVehicleTrips	WD_TR	0.00	230.80

2.0 Emissions Summary

2.2 Overall Operational

Unmitigated Operational

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Mobile					0.2126											
Total					**0.2126**											

3.0 Construction Detail

Not Applicable

4.0 Operational Detail - Mobile

4.1 Mitigation Measures Mobile

	ROG	NOx	CO	SO2	Fugitive PM10	Exhaust PM10	PM10 Total	Fugitive PM2.5	Exhaust PM2.5	PM2.5 Total	Bio- CO2	NBio-CO2	Total CO2	CH4	N2O	CO2e
Category	tons/yr										MT/yr					
Unmitigated					0.2126											

4.2 Trip Summary Information

	Average Daily Trip Rate			Unmitigated	Mitigated
Land Use	Weekday	Saturday	Sunday	Annual VMT	Annual VMT
User Defined Retail	2,308.00	2,307.00	2306.00	663,565	663,565
Total	2,308.00	2,307.00	2,306.00	663,565	663,565

4.3 Trip Type Information

	Miles			Trip %			Trip Purpose %		
Land Use	H-W or C-W	H-S or C-C	H-O or C-NW	H-W or C-W	H-S or C-C	H-O or C-NW	Primary	Diverted	Pass-by
User Defined Retail	0.00	0.79	0.00	0.00	100.00	0.00	100	0	0

LDA	LDT1	LDT2	MDV	LHD1	LHD2	MHD	HHD	OBUS	UBUS	MCY	SBUS	MH
0.436339	0.062589	0.164360	0.185964	0.047183	0.007687	0.015217	0.067153	0.002143	0.001947	0.006654	0.000846	0.001918

Attachment C:
City of Fresno Fulton Mall Reconstruction Project Website

Fulton Mall

The Fulton Mall is a six-block pedestrian mall on the site of Fresno
of Downtown Fresno. Today this area is the site of some of Downt
Fulton is brought back to life on a 24-hour basis, Downtown Fresn
focus for the City's downtown revitalization efforts.

A new future: The Fulton Mall Reconstruc

Design and engineering

How will the rebuilt Fulton better support local businesses, welcom
The project's landscape architects are working from initial concep
information, download the **Fulton Mall Reconstruction Project A**

Hard copies of the Alternatives Analysis Report are available for re
locations:

- City Clerk's Office, Fresno City Hall, 2600 Fresno Street
- Central Library, 2420 Mariposa Street
- Downtown Fresno Partnership office, 845 Fulton Mall

DARM Calendar

Parking

Building & Safety Services

Community Revitalization/Code

Contact DARM

Development Services

Downtown and Community Revitalization

Downtown Revitalization

Fulton Mall

High-Speed Rail

Fresno Downtown Plans

Related Links

Frequently Asked Questions

General Plan Update

Historic Preservation

Home Tune-Up

Housing

Sustainable Fresno

Public Works

Services Directory

City Budget

Disability Advisory Commission

eGov Services

Environmental impact reviews

State laws and local entitlements

An Environmental Impact Report (EIR) is being prepared by the C
Environmental Quality Act. This page is the place to find the releva

- Draft Environmental Impact Report (public comment perio
- Draft EIR appendices: all together in one large file
  - Appendix 1:
    - 1.1: Notice of Preparation/Initial Study: s
    - 1.2-1.5: Comments received
  - Appendix 2: Historical Resources
  - Appendix 3: Visual Impact Assessment
  - Appendix 4: Air Quality Report
  - Appendix 5: Biological Resources Report
  - Appendix 6: Paleontological Resources Report
  - Appendix 7: Hazardous Materials Report
  - Appendix 8: Sole Source Aquifer/Water Quality A
  - Appendix 9: Community Impact Assessment
  - Appendix 10: Noise Study
  - Appendix 11: Traffic Study
- *All of the above Draft EIR documents together (one* ***larg***
- Draft Response to Comments on the DEIR with Errata (to

- Notice of Preparation (public comment period closed Nov
- Initial Study
  - Appendices cover page
  - Appendix A: Visual Impact Assessment
  - Appendix B: Air Quality
  - Appendix C: Biological Resources
  - Appendix D: Cultural Resources
  - Appendix E: Geologic Hazards Report
  - Appendix F: Hazardous Materials
  - Appendix G: Aquifer Water Quality Analysis
  - Appendix H: Community Impact Assessment
  - Appendix I: Noise
  - Appendix J: Traffic
  - Appendix K: Water Technical Memorandum
- *All of the above NOP and IS documents together (one* ***la***

One Call Center

Hard copies of EIR-related documents are available for review dur

- City Clerk's Office, Fresno City Hall, 2600 Fresno Street
- Central Library, 2420 Mariposa Street
- Downtown Fresno Partnership office, 845 Fulton Mall

The Mall Project and several related entitlements (Plan Amendmen Application No. C-13-160) are being evaluated in the EIR. Certain boards and commissions. Upcoming hearing dates include the foll

Airport Land Use Commission of Fresno County
When: Monday, December 2, 2013, 2:00 p.m.
Where: Fresno COG offices, 2035 Tulare Street, second floor

City Council District 3 Plan Implementation Committee
When: Monday, December 2, 2013, 5:30 p.m.
Where: Fresno City Hall, Meeting Room A

City of Fresno Historic Preservation Commission (workshop prese
When: Monday, December 16, 2013, 6:00 p.m.
Where: Fresno City Hall, Meeting Room A

City of Fresno Planning Commission (workshop presentation)
When: Wednesday, January 15, 2014, 6:00 p.m.
Where: Fresno City Hall, Council Chamber

City of Fresno Planning Commission (agenda)
When: Wednesday, February 5, 2014, 6:00 p.m.
Where: Fresno City Hall, Council Chamber

Fresno City Council
When: Thursday, February 27, 2014, 5:00 p.m.
Where: Fresno City Hall, Council Chamber

Questions or comments? Email Elliott Balch, Downtown Revitalizati

Federal laws

The Federal Highway Administration (FHWA), as the federal agen agency for federal environmental studies. In California, FHWA has transportation, assigning lead agency duties to Caltrans.

As they become available, Caltrans will post federal environmental endeavor to link to those documents here.

Documents prepared under the National Environmental Policy Act

4(f):

- Draft Environmental Assessment and Section 4(f) Evaluati

Documents prepared under National Historic Preservation Act Sec

- Finding of Adverse Effect
- Historic Property Survey Report

Documents prepared under Land and Water Conservation Fund A

- City of Fresno Stewardship Conversion Request

Background: planning, funding, archives

Downtown Planning

The Fulton Corridor Specific Plan is new City policy that will guide infrastructure. A 21-stakeholder Community Advisory Committee v Mayor and City Council on alternatives for the Fulton Mall and othe

On September 27, 2010, the City hosted a discussion of alternativ history and retail planning. Video is available of the expert present comment. On October 19, 2010, the Community Advisory Commit

On October 14, 2011, the City released a public draft of the Speci Mall. The chapter summarizes the history of pedestrian malls in the conditions of Fulton, and analyzes the three options for the Mall's f

For more background, see Mayor Swearengin's presentation on th at a national Mayors' Institute on City Design conference on July 2 eyes of a local designer as seen at the first annual State of Downt nationally known pedestrian mall expert Henry Beer (at 28:22) and Breakfast.

Grant funding

- Construction funding application to Fresno County Measu
- TIGER funding announcements from U.S. DOT and from (Mall with Secretary Anthony Foxx, September 2013
- Application for construction funding to U.S. DOT TIGER p
    - Narrative
    - Letters of support
    - Preliminary engineer's estimate

    - Benefit-cost analysis
- Preconstruction funding application to FHWA's Transporta
  December 2011
- The Mariposa Plaza Activation Project and the National Er
    - Complete application, January 2013
    - Funding announcements: from NEA and from City

Reports and studies

- Downtown Retail Market Study, July 2011
- Lighting Study and Receptacle Power, February 2011
- Fulton Mall Pedestrian Count Project, October 2010
- Comparison of major historic building vacancy rates on a
- Economic Impact Study: Listing of Fulton Mall on National
- Fulton Street Revitalization by ELS Architecture and Urba

From the archives

- Timeline of Fulton Mall history from the 1950s to the prese
- Article about Fulton Mall in *Planning*, the American Planni
- Publicly Owned Art in Fresno, a 1973 publication that incl
- Fresno and the Mall, a 1960s retrospective on the effort to
- Downtown Fresno and the Fabulous Mall, a 1960s marketi
  surrounding area
- A City Reborn, the 1968 video by Victor Gruen Associate
  urban planning, and the Fresno Mall

Nomination to the National Register of Historic Places

The Fulton Mall was nominated in 2008 to the National Register of
eligible for the National Register in 2010, but it cannot be listed on
owners object. Because of its eligibility for the National Register, I
of Historical Resources.

The documents below relate to the historic nomination process.

- Nomination text
- Fact sheet prepared by the City's Historic Preservation Pr
- Letter from the State regarding the nomination
- City Historic Preservation Commission (HPC) staff report
- Letter from HPC stating the Commission's recommendatio

- Letter from Mayor Swearengin stating her objection to the
- City Council resolution of objection to the nomination adop
- Response from the State Historic Preservation Officer to M
- Mall property owners supporting and objecting to the histo
- Notification from the State of the Mall's eligibility for the Na
  Historical Resources, sent September 2, 2010, to Mayor S