



Initial Study
Fulton Mall Reconstruction Project
City of Fresno, Fresno County, California

Prepared for:
City of Fresno
2600 Fresno Street
Fresno, CA 93721
559.621.8371

Contact: Wilma Quan, Urban Planning Specialist

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

Contact: Michael Houlihan, AICP

Report Date: October 15, 2013

Table of Contents

Section 1: Introduction	1
1.1 - Purpose.....	1
1.2 - Project Location.....	1
1.3 - Project Description	2
1.4 - Intended Uses of this Document	3
1.5 - Environmental Setting	4
Section 2: Environmental Checklist	17
Section 3: Environmental Evaluation	29
3.1 - Aesthetics	29
3.2 - Agriculture and Forestry Resources.....	39
3.3 - Air Quality.....	43
3.4 - Biological Resources	74
3.5 - Cultural Resources	81
3.6 - Geology and Soils	98
3.7 - Greenhouse Gas Emissions	104
3.8 - Hazards and Hazardous Materials	115
3.9 - Hydrology and Water Quality	123
3.10 - Land Use and Planning	135
3.11 - Mineral Resources	146
3.12 - Noise.....	147
3.13 - Population and Housing	166
3.14 - Public Services	169
3.15 - Recreation	173
3.16 - Transportation and Traffic	174
3.17 - Utilities and Service Systems	185
3.18 - Mandatory Findings of Significance	194
Section 4: References	197
Appendix A: Visual Impact Assessment	
Appendix B: Air Quality Report	
Appendix C: Biological Resources Report	
Appendix D: Cultural Resources Report	
D.1 - Archaeological Report	
D.2 - Paleontological Report	
Appendix E: Geologic Hazards Report	
Appendix F: Hazardous Materials	
F.1 - Supplemental Assessment to Fulton Mall Corridor Phase I Environmental Site Assessment	
F.2 - Additional Hazardous Materials Information	
Appendix G: Sole-Source Aquifer - Water Quality Assessment	
Appendix H: Community Impact Assessment	

Appendix I: Noise Study

Appendix J: Traffic

- J.1 - Traffic Study
- J.2 - Supplemental Traffic Study

Appendix K: Utility Information

- K.1 - Utility Technical Report
- K.2 - Water Memorandum
- K.3 - Sewer Memorandum

List of Tables

Table 1: Land Use and Building Square Footage within the Vicinity of Fulton Mall5

Table 2: Development Potential Within FCSP and DNCP7

Table 3: 2008 Inventory Fresno County45

Table 4: Air Quality Monitoring Summary46

Table 5: National and California Ambient Air Quality Standards48

Table 6: San Joaquin Valley Air Basin Attainment Status51

Table 7: Significant Emissions Thresholds59

Table 8: Construction Duration - Fulton Mall.....60

Table 9: Construction Duration - Cross Malls.....60

Table 10: Hauling Miles- Fulton Mall Alternative.....63

Table 11: Hauling Miles - Cross Malls.....63

Table 12: Annual Construction Emissions (Alternative 1)64

Table 13: Localized Carbon Monoxide Concentrations65

Table 14: Hauling Miles- Fulton Mall Alternative 267

Table 15: Annual Construction Emissions (Alternative 2)67

Table 16: Screening Levels for Potential Odor Sources73

Table 17: Summary of Short-Term Measurements148

Table 18: Maximum Allowable Noise Exposure for Noise Sensitive Land Uses150

Table 19: Maximum Allowable Noise Exposure-Stationary Noise Sources1.....152

Table 20: SEC. 10-102 of the Noise Ordinance of the City of Fresno153

Table 21: Construction Equipment Noise.....154

Table 22: Vibration Levels Generated by Construction Equipment160

List of Exhibits

Exhibit 1: Regional Vicinity Map.....	11
Exhibit 2: Project Site.....	13
Exhibit 3: Existing Land Use	15

SECTION 1: INTRODUCTION

1.1 - Purpose

The purpose of this Initial Study is to identify the potential impacts associated with the construction and operation of the Fulton Mall Reconstruction project. Pursuant to Section 15367 of the California Environmental Quality Act (CEQA) Guidelines, the City of Fresno is the Lead Agency in preparation of this Initial Study. The City of Fresno has primary responsibility for approval or denial of the proposed project and will ultimately be responsible for project implementation. This review of the project is consistent with CEQA Guideline Section 15063(a). Through this review, the City of Fresno has found that the Fulton Mall Reconstruction project will result in no impacts, less than significant impacts, less than significant impacts with mitigation incorporated, and potentially significant impacts. The potentially significant impacts are anticipated to be significant impacts where mitigation may not be available to reduce the potential impacts to less than significant, and therefore, the impacts are expected to remain significant and thus unavoidable.

In accordance with CEQA Section 15063(b)(1)(A), if a Lead Agency such as the City of Fresno determines that there is substantial evidence that any aspect of the project, either individually or cumulatively, may cause a significant effect on the environment, the agency shall prepare an EIR. The City of Fresno acknowledges that an EIR is required to be prepared for the Fulton Mall Reconstruction Project. As addressed in CEQA section 15063(c)(3)(A), one of the purposes of the Initial Study is to assist in the preparation of an EIR by focusing the EIR on the effects determined to be significant.

Therefore, this Initial Study provides adequate documentation to address environmental issues that were found to have no impact, less than significant impact, and less than significant impact with mitigation incorporated. These environmental issues will not be further evaluated in the forthcoming EIR. This Initial Study also identifies the environmental impacts that are expected to be potentially significant and result in significant and unavoidable impacts. These issues will be further evaluated in the forthcoming EIR. As described in this Initial Study, the potential significant and unavoidable impacts that will be addressed in the forthcoming EIR include short-term aesthetics and historical resources.

1.2 - Project Location

The proposed Fulton Mall Reconstruction project is located in Downtown Fresno (see Exhibit 1). Fulton Mall consists of six blocks bounded by Van Ness Avenue to the east, Inyo Street to the south, Broadway/H Street to the west, and Tuolumne Street to the north (see Exhibit 2). Tulare Street and Fresno Street divide the Mall into three equal portions. The project site includes the existing 80-foot rights-of-way within Fulton Mall including Fulton between Inyo Street to Tulare Street, Tulare Street and Fresno Street, and Fresno Street and Tuolumne Street. The project also includes the existing 80-foot rights-of-way along (1) Kern between Federal Alley and Home Run Alley, (2) Mariposa between Van Ness Avenue and Broadway, and (3) Merced between Federal Alley and Congo Alley.

1.3 - Project Description

The purpose of the proposed project is to improve parking and vehicle access to local businesses on Fulton Street in order to maximize sustainable development and economic productivity in conjunction with other downtown redevelopment projects. The proposed project would also be intended to lower crime and improve safety for people walking between parking areas and businesses located on the Fulton Mall and for people who live in, work in, and visit the project area.

The California Department of Transportation (Caltrans), as assigned by the Federal Highway Administration (FHWA), in cooperation with the City of Fresno (City) proposes to reconstruct Fulton Mall as a complete street by reintroducing vehicle traffic lanes to the existing pedestrian mall. The Mall consists of six linear blocks that were open to traffic prior to 1964 but now do not allow public vehicle access. The Mall is bounded by Tuolumne Street to the north and Inyo Street to the south, and includes portions of three cross streets. The total length of the new roadways would be 0.74 mile.

The “Mall” refers specifically to the pedestrian areas between adjoining buildings located on the former City streets of Fulton, Mariposa, Merced, and Kern, which function as an integrated pedestrian mall. Fresno Street and Tulare Street, which do allow vehicle traffic, run through the Mall and divide it into three roughly equal sections. Mall landscaping elements include fountains, planters, benches, sculptures, electrical systems, irrigation systems, and two “tot lots.” The Mall does not include the adjoining buildings or their facades.

The City of Fresno is proposing two build alternatives for the Fulton Mall Reconstruction Project. These two build alternatives propose to reconstruct the Mall using “complete streets” design concepts. Complete streets are those designed to function as shared public space, or as “living streets” - for pedestrians, cyclists, outdoor businesses, and slow-moving, cautiously driven vehicles. Complete streets may include narrow roadways, corner bulb-outs, winding streets, and other traffic calming measures to lower driving speeds; street trees and other landscape elements; wide pedestrian sidewalks and crosswalks; and bicycle accommodations such as dedicated bicycle lanes or wide shoulders. The purpose of incorporating these design concepts into the proposed project is to retain portions of the historic fabric and character of the Mall, maintaining the key elements, feeling and unique experience of a pedestrian mall in downtown Fresno.

This Initial Study addresses two build alternatives, which are described as follows.

Alternative 1

Alternative 1 consists of reopening the Mall with two-way streets, with one lane of vehicular traffic in each direction alongside bicycle, pedestrian, and potentially other travel modes. On-street vehicle parking spaces would be reintroduced along the length of the Mall (including cross streets), and construction of streetscape improvements would optimize the streets for the new blend of travel modes. One 11-foot vehicle travel lane would run in each direction, with a parallel parking lane of 9 feet included on both sides of the streets. A 20-foot sidewalk included on both sides of the streets would allow for walking and pedestrian-only seating, landscaping, lighting, and public art.

The existing 20 works of sculpture present on the Mall today would all remain, though some may be moved to be incorporated in sidewalk areas of the new streetscape. Only the three fountains found along the Kern Mall, west of Fulton, would remain. All of the planter beds and raised seating areas found along the Mall today would be removed in favor of wide sidewalks that incorporate artwork and seating areas. The two tot lots present, one located near the corner of Merced and Fulton, and the other located near the corner of Kern and Fulton, would be consolidated into one larger tot lot at the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley.

Alternative 2

Alternative 2 consists of reconnecting the street grid as in Alternative 1, but would include rebuilding distinctive elements of the Mall in five to six specific locations, known as “vignettes.” The vignettes would include many of the existing elements (sculptures, fountains, pavement pattern, trees, etc.). One 11-foot vehicle travel lane would run in each direction and would curve through the vignettes to avoid existing landscape features. Outside the vignette areas, the street would be straight, and the landscape would include a 9-foot parallel parking lane and a pedestrian-only walking, seating, vegetation, and public art area 20 feet in width on one or both sides of the street. Within the vignettes, the existing Mall landscape elements would be kept maximally intact. The remaining space on each side of the street would be dedicated to pedestrian travel, seating, vegetation, and artwork.

A total of 12 fountains—nine in vignettes and 3 on Kern Mall west of Fulton—would remain in place. The 12 fountains would be fully rebuilt or restored to working order. Fourteen of 20 sculptures would remain in their precise current locations. The other six (along with the various tile mosaics benches on the Mall today) would be reconfigured differently within the current right-of-way to accommodate the new streetscape. Street lighting outside the vignettes would be contemporary and pedestrian-oriented, but the original Mall fixtures would be rehabilitated within each vignette. The two tot lots present, one located near the corner of Merced and Fulton, and the other located near the corner of Kern and Fulton, would be consolidated into one larger tot lot at the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley.

1.4 - Intended Uses of this Document

This Initial Study prepared for the Fulton Mall Reconstruction Project would be used by the City of Fresno as the supporting environmental documentation for the following project approvals.

- General Plan Circulation Element Amendment - An amendment to the 2025 Fresno General Plan Circulation Element is required to designate the portions of Fulton Street, Kern Street, Mariposa Street, and Merced Street that are collectively known as Fulton Mall to Collector Streets. Currently, Fulton Mall does not have a roadway classification on the City of Fresno Circulation Element Map.
- Plans and Specifications - Approval of the plans and specifications for the street improvements.

- Construction funding - Approval of financing provided by the City of Fresno.
- Central Area Community Plan (CACP) Amendment - Amend the narrative and policies found on pages 84 through 93 of the CACP related to keeping the Fulton Mall a pedestrian mall to provide for complete streets.
- Conditional Use Permit - Approval of a conditional use permit is required for the construction and use of a new Tot Lot that will replace the Tot Lots currently on the Fulton Mall.
- Property Acquisition - Approval is required for the acquisition of the small parcel on which the new Tot Lot will be located.
- Fresno Municipal Code (FMC) Amendments - Amendments to various FMC sections regulating the Fulton Mall, including FMC, sections 14-1801 et seq., will be required to allow for the access and uses contemplated by the Project.

1.5 - Environmental Setting

Existing Setting

The project site is a pedestrian mall that contains various features. These features include pavement with a pattern that resembles the contours of the natural landscape, trees, shrubs, flowers, planters, seating areas, benches, sculptures, water features, and two tot lots. The overall appearance of the project site is that it is minimally maintained; the pavement is dirty, with numerous areas of food stains, discarded chewing gum, cigarette butts, and the pavement is cracked in many locations. The trees include roots that have cracked the pavement in numerous locations. Many of the planter walls and curbs are cracked. Some sculptures have been vandalized and others are not prominently displayed or identified. Some of the fountains have also been vandalized and have been inoperable for many years. The plaster on the fountains is cracked and the pumps and/or lighting are inoperable and have become repositories for debris, discarded bits of food, and cigarette butts.

Immediately adjacent to the project site are the buildings that line Fulton Mall. These buildings consist of one, two, three, and multiple-story structures. The tallest structure is the Pacific Southwest Building, which is 16 stories in height. Because of the ground floor vacancies within Fulton Mall, which is approximately 26 percent, many of the businesses have industrial-looking metal gates that extend across the storefront indicating that the building space is vacant and abandoned.

Fulton Mall as well as the area immediately adjacent to Fulton Mall includes various land uses. The area adjacent to Fulton Mall is bound by Van Ness Avenue on the east, Inyo Street on the south, Broadway/H Street on the west, and Tuolumne Street on the north. This area included the boundaries of the original superblock form that was envisioned when the Fulton Mall was originally designed. Within this area, there are office, retail/restaurant, recreation-clubhouse, other commercial such as a hotel and theater, and residential (see Exhibit 3). The structures located along Fulton Mall include multiple stories with storefronts on the ground floor and additional uses within the upper stories. Table 1 depicts the amount of building square footage for each land use within the study area.

Table 1: Land Use and Building Square Footage within the Vicinity of Fulton Mall

Land Use	Total Building Square Footage
Office ¹	648,964
Retail/Restaurant ²	1,232,504
Rec - Clubhouse ³	46,007
Other Commercial ⁴	164,075
Residential ⁵	149,003
Parking	239,184
Total	2,479,737
Notes: ¹ Office is identified on Figure 2-1 as CO and PGO. ² Retail/Restaurant is identified on Figure 2-1 as CGH and CR. ³ Recreation Clubhouse is identified on Figure 2-1 as CCR. This includes the clubhouse facilities associated with Chukchansi Park. ⁴ Other Commercial is identified on Figure 2-1 as CGH. ⁵ Residential is identified on Figure 2-1 as RH. There is a co designation that currently includes residential. Source: Rosenow Spavacek Group, Inc., 2012.	

The project vicinity also includes surface parking, structured parking, and a vacant lot. This area includes approximately 2,800 parking spaces. Approximately 75 percent of those spaces are located within structures while 25 percent of the parking spaces are within surface parking lots. There are 14 on-street parking spaces within the study area. There is one vacant lot at the southwest corner of Tulare Street and Van Ness Avenue. The vacant lot encompasses approximately 20,000 square feet (sf).

In addition to land uses within the existing structures along Fulton Mall, there are two recreational areas for children within Fulton Mall. These areas are tot lots with playground equipment and sand areas. One of the tot lots is located within Fulton Mall immediately north of Kern Mall and encompasses 966 sf of active play equipment area. The second tot lot is also within Fulton Mall immediately south of Merced Mall and encompasses 806 sf of active play equipment area. These lots were improved with new play equipment in 2008 using federal Land and Water Conservation Fund (LWCF) and State Proposition 40 grant dollars, and their future use and conversion is governed by Section 6(f) of the LWCF Act and the rules and guidelines governing the use of Proposition 40 grant funds. Today most, though not all, of this equipment remains functional for the children to use.

Cumulative Projects

In the vicinity of Fulton Mall, there are various development applications that have been submitted to the City. In addition to these development projects, future developments in accordance with two currently proposed plans are also identified as cumulative future projects. Together, these current

and future projects represent the related projects that are considered within the cumulative impact evaluations prepared in Section 3 of this Initial Study. The general location of these projects and plans is generally referred to as Downtown Fresno.

Following is the information for the development application in the vicinity of Fulton Mall.

1. CVS is proposing to relocate from their current location at the northeast corner of Fulton Mall and Merced Mall and construct a new 15,524 sf retail store at the corner of Van Ness Avenue and Tuolumne Street. Construction is anticipated to be completed in 2014.
2. 1155 Fulton Mall - Tenant improvements are proposed with minor exterior improvements for new Federal offices. These improvements are anticipated to be completed in 2013.
3. 1101 Fulton Mall - Tenant improvements are proposed for a new restaurant. Timing of these improvements is not known.
4. 959 Fulton Mall (JC Penney Building) - Tenant improvements are proposed for approximately 66 residential units on the second through the fifth floors. According to property owner, timing of these improvements are contingent on the Fulton Mall Reconstruction Project.
5. Pacific Southwest Building at the southeast corner of Fulton Mall and Mariposa Mall - Tenant improvements are proposed for a restaurant lounge on the 15th and 16th floors. According to property owner, timing of these improvements are contingent on the Fulton Mall Reconstruction Project.
6. Hotel Californian at the southwest corner of Van Ness Avenue and Kern Street - Tenant improvements are proposed along the Kern Street side of the structure to re-introduce storefronts along Kern Street. Timing of these improvements is not known.
7. Storm Drain Replacement - The City is replacing the existing storm drain located in the middle of Fulton Mall between Inyo Street and Tuolumne Street.
8. Water Line Replacement - The City is replacing existing water lines within Kern Mall between Federal Alley and Home Run Alley and Mariposa Mall between Federal Alley to Congo Alley.
9. Sewer Line Replacement - The City is replacing existing sewer lines within Kern Mall between Van Ness Avenue and Home Run Alley and within Merced Mall between Van Ness Avenue and Congo Alley.
10. Mariposa Plaza Activation Project - The Mariposa Plaza is proposed to be redesigned to increase the number of community events.

In addition to the development projects in the vicinity of Fulton Mall, there are various development projects proposed beyond the vicinity of Fulton Mall and within Downtown Fresno. These include the following:

11. Van Ness Avenue Pedestrian Crossing at Mariposa Mall - A new signal is proposed along Van Ness Avenue at Mariposa Mall. This pedestrian signal is being funded by the Federal Transit Authority.

12. Bus Rapid Transit Stop - As part of the Bus Rapid Transit program, a bus stop is proposed along Van Ness Avenue at Mariposa Mall. The bus stop is planned to be on a platform in the middle of Van Ness Avenue. Access to the platform would be provided at street level. Funding for this project is being provided by the Federal Transit Authority.
13. High Speed Rail Station - The proposed station is located along the existing Union Pacific railroad tracks between Fresno Street and Tulare Street.
14. Residential Projects - There are numerous other projects proposed or under construction within the community at large, i.e. the Fulton Corridor Specific Plan Area and outside the Fulton Mall Project Study Area. These include, but are not limited to, an approximate 350 total new housing units in various locations in the Cultural Arts District (located north of the Project Study Area) and Chinatown located west of the Project Study Area).

In addition to the development projects that are identified above, the future development of the Downtown Neighborhoods Community Plan (DNCP) and the Fulton Corridor Specific Plan (FCSP), if adopted by the City, is expected to result in a substantial amount of additional development. The DNCP encompasses 7,290 acres and is generally bounded to the east by Chestnut Avenue, to the south by Church Avenue, to the west by Thorne, West, and Marks Avenues, and to the north by State Route 180. The FCSP is within the boundaries of the DNCP. The FCSP encompasses approximately 655 acres and is generally bound to the north by Divisadero Street, to the west by State Route 99, to the south by State Route 41, and to the east by N Street, O Street, and the alley between M and N Streets. Both plans are expected to be fully built out by the year 2035. The anticipated development in both plans are shown in Table 2.

Table 2: Development Potential Within FCSP and DNCP

Land Use	Development (in dwelling units, square feet, acres)		
	FCSP	DNCP (Excluding FCSP)	FCSP + DNCP
Residential (units)	6,293	3,697	9,990
Office (sf)	3,900,000	2,000,000	5,900,000
Retail (sf)	1,600,000	350,000	1,950,000
Industrial (sf)	150,000	2,900,000	3,050,000
Open Conservation (acres)	31	33	64

Source: Impact Sciences 2012.

Procedural History and Background of Project EIR

The Project was originally identified to be assessed in a Notice of Preparation (NOP) issued in April 2012. That NOP provided that the City intended to prepare an EIR to assess the impacts from the adoption of the proposed Downtown Community Neighborhoods Plan (DCNP), the proposed Fulton Corridor Specific Plan (FCSP), and a Downtown Development Code (collectively “Downtown Plans”).

The Project was to be assessed in connection with the review of the FCSP because the FCSP identified revitalizing the Fulton Mall as a top priority. The Advisory Committee for the FCSP selected three options out of ten considered to be further analyzed in the FEIR that would be prepared to adopt the FCSP:

1. Reconnect the Grid on Traditional Streets. (Alternative 1 identified in this IS).
2. Reconnect the Grid with Vignettes. (Alternative 2 identified in this IS).
3. Restoration and Completion of the Mall.¹

The purpose for the additional study in the EIR was to allow the Council to elect one of the three options when the FCSP was adopted.

The City has determined to prepare an EIR for the Project now, independent of the FCSP or Downtown Plans, for two reasons: (1) because the City has been awarded Federal grants for the Project which require environmental review to be completed by March 2014 and (2) because it is unlikely or at least, uncertain, that the Downtown Plans and the EIR to review those plans will be brought to Council before the Federal grant timelines run.

In August 2012 the Federal Highway Administration (FHWA) announced the award of \$1 million from the Transportation, Community, and System Preservation (TCSP) Program to the City for preconstruction expenses for the Project, and in September 2013 the US Department of Transportation announced that Fresno had been awarded nearly \$16 million in Transportation Investments Generating Economic Recovery (TIGER) funding for Project construction expenses.

As a result of receiving the grant awards, the City is required to prepare a NEPA document for the Project, and otherwise treat the project as a federal undertaking by the FHWA (e.g., prepare 4(f) review). Caltrans, the designated agency for FHWA NEPA review, is currently preparing the necessary NEPA documents for the Project.

The TIGER grant requires that obligation of the construction funds must occur no later than September 30, 2014. This means that Caltrans and the FHWA must have approved the project with the fully complete engineering drawings, ready for bid, finalized after the adoption or certification of both federal and state environmental reviews. To meet this deadline, the EIR for the Project will need to be certified by March 2014.

When the NOP was issued in April 2012, it was expected that the DNCP and the FCSP would be brought to Council in 2013. However, delays have occurred for several reasons, not limited to the City needing to find a new environmental consultant as a result of a business disruption of the City's hired consultant that was outside the City's control. Additionally, when the DNCP and FCSP were initiated and first being drafted, the City had not started on the 2035 City of Fresno General Plan. Now that the 2035 General Plan has been drafted and released to the public and the DNCP and FCSP have yet to be approved, the City is currently considering bringing the DCNP and the FCSP to Council after the 2035 General Plan. Based upon all of this, particularly given the many complicated issues

¹ This option will not be considered part of the Project for purposes of this EIR, as it would not qualify for TIGER grant funds. It will be considered as an alternative to the Project in the EIR.

that the FCSP, DNCP, and the updated General Plan must address in preparation for adoption, the City determined that it would be unrealistic to expect the combined FNCP environmental review to be completed in time to meet TIGER deadlines. It is in light of the TIGER grant, therefore, that the City is preparing this new CEQA document, which addresses the Project on its own, and is also focused on the Project as being conditioned on the allowed purposes of the TIGER grant funds.

In considering the preparation of this EIR, the City looked at the issue of whether there was an argument of improper segmentation of the CEQA project in light of the fact that this Project was originally intended to be reviewed in the EIR reviewing the Downtown Plans. After considering the applicable law and the particular facts at issue, the City has determined that preparation of this EIR to consider the Project does not amount to improper segmentation.

Segmentation occurs when the project description does not encompass the *entire* project. The general CEQA principle involved was made in *Bozung v. LAFCO* (1975) 13 Cal.3d 263, 283-84 and recognized as applying to segmentation by the California Supreme Court in *Laurel Heights Improvement Assn. v. Regents of University of Cal. (Laurel Heights I)* (1988) 47 Cal.3d 376: There is a CEQA principal that, “environmental considerations do not become submerged by chopping a large project into many little ones—each with a minimal potential impact on the environment—which cumulatively may have a disastrous consequences.”

In *Laurel Heights I*, the court established a test for when an EIR must include an analysis of the environmental effects of further expansion or other action: if (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects. Absent both of these elements, the court found that the future action need not be considered in the EIR. Although the future action would need to be considered in a subsequent CEQA analysis before approval.

In *San Joaquin Raptor Society v. County of Stanislaus*, (1994) 27 Cal.App.4th 713, the project description included a subdivision. The record demonstrated that a wastewater treatment plant would be built on a site adjacent to the subdivision to serve the new subdivision. The project description did not include the wastewater treatment plant. The court found this was an inadequate project description and violated CEQA. The court found the EIR segmented the project into two projects, the subdivision and the wastewater treatment plant. The court found that the subdivision was a reasonably foreseeable additional component to the subdivision project because the subdivision could not go forward but for the treatment plant being built. The court recognized that this amounted to an improper segmentation as the EIR would not show the full range and intensity of adverse impacts resulting from the project.

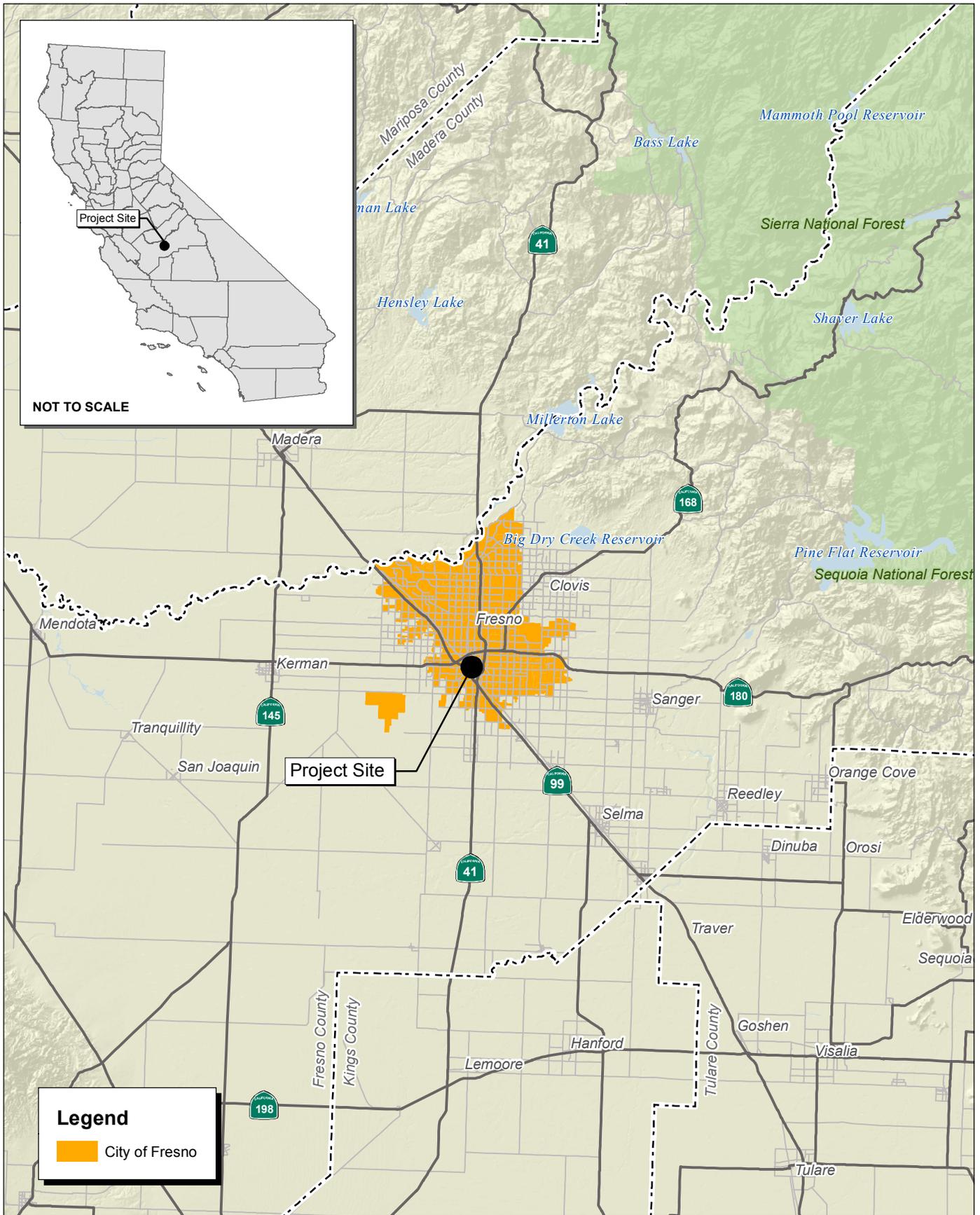
The Downtown Plans do not meet the test under *Laurel Heights I* for future actions requiring review in the EIR being prepared for the Project. Additionally, failure to review the Downtown Plans in the Project’s EIR does not violate the principle stated in *Bozung*.

First and foremost, the City is not reviewing the Project separately with an improper intent to avoid looking at or reduce the full range and intensity of identified impacts of the combined approval of

the Project and the Downtown Plans. The Initial Study was prepared, and the EIR will be prepared, to consider the impacts of the Project along with the impacts of the FCSP and the DNCP. Every impact section has considered the cumulative impacts of the adoption of the Downtown Plans, as well as those of the Project.

Second, the Project has independent utility, separate and apart from the adoption of the FCSP. Approval of the Project does not rely on the approval of the FCSP or the DNCP. The Project could go forward if the City never moved further on the adoption of the Downtown Plans, or if the Council considered the Downtown Plans and took formal action to deny adoption of the plans, or even if the Downtown Plans had never been proposed. Additionally, the benefits sought for the Project pursuant to the goals of the TIGER grant funds to revitalize the area can be achieved without adoption of the FCSP and the DNP. That is, the occupation of the buildings in and around the Project area and the development and infill of the Downtown Area are allowed under the current plans. Finally, discussed in the Land Use section of this Initial Study, the Project was analyzed for consistency with the 2025 General Plan, the Central Community Plan and the proposed FCSP and the DNCP.

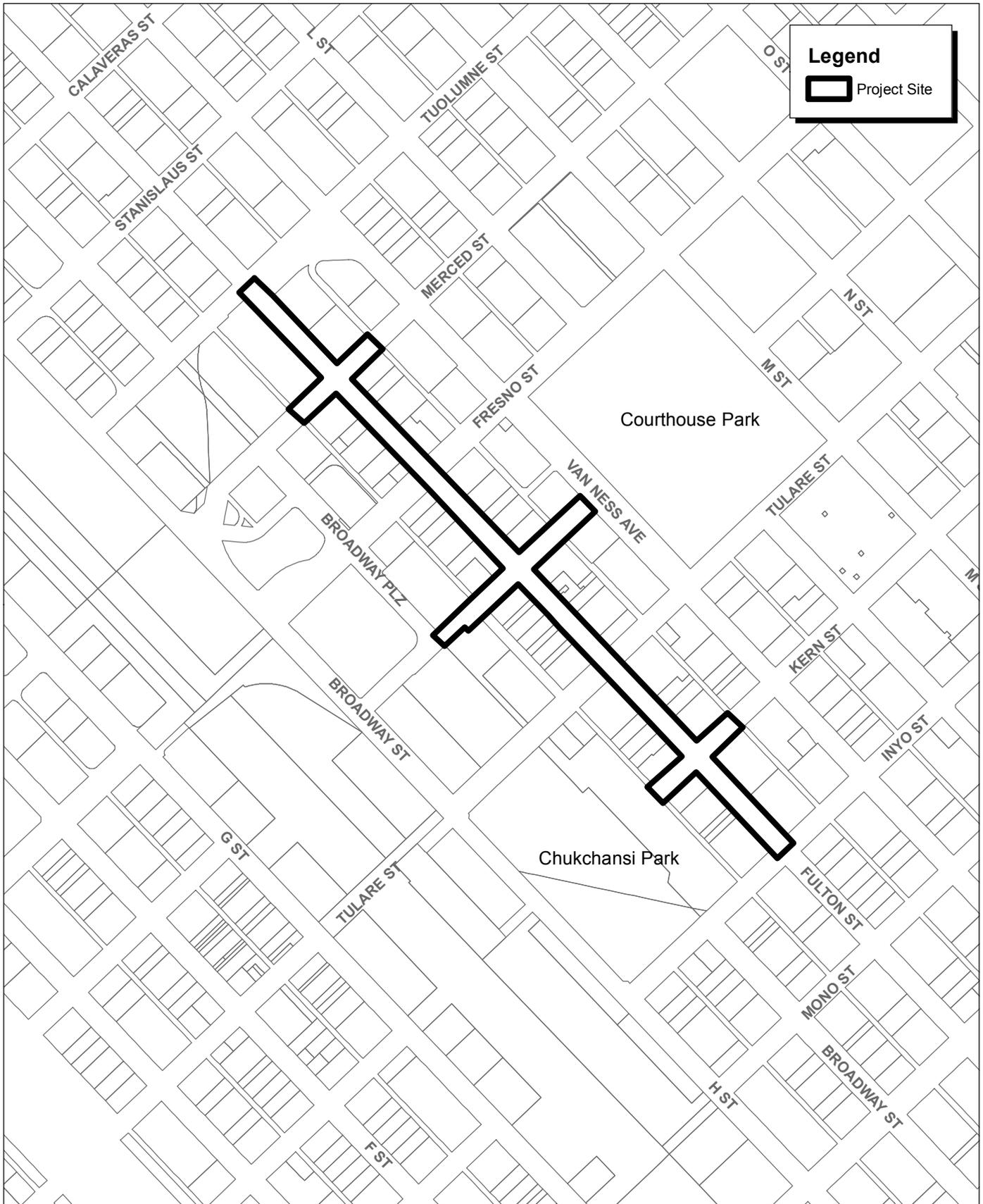
Finally, the FCSP and the DNCP are not a reasonably foreseeable consequence of the Project. Nothing about this Project is reasonably expected to be a catalyst for the adoption of the FCSP or the Downtown Plans. The Downtown Plans have been in process since January 2010, well before the City had any idea it could or would receive a TIGER grant. The City has spent hundreds of hours and hundreds of thousands of dollars on the Downtown Plans, which cover approximately 7,000 acres. The Project involves less than .01 percent of the area in the Downtown Plans. There is no basis to argue that the Downtown Plans are a reasonably foreseeable consequence of approving the Project.



Source: Census 2000 Data, The CaSIL, MBA GIS 2013.



Exhibit 1 Regional Vicinity Map



Source: County of Fresno Parcel Data.

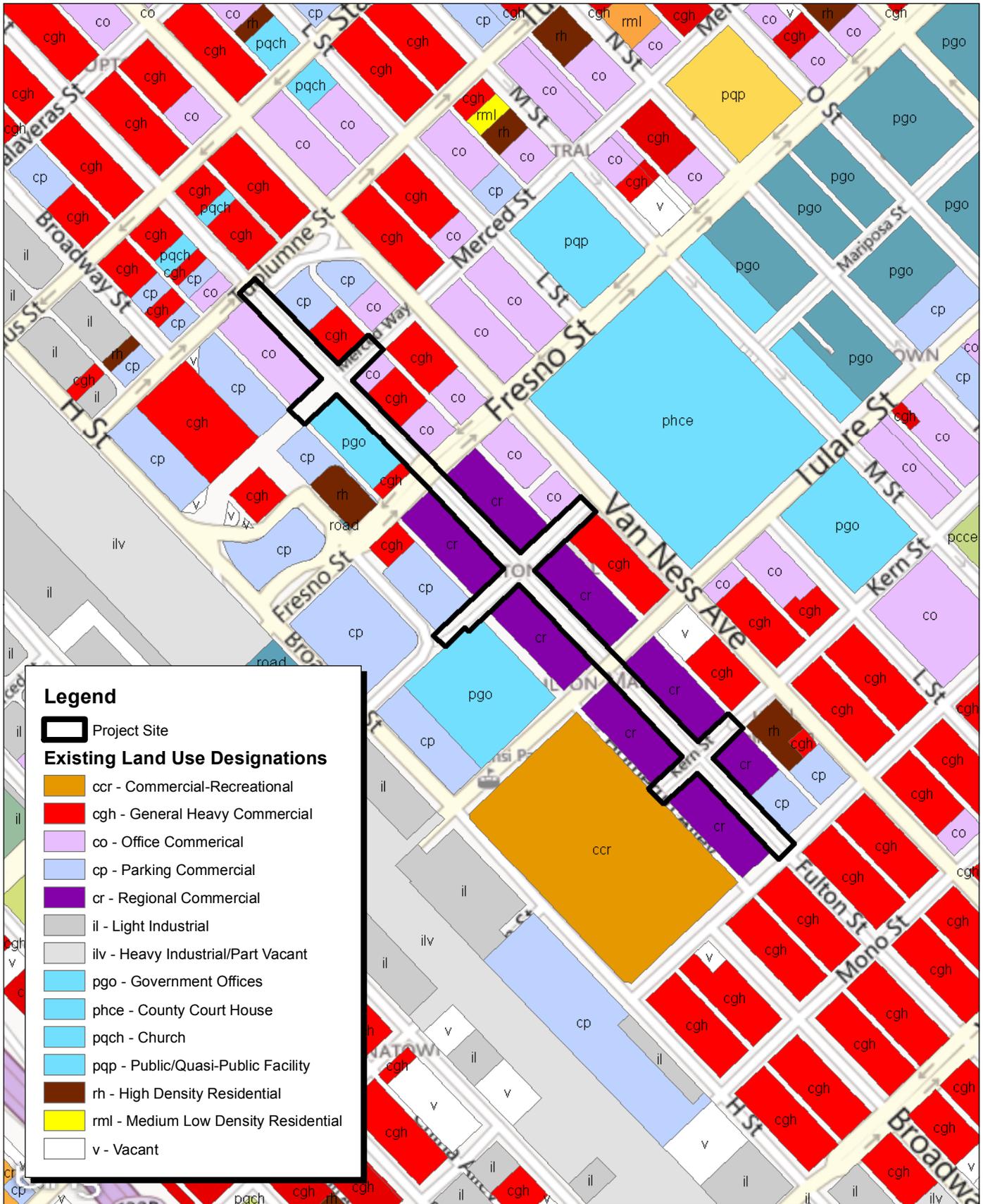


Michael Brandman Associates

31680020 • 10/2013 | 2_project_site.mxd



Exhibit 2 Project Site



Legend

Project Site

Existing Land Use Designations

- ccr - Commercial-Recreational
- cgh - General Heavy Commercial
- co - Office Commercial
- cp - Parking Commercial
- cr - Regional Commercial
- il - Light Industrial
- ilv - Heavy Industrial/Part Vacant
- pgo - Government Offices
- phce - County Court House
- pqch - Church
- pqp - Public/Quasi-Public Facility
- rh - High Density Residential
- rml - Medium Low Density Residential
- v - Vacant

Source: City of Fresno, Bing Street Map.



Michael Brandman Associates

31680020 • 10/2013 | 3_existing_land_use.mxd



Exhibit 3 Existing Land Use

SECTION 2: ENVIRONMENTAL CHECKLIST

Environmental Factors Potentially Affected			
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.			
<input checked="" type="checkbox"/> Aesthetics	<input type="checkbox"/> Agriculture and Forestry Resources	<input type="checkbox"/> Air Quality	
<input type="checkbox"/> Biological Resources	<input checked="" type="checkbox"/> Cultural Resources	<input type="checkbox"/> Geology/Soils	
<input type="checkbox"/> Greenhouse Gas Emissions	<input type="checkbox"/> Hazards/Hazardous Materials	<input type="checkbox"/> Hydrology/Water Quality	
<input type="checkbox"/> Land Use/Planning	<input type="checkbox"/> Mineral Resources	<input type="checkbox"/> Noise	
<input type="checkbox"/> Population/Housing	<input type="checkbox"/> Public Services	<input type="checkbox"/> Recreation	
<input type="checkbox"/> Transportation/Traffic	<input type="checkbox"/> Utilities/Services Systems	<input checked="" type="checkbox"/> Mandatory Findings of Significance	
Environmental Determination			

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measure based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Date: October 15, 2013

Signed: _____


Elliott Balch, Downtown Revitalization Manager

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
2.1 - Aesthetics				
<i>Would the project:</i>				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2 - Agriculture and Forestry Resources				
<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.</i>				
<i>Would the project:</i>				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3 - Air Quality				
<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.</i>				
<i>Would the project:</i>				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.4 - Biological Resources				
<i>Would the project:</i>				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5 - Cultural Resources				
<i>Would the project:</i>				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.6 - Geology and Soils				
<i>Would the project:</i>				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.7 - Greenhouse Gas Emissions				
<i>Would the project:</i>				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.8 - Hazards and Hazardous Materials				
<i>Would the project:</i>				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.9 - Hydrology and Water Quality				
<i>Would the project:</i>				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
2.10 - Land Use and Planning				
<i>Would the project:</i>				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.11 - Mineral Resources				
<i>Would the project:</i>				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.12 - Noise				
<i>Would the project result in:</i>				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.13 - Population and Housing <i>Would the project:</i>				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.14 - Public Services <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.15 - Recreation				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
2.16 - Transportation/Traffic <i>Would the project:</i>				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.17 - Utilities and Service Systems <i>Would the project:</i>				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Environmental Issues	Potentially Significant Impact	Less Than Significant With Mitigation	Less Than Significant Impact	No Impact
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/> c
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.18 - Mandatory Findings of Significance				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

SECTION 3: ENVIRONMENTAL EVALUATION

3.1 - Aesthetics

A Visual Impact Assessment was prepared by FirstCarbon Solutions for the proposed project. The following discussion is based on the Visual Impact Assessment, which is provided in Appendix A of this Initial Study.

The project region is characterized by the relatively flat San Joaquin Valley that rises into the Sierra Nevada Mountains to the northeast and east. The San Joaquin River extends along the north side of the City and County boundary of Fresno and the Madera County boundary. Because of the relatively flat terrain of the valley, views of the high-rise buildings within downtown Fresno can be viewed from great distances in all directions.

In the late 1800s, Fresno began to colonize, and the land use became predominately agricultural. Development began to occur within the downtown area of Fresno subsequent to the construction of the Central Pacific Railroad that extended through the San Joaquin Valley. In the first few decades of the 1900s, development continued to occur within Fresno including major high-rise buildings in the downtown area, where the Fulton Mall was later constructed in the early 1960s.

After several years of stability, by 1970, Downtown Fresno business began to decline due to increasingly rapid growth in northern parts of the City and the opening of the major suburban shopping mall, Fashion Fair. Shortly thereafter, the major and specialty retailers, including iconic department stores such as Gottschalks and JC Penny, left Downtown Fresno, and the Fulton Mall, known for its world class collection of public art, became home to vacant storefronts, empty office buildings, and a small collection of retailers. Today, Fulton Mall is characterized by relatively low levels of retail and other economic activity, it is devoid of any substantial activity on weeknights after 5 p.m., when Downtown's more than 30,000 daytime workers leave Downtown. Vacancies are common among the storefronts and especially in spaces above the ground level along the Mall.

Fulton Mall has a large number of trees, scrubs, and flowers that provide visual relief to the urban environment. Most of the trees do not appear to be well maintained due to the presence of broken or crossing limbs, misshapen trunks, and roots protruding into the concrete sidewalks.

The Mall's pavement is dirty, with numerous areas of food stains, discarded chewing gum, cigarette butts, and cracks. Many planter walls and curbs are also cracked. Some of the sculptures have been vandalized and others are not prominently displayed or identified. The fountains have also been vandalized and many have not be 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. Many of the vacant storefronts have numerous haphazardly placed flyers, various advertisements, and metal security gates. All of these existing components throughout Fulton Mall greatly reduce the visual quality of the Mall.

Scenic Vista

a) Have a substantial adverse effect on a scenic vista?

Project Impacts

Alternative 1

No impact. Distant views from within the Fulton Mall area are limited due to the surrounding high-rise development and the existing large trees within the Mall. Pedestrians who travel within Fulton Mall have very few locations where distant views are available. These distant views are located on the edges of the Mall and typically along existing streets. Within the Mall, pedestrian views are internal and include the various features of the Mall including trees and shrubs, pavement, planters, sculptures, fountains, seating areas, and other artwork.

The scenic vistas that are located in the Fresno area include views of the San Joaquin River and the Sierra Nevada Mountains. There are no views of the San Joaquin River from the Downtown area since the River is located more than 10 miles to the north. The views of the Sierra Nevada Mountains from Downtown Fresno are substantially impaired in a majority of the Project Area due to the height of the buildings and the limited number of days out of the year when the mountains may be seen (they can only be seen on clear days when the air quality is good). The implementation of the proposed reconstruction of Fulton Mall under Alternative 1 would remove trees and a large number of shrubs and flowers. The removal of the vegetation may minimally increase distant views from the project area. Existing limited views of the Sierra Nevada Mountains will not be adversely impacted by Alternative 1. The implementation of Alternative 1 would not result in impacts on scenic vistas.

Alternative 2

No impact. The determination of no impact on scenic vistas under Alternative 2 would be the same as described under Alternative 1.

Cumulative Impacts

No impact. The implementation of cumulative projects, such as the development proposed as part of the DNCP and FCSP as well as the current developments that are proposed in the Fulton Mall area, may result in increases in building heights and bulk of buildings. These increases could impede the limited distant views of the Sierra Nevada Mountains that are available in the Downtown Area. The cumulative reduction of the limited views could potentially result in significant impacts. However, since the implementation of Alternative 1 or 2 would not contribute to impacts on scenic vistas, the Project would not contribute any impacts to any potential significant cumulative impacts to scenic vistas. Therefore, Alternative 1 or 2 would result in no cumulative impacts.

Scenic Resources within a State Scenic Highway

- b) **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a state scenic highway?**

Project Impacts

Alternative 1

No impact. Based on a review of California Department of Transportation mapping of State Scenic Highways (http://www.caltrans.ca.gov/hq/LandArch/scenic_highways/fresno.htm), the County of Fresno does not have officially designated State Scenic Highways. Fresno County has three eligible State Scenic Highways, and the nearest eligible highways are east of the City of Fresno along Highway 180 and east of the City of Clovis along Highway 168. Since there are no officially designated scenic highways in the immediate vicinity of the proposed project, the implementation of Alternative 1 would not damage scenic resources within a state scenic highway.

Alternative 2

No impact. The determination of no impact on scenic resources within a state scenic highway under Alternative 2 would be the same as described above for Alternative 1.

Cumulative Impacts

No impact. Since the County of Fresno does not include any officially designated scenic highways, the implementation of Alternative 1 or 2 would result in no cumulative impacts on scenic resources within a state scenic highway.

Visual Character

- c) **Substantially degrade the existing visual character or quality of the site and its surroundings?**

Trees

There are approximately 154 trees and a large number of shrubs and flowers that provide a visual relief to the urban environment within Fulton Mall. However, by appearance to a user of the Mall, most of the trees do not appear to be well-maintained due to the presence of broken or crossing limbs, misshapen trunks, and roots protruding into the concrete sidewalks. Although not an aesthetic characteristic, the mature trees do provide shade, which is much needed in the warmer months in Fresno.

Storefronts

Views to the storefronts along the public streets that are adjacent to Fulton Mall such as Inyo Street, Tulare Street, Fresno Street, and Tuolumne Street are limited or for a large majority of the store, non-existent. The limited views of storefronts on the Fulton Mall do not allow motorists or pedestrians traveling along Inyo Street, Tulare, Street, Fresno Street, and Tuolumne Street to orient themselves in relation to specific stores within the Mall that are adjacent to these streets. Opening up the Mall to vehicular traffic under Alternative 1 would allow motorist to have direct physical and visual access to the shops since the streets would allow access.

Mall Features

The Mall's pavement includes a paving pattern that resembles the contours of the natural landscape. However, the overall appearance of the Mall is that it is minimally maintained; the pavement is dirty, with numerous areas of food stains, discarded chewing gum, cigarette butts, and the pavement is cracked in many locations. At the time the trees were planted, advanced planting techniques, such as structural pavement, drip irrigation, and root barriers were not prevalent, and therefore, tree roots have cracked the pavement in numerous locations.

Additionally, many planter walls and curbs are cracked, which decrease the quality of the visual environment, and generally give the Mall a visually unattractive appearance. The sculptures and fountains provide unique elements to the Mall; however, some sculptures have been vandalized and others are not prominently displayed or identified.

Additionally, some of the 21 fountains have been vandalized, and 14 of the 21 existing fountains have not been operable for years. Plaster is cracked, and the pumps and/or lighting are inoperable and have become repositories for debris, discarded bits of food, and cigarette butts.

Because of the ground floor vacancies within the Fulton Mall, which is approximately 26 percent, many of the businesses have industrial-looking metal gates that extend across the storefront indicating that the building space is vacant and abandoned. The gates are used to deter vandalism; however, they also detract from the overall visual environment of the Mall.

In addition, there are vacant storefronts that have numerous haphazardly placed flyers, various advertisements, and other posted materials that are attached to their frontage that further degrades the visual experience of visiting the Mall. Although the 154 trees in the Mall provide a visual amenity, the presence of the inoperable fountains that are used as repositories for trash, in addition to dirty and broken sidewalks, metal security gates and numerous flyers at the vacant storefronts greatly reduce the visual quality of the Mall.

Project Impacts

Alternative 1

Potentially significant impact. Implementation of Alternative 1 will result in the alteration of the short-term and long-term visual character of Fulton Mall.

Short-term Visual Alteration

Under Alternative 1, four of the 154 existing trees within the Mall will remain after grading activities are completed. The removal of the existing trees will substantially alter the visual character of Fulton Mall. To reduce this potential visual impact, the following mitigation measures are recommended.

Mitigation Measures

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. The replacement trees shall be consistent with the

landscape palette and design approved by the Parks Director and the Public Works Director.

MM AES-2 Replacement trees to be planted shall be of varying sizes that range from 15 gallon to 36-inch box. Each replacement tree shall have root barriers to prevent sidewalk upheaval from roots.

Although Mitigation Measures AES-1 and AES-2 will be implemented with Alternative 1, the newly planted trees will not provide shade and increase visual appeal until they reach maturity, which may take many years. Because of the time it will take for newly planted trees to reach maturity, the visual alteration of the existing Mall with implementation of Alternative 1 and Mitigation Measures AES-1 and AES-2 above would remain a significant and unavoidable short-term visual impact.

Short-term visual impacts will be further discussed in the forthcoming EIR.

Long-term Visual Alteration

In addition to the removal of existing mature trees that are located throughout Fulton Mall and the replacement of the same number of trees (154 trees) throughout the Mall, Alternative 1 will result in the loss of the original patterned pavement of the Mall. Alternative 1 includes the replacement of the patterned pavement with an asphalt road in the middle of the Mall and new patterned pavement along the sidewalks. The new patterned pavement will replicate the original pavement to maintain the original design. The presence of the asphalt road will alter the long-term visual character within the Mall. This visual alteration will be positive because Alternative 1 will replace the dirty, stained, and cracked pavement that currently decreases the visual quality of the Mall.

The planters throughout the Mall area are also assumed to be removed under Alternative 1. Many of the existing planter walls and associated curbs are cracked and stained. The removal of the planters under Alternative 1 would improve the long-term visual quality of the Mall.

The existing sculptures will be temporarily removed during construction activities under Alternative 1. Some of the existing sculptures have been vandalized. Alternative 1 includes refurbishing the 20 existing sculptures, placing them within the sidewalk areas of Fulton Mall, and prominently identifying them. The refurbishment of the sculptures will improve the long-term visual quality of the Mall under Alternative 1.

Some of the existing fountains will be removed and others will remain during construction activities under Alternative 1. Fourteen of the existing 21 fountains are currently inoperable due to cracks, inoperable pumps, and/or electrical problems affecting the lighting. Many have become repositories for debris, discarded bits of food, and cigarette butts. Alternative 1 will retain the three fountains that are located on Kern Mall west of Fulton. These three fountains will be refurbished. Since many of the fountains are in disrepair, removal of them under Alternative 1 would improve the long-term visual quality of the Mall.

Under Alternative 1, long-term maintenance of the fountains will be provided by the City of Fresno. The City currently provides maintenance of the fountains; however, due to the number and age of the fountains, substantial funding has been needed. Under Alternative 1, fewer fountains will be

included in Fulton Mall, and the existing maintenance funding will be adequate to maintain the refurbished or rebuilt fountains.

There are various existing lighting fixtures throughout the Mall that are inoperable due to lack of maintenance. After dark, the Mall appears to be almost abandoned, since most of the retail stores throughout the Mall are closed in the evening due to the lack of customers and many of the stores are locked with metal gates to prevent burglaries and the lights are turned off. Therefore, in the evening, the Mall has a lack of proper lighting and the nighttime visual experience is of very low quality. Under Alternative 1, the provision of streets within the Mall as well as parking near the retail stores will indirectly increase the number of shoppers in Fulton Mall, thereby increasing revenues, decreasing vacancies, and it would be expected that increased maintenance dollars would be available for upkeep of the Mall landscaping, lighting, and storefronts. New irrigation lines would be provided for landscaping within the Mall, and new electrical wiring would be provided for the light fixtures proposed in the Mall.

A Visual Impact Assessment was prepared for Alternative 1 and is located in Appendix A. The Assessment included a quantitative visual quality evaluation of three key observation points within the Mall. The existing visual quality was compared to the visual quality with the implementation of Alternative 1 by analyzing the physical characteristics and change combined with the expected sensitivities and responses of potential viewer groups. The evaluation identified higher visual quality ratings for each key observation point with Alternative 1 compared to existing conditions. Therefore, the implementation of Alternative 1 would result in a beneficial impact on long-term visual quality. To further provide a beneficial long-term impact, the City of Fresno is recommending the implementation of the following:

Mitigation Measures

Implementation of Mitigation Measures AES-1 and AES-2.

- MM AES-3** All crosswalks within the project area shall not use typical white wide hatched lines, but shall include offset color concrete strips similar to other intersections in the vicinity of Fulton Mall such as Kern Street/Van Ness Avenue, Kern Street/L Street, and Inyo Street/Van Ness Avenue.
- MM AES-4** Drainage structures such as inlets within the sidewalk areas and the face of the curbs shall be designed to visibly blend-in with the color and tone of the setting.
- MM AES-5** Trash receptacles shall blend in with the landscape by including an exterior color that is similar to the patterned pavement of the sidewalk.
- MM AES-6** All 20 sculptures would be removed during construction activities. Prior to returning the sculptures, they shall be refurbished, and then located in prominent viewable areas within the Mall.

The implementation of the above mitigation measures will further provide beneficial long-term impacts associated with implementation of Alternative 1 and further ensure any potential impact to aesthetics is less than significant.

Alternative 2

Potentially significant impact. Implementation of Alternative 2 will result in similar alterations of the short-term and long-term visual character of Fulton Mall as Alternative 1. Following is the short-term and long-term visual impact evaluation.

Short-term Visual Alteration

Under Alternative 2, 30 of the 154 existing trees within the Mall will remain after grading activities are completed. The 30 existing trees would remain in the vignette areas. The removal of the remaining existing trees will substantially alter the visual character of Fulton Mall. To reduce this potential visual impact, the following mitigation measures are recommended.

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. The replacement trees shall be consistent with the landscape palette and design approved by the Parks Director and the Public Works Director.

MM AES-2 Replacement trees to be planted shall be of varying sizes that range from 15 gallon to 36-inch box. Each replacement tree shall have root barriers to prevent sidewalk upheaval from roots.

Although Mitigation Measures AES-1 and AES-2 will be implemented with Alternative 2, the newly planted trees will not provide shade and increase visual appeal until they reach maturity, which may take many years. Because of the time it will take for the newly planted trees to reach maturity, the visual alteration of the existing Mall with implementation of Alternative 2 and the above Mitigation Measures AES-1 and AES-2 would remain a significant and unavoidable short-term visual impact.

Short-term visual impacts will be further discussed in the forthcoming EIR.

Long-term Visual Alteration

In addition to the removal of existing mature trees that are located throughout Fulton Mall and the replacement of the same number of trees (154 trees) throughout the Mall, Alternative 2 will result in the loss of the original patterned pavement of the Mall. Alternative 2 includes the replacement of the patterned pavement with an asphalt road in the middle of the Mall, new patterned pavement along the sidewalks, and the vignette areas. Similar to Alternative 1, the new patterned pavement will replicate the original pavement to maintain the original design. The presence of the asphalt road will alter the long-term visual character within the Mall. This visual alteration will be positive because Alternative 2 will replace the dirty, stained, and cracked pavement that currently decreases the visual quality of the Mall.

The planters throughout the Mall area are also assumed to be removed under Alternative 2, and constructed within the vignette areas. Many of the existing planter walls and associated curbs are

cracked and stained. The removal of the planters under Alternative 2 as well as the inclusion of new planters within the vignette areas would improve the long-term visual quality of the Mall.

The existing sculptures will be temporarily removed during construction activities under Alternative 2. The 20 existing sculptures will be refurbished. Fourteen of the 20 sculptures would be returned to approximately the same location as they exist today. The remaining six sculptures would be returned to new locations within the Mall. Each of the sculptures would be prominently displayed and identified. The refurbishment of the sculptures will improve the visual quality of the Mall under Alternative 2.

Some of the existing fountains will be removed and others will remain during construction activities under Alternative 2. As discussed above, 14 of the existing 21 fountains are currently inoperable due to cracks, inoperable pumps, and/or electrical problems affecting the lighting. Many have become repositories for debris, discarded bits of food, and cigarette butts. Alternative 2 will retain 12 of the 21 fountains; three on Kern Mall west of Fulton and nine fountains within the vignette areas. All 12 fountains will be refurbished or rebuilt. Retaining and refurbishing/rebuilding the fountains will improve the long-term visual quality of the Mall under Alternative 2.

Under Alternative 2, long-term maintenance of the fountains will be provided by the City of Fresno. The City currently provides maintenance of the fountains; however, due to the number and age of the fountains, substantial funding has been needed. Under Alternative 2, fewer fountains will be included in Fulton Mall, and the existing maintenance funding will be adequate to maintain the refurbished or rebuilt fountains.

Similar to the discussion of lighting under Alternative 1, the implementation of Alternative 2 would provide for adequate lighting and improve the nighttime visual quality of Fulton Mall.

As described above for Alternative 1, a Visual Impact Assessment was also prepared for Alternative 2 and is also located in Appendix A. The Assessment included a quantitative visual quality evaluation of key observation points within the Mall. The existing visual quality was compared to the visual quality with the implementation of Alternative 2 by analyzing the physical characteristics and change combined with the expected sensitivities and responses of potential viewer groups. The evaluation identified higher visual quality ratings for each key observation point with Alternative 2 compared to existing conditions. Therefore, the implementation of Alternative 2 would result in a beneficial impact on long-term visual quality. To further provide a beneficial long-term impact, the City of Fresno is recommending the implementation of the following measures.

Implementation of Mitigation Measures AES-1 and AES-2, and the following mitigation measures:

MM AES-3 All crosswalks within the project area shall not use typical white wide hatched lines, but shall include offset color concrete strips similar to other intersections in the vicinity of Fulton Mall such as Kern Street/Van Ness Avenue, Kern Street/L Street, and Inyo Street/Van Ness Avenue.

- MM AES-4** Drainage structures such as inlets within the sidewalk areas and the face of the curbs shall be designed to visibly blend-in with the color and tone of the setting.
- MM AES-5** Trash receptacles shall blend in with the landscape by including an exterior color that is similar to the patterned pavement of the sidewalk.
- MM AES-6** Subsequent to removal of all 20 sculptures during construction activities, 14 of the 20 sculptures shall be returned to their approximate current location. The six remaining sculptures shall be return to a new location within the Mall. Prior to returning the sculptures, they shall be refurbished and then located in prominent viewable areas within the Mall.
- MM AES-7** The roadway pavement within the vignette areas shall include integrally colored concrete with a similar tone as the proposed sidewalk.
- MM AES-8** The new location of the Clock Tower is planned in the center of the proposed roundabout at the intersection of Fulton Street and Mariposa Street. To increase the visual prominence of this feature, it is recommended that the Clock Tower be raised approximately 2 to 3 feet in height onto a base that includes a planter. The planter will require irrigation lines and maintenance of the planter base and the vegetation within the planter will be provided by the City of Fresno. To ensure safety of maintenance workers, the planter base shall be designed with a raised step around the planter. The size of the base shall be determined by the City of Fresno based on the lane width requirements of the roundabout. The material that is used for the base shall be determined by the City of Fresno and the color and tone of the material shall be consistent with the color of the patterned pavement on the sidewalk. Raising the Clock Tower feature will also reduce the potential for motorist accidentally hitting the Clock Tower.

The implementation of the above mitigation measures will further provide beneficial long-term impacts associated with implementation of Alternative 2 and further ensure any potential impact to aesthetics is less than significant.

Cumulative Impacts

Potentially significant impact.

Short-term

The implementation of cumulative development within the Downtown Fresno area could alter the existing visual characteristics. This alteration could occur through the implementation of the proposed DNCP and FCSP as well as current development projects in the Fulton Mall area. Since the implementation of Alternatives 1 and 2 will result in a short-term significant and unavoidable impact on the existing visual quality of Fulton Mall, Alternatives 1 and 2 could contribute to significant cumulative impacts on the existing visual quality of Downtown Fresno. The contribution is considered to be considerable and significant. The following mitigation measures are recommended to reduce the short-term visual quality impacts.

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. The replacement trees shall be consistent with the landscape palette and design approved by the Parks Director and the Public Works Director.

MM AES-2 Replacement trees to be planted shall be of varying sizes that range from 15 gallon to 36-inch box. Each replacement tree shall have root barriers to prevent sidewalk upheaval from roots.

Although Mitigation Measures AES-1 and AES-2 will be implemented with Alternatives 1 and 2, these alternatives would still substantially contribute to short-term visual quality impacts until the newly planted trees reach maturity. Therefore, Alternatives 1 and 2 would continue to contribute significant short-term visual quality impacts even after implementing the above mitigation measures.

Short-term cumulative visual impacts will be further discussed in the forthcoming EIR.

Long-term

The implementation of cumulative development within the Downtown Fresno area could alter the existing long-term visual characteristics. This alteration could be significant due to the substantial amount of development that is planned as part of the DNCP and FCSP that include 9,990 residential units, 5.9 million square feet (msf) of office, 1.95 msf of retail, 3.05 msf of industrial, and 64 acres of open conservation. The cumulative long-term alteration of the visual characteristics could be significant.

The implementation of the proposed Fulton Mall Reconstruction project under Alternatives 1 and 2 would result in a beneficial impact on long-term visual quality as described above. Since beneficial long-term visual quality impacts would occur, the implementation of Alternatives 1 and 2 would not contribute to the potential significant cumulative long-term visual quality impacts. Therefore, Alternatives 1 and 2 would result in no adverse cumulative long-term visual quality impacts.

Light and Glare

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

There are various existing lighting fixtures throughout the Mall that are inoperable due to lack of maintenance. After dark, the Mall appears to be almost abandoned, since most of the retail stores throughout the Mall are closed in the evening due to the lack of customers and many of the stores are locked with metal gates to prevent burglaries and the lights are turned off. Therefore, in the evening, the Mall has a lack of proper lighting.

Project Impacts

Alternative 1

No impact. Under Alternative 1, new lighting fixtures and new electrical wiring will be provided along the proposed streets within the Mall. The increase in lighting from the light fixtures as well as lighting from nighttime motorist activity will provide a beneficial lighting impact in the Mall. This

beneficial impact would occur because the provision of streets within the Mall as well as parking near the retail stores will indirectly increase the number of shoppers in Fulton Mall, thereby increasing revenues, decreasing vacancies. The increase in lighting in Fulton Mall will provide a safer shopping experience and result in a beneficial lighting impact. There are no existing residences that are located along the ground floors of Fulton Mall. The nearest existing residents are located in the upper floors (above the 10th floor) of the Pacific Southwest Building. These residents will not be impacted by lighting within Fulton Mall. Therefore, implementation of Alternative 1 would result in no adverse impact.

Alternative 2

No impact. The determination of no adverse lighting impact under Alternative 1 would be the same as described above for Alternative 2.

Cumulative Impacts

No impact. The implementation of cumulative development within the Downtown Fresno area could increase the amount of lighting. Increases in some areas of Downtown Fresno that currently have a deficient amount of lighting could result in a beneficial impact. There could be other areas in Downtown Fresno that currently has adequate amount of lighting and additional development may increase the amount of lighting and could cause adverse impacts on light sensitive land uses such as residences. Overall, cumulative development has the potential to result in significant cumulative lighting impacts. As discussed above, the implementation of Alternatives 1 and 2 will provide lighting in an area of Downtown Fresno that currently has deficient lighting. Alternatives 1 and 2 will result in beneficial lighting impacts and will not contribute to cumulative significant adverse lighting impacts. Therefore, Alternatives 1 and 2 would result in no cumulative adverse lighting impacts.

3.2 - Agriculture and Forestry Resources

Convert Farmland to Non-Agricultural Use

- a) **Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?**

Based on a review of the California Important Farmland Finder provided by the California Department of Conservation at website: <http://maps.conservation.ca.gov/ciff/ciff.html>, the Fulton Mall site is classified as Urban and Built-Up Land, which is not considered a sensitive soils for farmland.

Project Impacts

Alternative 1

No impact. Since the Fulton Mall site is not located in an area with land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, the implementation of Alternative 1 would not convert these sensitive farmland areas, therefore, Alternative 1 would not impact these sensitive farmland areas.

Alternative 2

No impact. The determination of no impact to land designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as described for Alternative 1 above would be the same for Alternative 2.

Cumulative Impacts

No impact. Based on a review of the California Important Farmland Finder provided by the California Department of Conservation at website: <http://maps.conservation.ca.gov/ciff/ciff.html>, the portion of the City of Fresno that is located within Downtown Fresno, such as within the DNCP and FCSP, does not have land that is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Therefore, cumulative development within Downtown Fresno would not result in the conversion of land classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Since Downtown Fresno as well as the project site does not have sensitive farmland areas, the implementation of Alternative 1 or 2 would result in no cumulative impact on sensitive farmland.

Conflict with Existing Zoning or Williamson Act Contract**b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?**

Based on a review of the City of Fresno Zoning Map as provided as a download on the City's website: <http://www.fresno.gov/Government/DepartmentDirectory/InformationServices/GIS/Layers.htm>, the Fulton Mall is located in an area designated as C-4, Central Trading. The Fulton Mall is not zoned for agricultural use, nor is the project site under a Williamson Act contract as shown in the City of Fresno General Plan Map Atlas (Williamson Act Property in the Fresno area) on page 30 on the City's website at <http://www.fresno.gov/NR/rdonlyres/243E6033-9A3A-46A5-971B-E5FC7A2775EA/0/MapAtlasFinalVersionSept12011.pdf>.

Project Impacts**Alternative 1**

No impact. Based on a review of the City's Zoning Map as well as the Williamson Act Property map as described above, there are no lands within Downtown Fresno that includes the DNCP and FCSP that are currently zone for agriculture or currently under a Williamson Act contract. Therefore, implementation of Alternative 1 would not conflict with an existing agricultural use or conflict with a Williamson Act contract. Therefore, Alternative 1 would not impact existing agricultural zoning or a Williamson contract.

Alternative 2

No impact. The determination of no impact regarding a conflict with existing zoning for agricultural use, or Williamson Act contract as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Based on a review of the City of Fresno Zoning Map and the City's Williamson Act lands for Downtown Fresno including the DNCP and FCSP, there are no lands that are zoned for an agricultural use or contain a Williamson Act contract. Therefore, cumulative development within Downtown Fresno would not result in a conflict with an existing agricultural use or conflict with a Williamson Act contract. Since Downtown Fresno as well as the project site does not have lands that are zoned for agriculture or are under a Williamson Act, the implementation of Alternative 1 or 2 would result in no cumulative impact on agricultural zoned land or Williamson Act land.

Conflict with Zoning or Rezoning of Forest Land or Timberland

- c) **Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?**

The PRC section 12220(g) defines forest land as “. . .land that can support 10 percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits”; additionally, timberland is defined by PRC 4526 as land “. . .which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products.” Based on a review of the City of Fresno Zoning Map as provided as a download on the City's website: <http://www.fresno.gov/Government/DepartmentDirectory/InformationServices/GIS/Layers.htm>, the Fulton Mall is located in an area designated as C-4, Central Trading, which does not allow for forest land or timberland.

Project Impacts

Alternative 1

No impact. Based on the City of Fresno's current zoning of the Fulton Mall area as C-4, Central Trading, the implementation of Alternative 1 would not conflict with forest land or timberland. Therefore, Alternative 1 would result in no impacts on forest land or timberland.

Alternative 2

No impact. The determination of no impact on forest land or timberland as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Based on a review of the City of Fresno Zoning Map for Downtown Fresno including the DNCP and FCSP, there are no lands that are zoned for forest land or timberland. Therefore, cumulative development within Downtown Fresno would not result in a conflict with an area currently zoned for forest land or timberland. Since Downtown Fresno as well as the project site does not have lands that are zoned for forest land or timberland, the implementation of Alternative 1 or 2 would result in no cumulative impact on lands that are zoned for forest land or timberland.

Loss or Conversion of Forest Land

d) Result in the loss of forest land or conversion of forest land to non-forest use?

Refer to Impact 3.2 c) above for a discussion of forest land.

Project Impacts

Alternative 1

No impact. As described in CEQA Checklist Question 3.2 c) above, the project site is not currently zoned for forest land and based on a site visit on April 3, 2013, there are no forest land or timberland that exist on the project site. Therefore, implementation of Alternative 1 would result in no impacts to forest land.

Alternative 2

No impact. The determination of no impacts to forest land as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. As described in CEQA Checklist Question 3.2 c) above for cumulative impacts, cumulative development within Downtown Fresno would not impact forest land. Since forest land would not be impacted by cumulative development as well as Alternative 1 or 2, the implementation of Alternatives 1 or 2 would result in no cumulative impact on forest land.

Conversion to Non-Agricultural or Non-Forest Use

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

Based on a site visit on April 3, 2013, the Fulton Mall does not contain existing farmland or forest land. Furthermore, there are no farmlands or forest land in the vicinity of Fulton Mall.

Project Impacts

Alternative 1

No impact. Since there are no existing farmlands or forest land within or in the vicinity of Fulton Mall, the implementation of Alternative 1 would not involve changes to existing farmland or forest land. Therefore, Alternative 1 would not impact existing farmland or forest land.

Alternative 2

No impact. The determination of no impact on existing farmland or forest land as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. The implementation of Alternatives 1 or 2 would not contribute to any conversion of agricultural land or forest land. Therefore, the implementation of Alternatives 1 or 2 would result in no cumulative impacts on agricultural land or forest land.

3.3 - Air Quality

An Air Quality Study was prepared by FirstCarbon Solutions for the proposed project. The following discussion is based on the Air Quality Study, which is provided in Appendix B of this Initial Study.

Physical Setting

The Project is located in the City of Fresno, in Fresno County, in the San Joaquin Valley Air Basin (Air Basin). The Air Basin consists of Kings Madera, San Joaquin, Merced, Stanislaus, and Fresno counties; as well as a portion of Kern County. The local agency with jurisdiction over air quality in the Basin is the San Joaquin Valley Air Pollution Control District (SJVAPCD). Regional and local air quality is impacted by topography, dominant airflows, atmospheric inversions, location, and season.

Regional Air Quality

The information in this section is primarily from the SJVAPCD's Guide for Assessing and Mitigating Air Quality Impacts and the accompanying Technical Document (San Joaquin Valley Air Pollution Control District 2002).

The Air Basin has an "inland Mediterranean" climate and is characterized by long, hot, dry summers and short, foggy winters. Sunlight can be a catalyst in the formation of some air pollutants (such as ozone); the Air Basin averages over 260 sunny days per year.

The Air Basin is generally shaped like a bowl. It is open in the north and is surrounded by mountain ranges on all other sides. The Sierra Nevada mountains are along the eastern boundary (8,000 to 14,000 feet in elevation), the Coast Ranges are along the western boundary (3,000 feet in elevation), and the Tehachapi Mountains are along the southern boundary (6,000 to 8,000 feet in elevation).

Dominant Airflow

Dominant airflows provide the driving mechanism for transport and dispersion of air pollution. The mountains surrounding the Air Basin form natural horizontal barriers to the dispersion of air contaminants. The wind generally flows south-southeast through the valley, through the Tehachapi Pass and into the Southeast Desert Air Basin portion of Kern County. As the wind moves through the Air Basin, it mixes with the air pollution generated locally, generally transporting air pollutants from the north to the south in the summer and in a reverse flow in the winter.

Inversions

Generally, the temperature of air decreases with height, creating a gradient from warmer air near the ground to cooler air at elevation. This gradient of cooler air over warm air is known as the environmental lapse rate. Inversions occur when warm air sits over cooler air, trapping the cooler air

near the ground. These inversions trap pollutants from dispersing vertically, and the mountains surrounding the San Joaquin Valley trap the pollutants from dispersing horizontally. Strong temperature inversions occur throughout the Air Basin in the summer, fall, and winter. Daytime temperature inversions occur at elevations of 2,000 to 2,500 feet above the San Joaquin Valley floor during the summer and at 500 to 1,000 feet during the winter.

The result is a relatively high concentration of air pollution in the valley during inversion episodes. These inversions cause haziness, which in addition to moisture may include suspended dust, a variety of chemical aerosols emitted from vehicles, particulates from wood stoves, and other pollutants. In the winter, these conditions can lead to CO “hot-spots” along heavily traveled roads and at busy intersections. During summer’s longer daylight hours, stagnant air, high temperatures, and plentiful sunshine provide the conditions and energy for the photochemical reaction between ROG and NO_x, which results in the formation of ozone.

Location and Season

Because of the prevailing daytime winds and time-delayed nature of ozone, concentrations are highest in the southern portion of the Air Basin, such as around Bakersfield. Summers are often periods of hazy visibility and occasionally unhealthy air, while winter air quality impacts tend to be localized and can consist of (but are not exclusive to) odors from agricultural operations; soot or smoke around residential, agricultural, and hazard-reduction wood burning; or dust near mineral resource recovery operations.

Emissions Inventory

Background

An emissions inventory is an account of the amount of air pollution generated by various emissions sources. To estimate the sources and quantities of pollution, ARB, in cooperation with local air districts, other government agencies, and industry, maintains an inventory of California emission sources. Sources are subdivided into the four major emission categories: mobile, stationary, area-wide, and natural sources.

Mobile sources include on-road sources and off-road mobile sources. The on-road emissions inventory, which includes automobiles, motorcycles, and trucks, is based on an estimation of population, activity, and emissions of the on-road motor vehicles used in California. The off-road emissions inventory is based on an estimate of the population, activity, and emissions of various off-road equipment, including recreational vehicles, farm and construction equipment, lawn and garden equipment, forklifts, locomotives, commercial marine ships, and marine pleasure craft.

Stationary sources are large, fixed sources of air pollution, such as power plants, refineries, and manufacturing facilities. Stationary sources also include aggregated point sources. These include many small point sources, or facilities, that are not inventoried individually but are estimated as a group and reported as a single-source category. Examples include gas stations and dry cleaners. Each of the local air districts estimates the emissions for the majority of stationary sources within its jurisdiction. Stationary source emissions are based on estimates made by facility operators and local air districts. Emissions from specific facilities can be identified by name and location.

Area-wide sources include source categories associated with human activity that take place over a wide geographic area. Emissions from area-wide sources may be either from small, individual sources, such as residential fireplaces, or from widely distributed sources that cannot be tied to a single location, such as consumer products, and dust from unpaved roads or farming operations (such as tilling).

Natural, or non-anthropogenic, sources include source categories with naturally occurring emissions such as geogenic (e.g., petroleum seeps), wildfires, and biogenic emissions from plants.

Emissions Inventory

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 (NO_x), and 21 percent of reactive organic gases (ROG). For PM₁₀ and PM_{2.5}, the majority of emissions are generated by area sources. Table 3 summarizes the estimated 2008 emissions for the main pollutants of concern in the area.

Table 3: 2008 Inventory Fresno County

Emission Category	Tons per Day				
	ROG	CO	NO _x	PM ₁₀	PM _{2.5}
Stationary Sources	16.7	8.9	16.6	4.2	2.9
Area-wide Sources	36.3	110.3	6.9	72.0	21.7
Mobile Sources	30.6	232.0	88.9	4.4	3.7
Natural Sources	63.9	14.6	0.5	1.5	1.3
Total	147.4	365.9	112.9	82.1	29.5

Source: ARB 2013.

Local Air Quality

Climate and Meteorology

The Fresno meteorological station is located in the Project vicinity. Weather data from this station shows an annual average temperatures in the area from an average monthly high of 98.3 degrees Fahrenheit (°F) in June to an average monthly low of 37.3 °F in December and January. The average annual rainfall in the Project area, as recorded between 1948 and 2013, is 10.89 inches (WRCC 2013).

Air Quality

The local air quality can be evaluated by reviewing relevant air pollution concentrations near the Project area. The SJVAPCD operates an air monitoring station on Drummond Street, located south of East Jenson Avenue Bypass between Maple Avenue and Chestnut Avenue, approximately 3.2 miles southeast of the Project. The Drummond Street ambient air monitoring station (Drummond Station) measures 1 hour and 8-hour ozone, daily PM₁₀, 8-hour CO, and 1-hour NO₂. As CO is a highly

localized pollutant, the data from the Drummond station would not be applicable to the Project area. The North 1st Street and Garland Avenue monitoring stations measure PM2.5 and are located approximately 3.5 miles northeast of the project site. The North 1st Street monitoring station was recently closed and replaced by the Garland Avenue monitoring station. Table 4 summarizes 2010 through 2010 published monitoring data from ARB's Aerometric Data Analysis and Management System (iADAM) for the Drummond Station, North 1st Station, and Garland Avenue Station. The PM2.5 measurements for 2010 and 2011 are from the North 1st Station, and the 2012 measurement is from the Garland Station.

Table 4: Air Quality Monitoring Summary

Air Pollutant	Averaging Time	Metric	Year		
			2010	2011	2012
Ozone	1 Hour	Max 1 Hour (ppm)	0.108	0.129	0.127
		Days > CAAQS (0.09 ppm)	5	27	9
	8 Hour	Max 8 Hour (ppm) ¹	0.092	0.105	0.108
		Days > CAAQS (0.07 ppm)	24	73	75
		Days > NAAQS (0.075 ppm)	13	52	46
Particulate matter (PM ₁₀)	24 Hour	Federal Annual Average (µg/m ³)	26.9	31.4	42.9
		Max 24 Hour (µg/m ³)	66.5	91.3	114.3
		Est. Days > CAAQS (50 µg/m ³)	*	72.0	*
		Est. Days > NAAQS (150 µg/m ³)	*	0.0	*
Fine particulate matter (PM _{2.5})	Annual	Annual Average (µg/m ³)	13.0	15.4	14.0
	24 Hour	Max 24 Hour (µg/m ³) ²	62.0	78.5	88.8
		Est. Days > National Standard (35 µg/m ³)	21.7	39.0	29.4
Carbon monoxide (CO)	8 Hour	Max 8 Hour (ppm)	1.45	1.73	*
		Days > State Standard (9.0 ppm)	0	0	0
		Days > National Standard (9 ppm)	0	0	0
Nitrogen dioxide (NO ₂)	Annual	Annual Average (ppm)	*	0.013	*
	1 Hour	Max 1 Hour (ppm)	0.062	0.069	*
		Days > State Standard (0.18 ppm)	0	0	0
Abbreviations: > = exceed ppm = parts per million µg/m ³ = micrograms per cubic meter * = Insufficient/No Data Max = maximum Est. = Estimated CAAQS = California ambient air quality standards NAAQS = National ambient air quality standards ¹ From the California Measurement ² Federal Annual Average Source: ARB 2013.					

Local Sources of Air Pollution

The adjacent land uses are dominated by commercial, retail development, and government facilities, which generate mobile and area source emissions. State Route 99 is located approximately 0.4 mile west of the Project's western terminus. State Route 41 is located approximately 0.3 mile south and southeast of the project's southern terminus.

Sensitive Receptors

Those individuals who are sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. The SJVAPCD considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. There are three apartment buildings in the vicinity of the project. The residential locations the Masten Towers, Hotel Californian, and the Pacific Southwest Building.

- **Masten Towers** is located at the northeast corner of Fresno Street and Broadway Street includes 200 units with one bedroom and studio apartments. Ten percent of the apartments (20 units) accommodate persons with physical disabilities (Masten Towers 2013).
- The **Hotel Californian** is at the southwest corner of Kern Street and Van Ness Avenue has 217 rooms. Currently, the building provides housing for low-income seniors (Balch 2013).
- The **Pacific Southwest Building** is located at the southeast corner of Mariposa Mall and Fulton Mall accommodates approximately 12 people in 8 units. Currently, the housing is provided to above moderate income persons. Residential units are located on the 10th floor and greater (Balch 2013).

Air Quality Plan

a) Conflict with or obstruct implementation of the applicable air quality plan?

Air pollutants are regulated at the national, State, and air basin level; each agency has a different degree of control. The United States Environmental Protection Agency (EPA) regulates at the national level. The California Air Resources Board (ARB) regulates at the state level. The San Joaquin Valley Air Pollution Control District (SJVAPCD) regulates at the regional level.

Criteria Pollutants

Federal and State

The EPA is responsible for global, international, national, and interstate air pollution issues and policies. The EPA sets national vehicle and stationary source emission standards, oversees approval of all State Implementation Plans (SIP), provides research and guidance for air pollution programs, and sets National Ambient Air Quality Standards (NAAQS), also known as federal standards. There are NAAQS for six common air pollutants, called criteria air pollutants, which were identified from provisions of the Clean Air Act (CAA) of 1970. The criteria pollutants are:

- Ozone
- Particulate matter (PM₁₀ and PM_{2.5})
- Nitrogen dioxide
- Carbon monoxide (CO)
- Lead
- Sulfur dioxide

The NAAQS were set to protect public health, including that of sensitive individuals; thus, the standards continue to change as more medical research is available regarding the health effects of the criteria pollutants.

The SIP for the State of California is administered by ARB, which has overall responsibility for statewide air quality maintenance and air pollution prevention. A SIP is prepared by each state describing existing air quality conditions and measures that will be followed to attain and maintain NAAQS. The SIP incorporates individual federal attainment plans for regional air districts. Federal attainment plans prepared by each air district are sent to ARB to be approved and incorporated into the California SIP. Federal attainment plans include the technical foundation for understanding air quality (e.g., emission inventories and air quality monitoring), control measures and strategies, and enforcement mechanisms.

ARB also administers California Ambient Air Quality Standards (CAAQS) for the ten air pollutants designated in the California Clean Air Act (CCAA). The ten state air pollutants are the six criteria pollutants listed above as well as visibility reducing particulates, hydrogen sulfide, sulfates, and vinyl chloride. The national and state ambient air quality standards are summarized in Table 5.

Table 5: National and California Ambient Air Quality Standards

Air Pollutant	Averaging Time	California Standard	National Standard
Ozone	1-hour	0.09 ppm	—
	8-hour	0.070 ppm	0.075 ppm
Particulate matter (PM ₁₀)	24-hour	50 µg/m ³	150 µg/m ³
	Mean	20 µg/m ³	—
Particulate matter (PM _{2.5})	24-hour	—	35 µg/m ³
	Mean	12 µg/m ³	15.0 µg/m ³
Carbon monoxide (CO)	1-hour	20 ppm	35 ppm
	8-hour	9.0 ppm	9 ppm
Nitrogen dioxide (NO ₂)	1-hour	0.18 ppm	0.100 ppm
	Mean	0.030 ppm	0.053 ppm
Sulfur dioxide (SO ₂)	1-hour	0.25 ppm	0.075 ppm
	24-hour	0.04 ppm	—
	3-hour		0.5 ppm

Table 5 (cont.): National and California Ambient Air Quality Standards

Air Pollutant	Averaging Time	California Standard	National Standard
Lead	30-day	1.5 µg/m ³	—
	Quarter	—	1.5 µg/m ³
	Rolling 3-month average	—	0.15 µg/m ³
Hydrogen sulfide	1-hour	0.03 ppm	—
Sulfates	24-hour	25 µg/m ³	—
Vinyl chloride ¹	24-hour	0.010 ppm	—
<p>Notes:</p> <p>¹ The ARB has identified vinyl chloride as toxic air contaminant (TAC) with no threshold level of exposure for adverse health effects. Therefore, the vinyl chloride the standard is not a threshold but is the minimum detectable limit. These actions allow for the implementation of control measures at levels below the ambient concentrations specified for these pollutants.</p> <p>Abbreviations: ppm = parts per million (concentration) µg/m³ = micrograms per cubic meter Mean = Annual Arithmetic Mean 30-day = 30-day average Quarter = Calendar year quarter Source: SJVAPCD, 2013.</p>			

The EPA and the ARB designate air basins where ambient air quality standards are exceeded as “nonattainment” areas. If standards are met, the area is designated as an “attainment” area. If there is inadequate or inconclusive data to make a definitive attainment designation, they are considered “unclassified.” Each standard has a different definition, or ‘form’ of what constitutes attainment, based on specific air quality statistics. For example, the Federal 8-hour CO standard is not to be exceeded more than once per year; therefore, an area is in attainment of the CO standard if no more than one 8-hour ambient air monitoring values exceeds the threshold per year. In contrast, the Federal annual PM_{2.5} standard is met if the three-year average of the annual average PM_{2.5} concentration is less than or equal to the standard.

In addition to attainment designations, the EPA and ARB further classify ozone and PM nonattainment areas based on the severity of the air pollution monitoring, based on the deviation from the respective standard. Federal ozone nonattainment areas are further designated as marginal, moderate, serious, severe, or extreme as a function of deviation from standards. Federal PM₁₀ areas are further classified as serious or moderate. ARB classifies 1-hour ozone nonattainment areas as marginal, moderate, serious, severe, or extreme.

California Regulations and Guidance

Caltrans

The California Department of Transportation (Caltrans) has prepared multiple guidance documents to assist in air quality and transportation conformity analyses. A primary source of guidance is the Standard Environmental Reference (SER), which is an on-line guidance document to assist state and location agency staff to plan, prepare, submit and evaluate environmental documents for

transportation projects. SER Chapter 11 contains specific guidance for air quality analysis, as well as references to state and federal analysis requirements and links to other resource documents.

Toxic Air Contaminant Regulations

ARB's Toxic Air Contaminant (TAC) program traces its beginning to the criteria pollutant program in the 1960s. For many years, the criteria pollutant control program has been effective at reducing TACs, since many volatile organic compounds and PM constituents are also TACs. During the 1980s, the public's concern over toxic chemicals heightened. As a result, citizens demanded protection and control over the release of toxic chemicals into the air. In response to public concerns, the California legislature enacted the Toxic Air Contaminant Identification and Control Act governing the release of TACs into the air. This law charges ARB with the responsibility for identifying substances as TACs, setting priorities for control, adopting control strategies, and promoting alternative processes. ARB has designated almost 200 compounds as TACs. Additionally, ARB has implemented control strategies for a number of compounds that pose high health risk and show potential for effective control.

In July 2001, ARB approved an Air Toxic Control Measure for construction, grading, quarrying and surface mining operations to minimize NOA emissions. The regulation requires application of best management practices to control fugitive dust in areas known to have NOA, as well as requiring notification to the local air district prior to commencement of ground-disturbing activities.

ARB approved a regulatory measure to reduce emissions of toxics and criteria pollutants by limiting idling of heavy-duty diesel vehicles. The driver of any vehicle subject to this section (1) shall not idle the vehicle's primary diesel engine for greater than 5 minutes at any location and (2) shall not idle a diesel-fueled auxiliary power system for more than 5 minutes to power a heater, air conditioner, or any ancillary equipment on the vehicle if it has a sleeper berth and the truck is located within 100 feet of a restricted area (homes and schools).

ARB's Land Use Handbook

ARB adopted the Air Quality and Land Use Handbook: A Community Health Perspective (Land Use Handbook) in 2005. The Land Use Handbook provides information and guidance on siting sensitive receptors in relation to sources of TACs. The sources of TACs identified in the Land Use Handbook are high-traffic freeways and roads, distribution centers, rail yards, ports, refineries, chrome plating facilities, dry cleaners, and large gasoline dispensing facilities. If a project involves siting a sensitive receptor or source of TAC discussed in the Land Use Handbook, siting mitigation may be added to avoid potential land use conflicts, thereby reducing the potential for health impacts to the sensitive receptors (ARB 2005). The Project would not construct a source of TACs or a location of sensitive receptors.

San Joaquin Valley Air Pollution Control District

The Project is within the San Joaquin Valley Air Basin, which is under the jurisdiction of the San Joaquin Valley Air District (SJVAPCD). The SJVAPCD is responsible for controlling emissions, primarily from stationary sources. The SJVAPCD maintains an air quality monitoring stations throughout Fresno County. The SJVAPCD, in coordination with the Council of Governments and Association of Governments (including Fresno COG), is also responsible for developing, updating, and

implementing the Air Quality Attainment Plan for the area. In 2002, the SJVAPCD adopted the Guide for Assessing and Mitigating Air Quality Impacts, which details the recommended environmental setting, impacts discussions, and significance thresholds to be applied to projects in the SJVAB.

Attainment Status

The current attainment designations for the SJVAB are shown in Table 6. The area is designated as nonattainment for the California and federal ozone standards, and the California PM₁₀ standard.

Table 6: San Joaquin Valley Air Basin Attainment Status

Pollutant	California Status	Federal Status
Ozone	Nonattainment	Nonattainment
PM ₁₀	Nonattainment	Attainment/Maintenance
PM _{2.5}	Nonattainment	Nonattainment
Carbon Monoxide	Attainment/Unclassified	Attainment/Attainment/Maintenance
Nitrogen Dioxide	Attainment/Unclassified	Attainment/Unclassified
Sulfur Dioxide	Attainment/Unclassified	Attainment/Unclassified
Source: SJVAPCD 2013		

Air Quality Attainment Plans

Ozone Plans

As an extreme nonattainment area for the 1-hour ozone national standard, the SJVAPCD adopted the Extreme Ozone Attainment Demonstration Plan in 2004. On March 8, 2010, the EPA approved the Extreme Ozone Attainment Demonstration Plan for 1-hour ozone. Although effective June 15, 2005, the EPA revoked the 1-hour standard, the control requirements remain in effect to ensure progress toward meeting the new, more stringent 8-hour ozone standard that has replaced the 1-hour standard. The Plan contains commitments to reduce a precursor of ozone, NO_x, including NO_x reductions from indirect sources.

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. The 2007 Ozone Plan calls for a 75-percent reduction of NO_x and a 25-percent reduction of ROG. The plan, with a “dual path” strategy, demonstrates attainment of the federal 8-hour ozone standard. The SJVAPCD Governing Board adopted the 2007 Ozone Plan on April 30, 2007. The ARB approved the plan on June 14, 2007.

Particulate Matter Plans

The SJVAPCD adopted the 2007 PM₁₀ Maintenance Plan in September 2007 to assure the San Joaquin Valley’s continued attainment of the EPA’s PM₁₀ standard. The EPA designated the valley as an attainment/maintenance area for PM₁₀.

The 2008 PM_{2.5} Plan builds upon the strategy adopted in the 2007 Ozone Plan to bring the Basin into attainment of the 1997 national standards for PM_{2.5}. The EPA has identified NO_x and sulfur dioxide as precursors that must be addressed in air quality plans for the 1997 PM_{2.5} standards. The 2008 PM_{2.5} Plan is a continuation of the SJVAPCD's strategy to improve the air quality in the Basin. The SJVAPCD adopted the 2012 PM_{2.5} Plan in December 2012. This plan addresses EPA's most recent 24-hour PM_{2.5} standard of 35 µg/m³.

Rules and Regulations

The SJVAPCD administers rules and regulations to obtain and maintain attainment of the State and federal air quality standards. The rules and regulations that apply to this Project include, but are not limited to, the following:

- Rule 4002 - National Emission Standards for Hazardous Air Pollutants.
- Rule 4102 - Nuisance. The purpose of this rule is to protect the health and safety of the public, and applies to any source operation that emits or may emit air contaminants or other materials.
- Rule 4641 - Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations. The purpose of this rule is to limit ROG emissions from asphalt paving and maintenance operations. If asphalt paving will be used, then the paving operations will be subject to Rule 4641.
- Regulation VIII - Fugitive PM₁₀ Prohibitions. Rules 8011-8081 are designed to reduce PM₁₀ emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, bulk materials storage, paved and unpaved roads, carryout and trackout, etc.
- Rule 9120 Transportation Conformity. This rule incorporates the requirements of the federal Transportation Conformity Rule into the SJVAPCD's rulebook.

Rule 9510 (ISR)

Rule 9510 - Indirect Source Review (ISR) reduces the impact of oxides of nitrogen (NO_x) and PM₁₀ emissions from growth in the Air Basin. A master Air Impact Assessment application must be submitted to begin rule compliance.

Compliance with Rule 9510 reduces the emissions impact of the project land uses through incorporation of onsite measures as well as payment of an offsite fee that funds emission reduction projects in the Air Basin. The emissions analysis for Rule 9510 is highly detailed and is dependent on the exact use design that is expected to be constructed or installed. The required amounts of emission reductions required by Rule 9510 for transportation projects that exceed 2 tons per year of NO_x or PM₁₀ emissions during construction are as follows:

Construction Exhaust: 20 percent of the total NO_x emissions, and
45 percent of the total PM₁₀ emissions.

Fresno Council of Governments

Fresno Council of Governments (Fresno COG) is the Metropolitan Planning Organization (MPO) for Fresno County, and is a voluntary association of local governments consisting of:

- 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

As the designated MPO, Fresno COG is mandated by the federal government to research and draw up plans for transportation, growth management, hazardous waste management, and air quality. Additional mandates exist at the state level.

Regional Transportation Plan (RTP)

Transportation control measures provided by Fresno COG include those contained in the Regional Transportation Plans (RTP), the most current version of which is the 2011 RTP. The 2011 RTP has control measures to reduce emissions from on-road sources by incorporating strategies such as high occupancy vehicle interventions, transit, and information-based technology interventions. The measures implemented by ARB and Fresno COG affect the Project indirectly by regulating the vehicles that the residents may use and regulating public transportation.

The project is included in the 2011 RTP through 2011 RTP Amendment #2 as Project ID FRE500768. Excerpts from the 2011 RTP Amendment #2 with the project information is provided in Appendix A.

Fresno COG is currently circulating the 2014 RTP for informal and early public review and comment. The 2014 RTP, also called the Regional Transportation Plan 2040, charts a 25-year course to the year 2040. The 2014 RTP addresses greenhouse gas emission reductions and other air emissions with a goal of sustainable planning.

Federal Transportation Improvement Plan

The FTIP is a compilation of project lists from the State Transportation Improvement Program (STIP), urbanized and non-urbanized areas, and other programs using federal funding. The 2013 FTIP is composed of two parts. The first is a priority list of projects and project segments to be carried out in a four-year period. The second is a financial plan that demonstrates how the TIP can be implemented. The project was included in the 2013 FTIP Appendix F, Regional Transportation Plan Project Listing 2011 through 2035, as RTP ID FRE500768. The project was also included in 2013 FTIP Amendment #1, dated August 2012, as Project ID FRE130069. Excerpts from the 2013 FTIP and 2013 FTIP Amendment #1 with the project information is provided in Appendix A.

Federal Statewide Transportation Improvement Plan

The Federal Statewide Transportation Improvements Plan (FSTIP) covers a four-year period from 2012/2013 through 2015/2016, which includes the listings of proposed transportation projects in the rural non MPO areas of the state, and incorporates by reference projects listed in the MPO's 2013 FTIPs. Fresno COG submitted their board-approved 2013 FTIP to Caltrans, including 2013 FTIP Amendment #1 made August 2012. The FSTIP was transmitted from Caltrans to FHWA on November 5, 2012.

Transportation Conformity

The FHWA and FTA completed review of the conformity determination for the 2011 RTP and found that the document conforms to the applicable state implementation plan in accordance with the provisions of 40 CFR Parts 51 and 93. The FHWA and FTA issued the determination on December 14, 2010. The FHWA and FTA issued a determination of conformity for the 2011 RTP Amendment #2 on December 14, 2012. The transportation conformity determinations are provided in Appendix A.

The FHWA and FTA completed review of California's 2013 FSTIP, and approved the document as proposed. The FHWA and FTA determined the 2013 FSTIP conforms to the SIP on December 14, 2012. The 2013 FSTIP incorporated by reference those projects included in the 2012/2013 Federal Transportation Improvement Programs (FTIP) adopted by the MPOs in California. This conformity determination includes Fresno COG 2013 FTIP Amendment #1, which lists the project

Pollutants of Concern

As described above, the Project area is designated nonattainment for the federal and State ozone and PM_{2.5} standards. Because the area exceeds these health-based ambient air quality standards, ozone is the main criteria pollutants of concern for the Project area. The Project area is in attainment/maintenance of the federal PM₁₀ standards, but is nonattainment for the state's PM₁₀ standard. In addition, asbestos and MSAT are generally a concern for construction projects. Other pollutants of concern are TACs and greenhouse gases.

The Project, as a 0.74-mile road reconstruction project, is not considered a source of potentially significant quantities of nitrogen dioxide, sulfur dioxide, lead, hydrogen sulfide, sulfates, or vinyl chloride; therefore, those pollutants are not included as "pollutants of concern" for the Project and are not included in the impact analysis.

The emissions sources and potential health effects of the pollutants of concern are described below. The discussions of properties and health effects below are based on sources including the Environmental Protection Agency and the California Air Resources Board.

Ozone

Ozone is not emitted directly into the air, but is a regional pollutant formed by a photochemical reaction in the atmosphere. Ozone precursors, which include reactive organic gases (ROG) and NO_x, react in the atmosphere in the presence of sunlight to form ozone. Because photochemical reaction rates depend on the intensity of ultraviolet light and air temperature, ozone is primarily a summer air pollution problem. Often, the effects of emitted ROG and NO_x are felt a distance downwind of the emission sources. Ozone is subsequently considered a regional pollutant. Ground-level ozone is

a respiratory irritant and an oxidant that increases susceptibility to respiratory infections and can cause substantial damage to vegetation and other materials.

Ozone can irritate lung airways and cause inflammation much like sunburn. Other symptoms include wheezing, coughing, pain when taking a deep breath, and breathing difficulties during exercise or outdoor activities. People with respiratory problems are most vulnerable, but even healthy people who are active outdoors can be affected when ozone levels are high. Chronic ozone exposure can induce morphological (tissue) changes throughout the respiratory tract, particularly at the junction of the conducting airways and the gas exchange zone in the deep lung. Anyone who spends time outdoors in the summer is at risk, particularly children and other people who are more active outdoors. Even at very low levels, ground-level ozone triggers a variety of health problems, including aggravated asthma, reduced lung capacity, and increased susceptibility to such respiratory illnesses as pneumonia and bronchitis.

Ozone also damages vegetation and ecosystems. It leads to reduced agricultural crop and commercial forest yields; reduced growth and survivability of tree seedlings; and increased susceptibility to diseases, pests, and other stresses such as harsh weather. In addition, ozone causes damage to buildings, rubber, and some plastics.

Nitrogen Oxides

During combustion of fossil fuels, oxygen reacts with nitrogen to produce nitrogen oxides or NO_x . This occurs primarily in motor vehicle internal combustion engines and fossil fuel-fired electric utility facilities and industrial boilers. The pollutant NO_x is a concern because it is an ozone precursor, which means that it helps form ozone. When NO_x and ROG are released in the atmosphere, they can chemically react with one another in the presence of sunlight and heat to form ozone. NO_x can also be a precursor to PM_{10} and $\text{PM}_{2.5}$.

Because NO_x and ROG are ozone precursors, the health effects associated with ozone (as discussed above) are also indirect health effects associated with significant levels of NO_x and ROG emissions.

Reactive Organic Gases and Volatile Organic Compounds

ROG, also known as volatile organic compounds (VOC) are defined as any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participate in atmospheric photochemical reactions. ROG consist of nonmethane hydrocarbons and oxygenated hydrocarbons. Hydrocarbons are organic compounds that contain only hydrogen and carbon atoms. Nonmethane hydrocarbons are hydrocarbons that do not contain the unreactive hydrocarbon methane. Oxygenated hydrocarbons are hydrocarbons with oxygenated functional groups attached.

There are no state or national ambient air quality standards for ROG because they are not classified as criteria pollutants. They are regulated, however, because a reduction in ROG emissions reduces certain chemical reactions that contribute to the formulation of ozone. ROG also are transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} levels and lower visibility.

Particulate Matter (PM₁₀ and PM_{2.5})

PM is the term for a mixture of solid particles and liquid droplets found in the air. Some particles, such as dust, dirt, soot, or smoke, are large or dark enough to be seen with the naked eye. Others are so small they can only be detected using an electron microscope.

Particle pollution includes “inhalable coarse particles,” with diameters larger than 2.5 micrometers and smaller than 10 micrometers and “fine particles,” with diameters that are 2.5 micrometers and smaller. For reference, PM_{2.5} is approximately one-thirtieth the size of the average human hair.

These particles come in many sizes and shapes and can be made up of hundreds of different chemicals. Some particles, known as primary particles, are emitted directly from a source, such as construction sites, unpaved roads, fields, smokestacks, or fires. Others form in complicated reactions in the atmosphere from chemicals such as sulfur dioxides and nitrogen oxides that are emitted from power plants, industrial activity, and automobiles. These particles, known as secondary particles, make up most of the fine particle pollution in the United States.

Particle exposure can lead to a variety of health effects. For example, numerous studies link particle levels to increased hospital admissions and emergency room visits—and even to death from heart or lung diseases. Both long- and short-term particle exposures have been linked to health problems. Long-term exposures, such as those experienced by people living for many years in areas with high particle levels, have been associated with problems such as reduced lung function, the development of chronic bronchitis, and even premature death. Short-term exposures to particles (hours or days) can aggravate lung disease, causing asthma attacks and acute bronchitis, and may increase susceptibility to respiratory infections. In people with heart disease, short-term exposures have been linked to heart attacks and arrhythmias. Healthy children and adults have not been reported to suffer serious effects from short-term exposures, although they may experience temporary minor irritation when particle levels are elevated.

Carbon Monoxide

CO is a colorless, odorless gas that is formed when carbon in fuel is not burned completely. It is a component of motor vehicle exhaust, which contributes about 56 percent of all CO emissions nationwide. Higher levels of CO generally occur in areas with heavy traffic congestion.

CO is a public health concern because it combines readily with hemoglobin, reducing the amount of oxygen transported in the bloodstream. High levels of CO can affect even healthy people. At extremely high levels, CO is poisonous and can cause death.

Motor vehicles are the dominant source of CO emissions in most areas. CO is described as having only a local influence because it dissipates quickly. High CO levels develop primarily during winter, when periods of light winds combine with the formation of ground-level temperature inversions (typically from the evening through early morning). These conditions result in reduced dispersion of vehicle emissions. Because CO is a product of incomplete combustion, motor vehicles exhibit increased CO emission rates at low air temperatures. High CO concentrations occur in areas of limited geographic size, sometimes referred to as hot spots.

Toxic Air Contaminants

In addition to the above-listed criteria pollutants, toxic air contaminants (TACs), also known as hazardous air pollutants, are another group of pollutants of concern. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. In general, for those TACs that may cause cancer, there is no concentration that does not present some risk. In other words, there is no threshold level below which adverse health impacts are not expected to occur. This contrasts with the criteria pollutants for which acceptable levels of exposure can be determined and for which the state and federal governments have set ambient air quality standards.

According to the California Almanac of Emissions and Air Quality, the majority of the estimated health risk from TACs can be attributed to relatively few compounds, the most important being diesel particulate matter (DPM) from diesel-fueled engines (ARB 2009). Asbestos is a concern for construction projects. However, City of Fresno does not contain known potential for naturally occurring asbestos (NOA). Therefore, NOA is not a concern for the Project, and is not discussed in this section.

Mobile Source Air Toxics

MSAT are a subset of the 188 air toxics defined by the CAA. The MSATs are compounds emitted from highway vehicles and non-road equipment. Of the 21 identified MSAT compounds, the EPA has listed seven as "priority" MSATs: benzene, formaldehyde, DPM/diesel exhaust organic gases, acrolein, 1,3-butadiene, naphthalene, and polycyclic organic matter.

Diesel Particulate Matter

The ARB identified the PM emissions from diesel-fueled engines as a TAC in August 1998 under California's TAC program. The State of California, after a 10-year research program, determined in 1998 that DPM from diesel-fueled engines is a human carcinogen and that chronic (long-term) inhalation exposure to DPM poses a chronic (long-term) health risk. The California Office of Environmental Health Hazard Assessment recommends using a 70-year exposure duration for determining residential cancer risks. DPM is emitted from both mobile and stationary sources. In California, on-road diesel-fueled vehicles contribute approximately 40 percent of the statewide total, with an additional 57 percent attributed to other mobile sources such as construction and mining equipment, agricultural equipment, and transport refrigeration units.

Project Impacts

Alternative 1

Less than significant impact. The SJVAPCD specifies that a project is conforming to the applicable attainment or maintenance plan if it:

1. Complies with all applicable SJVAPCD rules and regulations,
2. Complies with all applicable control measures from the applicable plans, and
3. Is consistent with the growth forecast in the applicable plans.

Following is a discussion of each of the three criteria.

Under the first criterion, a project needs to comply with all applicable SJVAPCD rules and regulations. Compliance with adopted SJVAPCD rules and regulations is a requirement under the law, and therefore, the implementation of Alternative 1 will comply with all adopted SJVAPCD rules and regulations. The applicable rules and regulations are described above. Alternative 1 would comply with the first criterion.

The second criterion states that a project must comply with all applicable control measures from the applicable SJVAPCD attainment plans. These attainment plans include the 2004 Extreme Ozone Attainment Demonstration Plan, 2007 Ozone Plan, 2007 PM₁₀ Maintenance Plan, and 2008 PM_{2.5} Plan, and 2012 PM_{2.5} Plan. A discussion of each plan is provided below.

The 2004 Extreme Ozone Attainment Demonstration Plan includes control measures to reduce a precursor of ozone, NO_x, including NO_x reductions from indirect sources.

The 2007 Ozone Plan contains measures to reduce ozone and particulate matter precursor emissions to bring the Air Basin into attainment with the federal 8-hour ozone standard.

The 2007 PM₁₀ Maintenance Plan ensures the San Joaquin Valley's will continue to attain the EPA's PM₁₀ standard.

The 2008 PM_{2.5} Plan builds upon the strategy adopted in the 2007 Ozone Plan to bring the Air Basin into attainment of the 1997 national standards for PM_{2.5}. This Plan is a continuation of the SJVAPCD's strategy to improve the air quality in the Air Basin.

The 2012 PM_{2.5} Plan addresses EPA's most recent 24-hour standard of 35 ug/m³.

The applicable control measures have been adopted as SJVAPCD rules and regulations. Therefore, implementation of Alternative 1 will comply with all adopted SJVAPCD rules and regulations and thus will the applicable control measures. Alternative 1 would comply with the second criterion.

Finally, the Project is consistent with the growth forecast in the San Joaquin Valley Air Quality Attainment Plan. The proposal for Fulton Mall to reintroduce two-way, two-lane street within Fulton Mall and designate the streets as collector streets has been included in the approved 2011 RTP Amendment #2 as Project ID FRE500768. The 2011 RTP has control measures to reduce emissions from on-road sources by incorporating strategies such as high occupancy vehicle interventions, transit, and information-based technology interventions. These measures that have been implemented by the California Air Resources Board and Fresno COG affect Alternative 1 indirectly by regulating the vehicles that the residents and patrons may use and regulating public transportation. The control measures would not directly apply to the construction and operation of Alternative 1. Since the Reconstruction of Fulton Mall, including Alternative 1, is included in the approved RTP, Alternative 1 is consistent with the growth forecast for the region. Furthermore, the implementation of Alternative 1 would not propose any additional traffic generating land uses. Alternative 1 would result in the re-distribution of existing traffic volumes in the vicinity of Fulton Mall, but the project will not directly increase traffic volumes. Alternative 1 would comply with the third criterion.

Alternative 2

Less than significant impact. The determination of less than significant impact on conflicting with the applicable air quality plan as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. As identified above, the SJVAPCD prepared attainment and maintenance plans to bring the Air Basin into attainment with the ambient air quality standards. As cumulative development occurs throughout Downtown Fresno, each development will be required to comply with the SJVAPCD rules and regulations. Furthermore, each development will be required to be consistent with the growth forecasted and accounted for in the SJVAPCD attainment and maintenance plans. As stated above, the implementation of Alternatives 1 or 2 will conform to the applicable attainment and maintenance plans. Cumulatively, Alternatives 1 or 2 in conjunction with cumulative development within Downtown Fresno is expected to result in less than significant cumulative impacts on the applicable air quality plan. Furthermore, development of Alternative 1 or 2 would contribute less than cumulatively significant impacts on the applicable air quality plan.

Air Quality Standards/Violations

- b) **Violate any air quality standard or contribute substantially to an existing or projected air quality violation?**

Project Impacts

Alternative 1

Less than significant impact. Since criteria pollutants are pollutants with ambient air quality standards, analysis within this section is related to construction and operational criteria pollutant impacts.

Construction Pollutants
Thresholds

The San Joaquin Valley Air Pollution Control (SJVAPCD) provides recommended significance thresholds in their Guide for Assessing and Mitigating Air Quality Impacts (GAMAQI). The SJVAPCD’s thresholds are provided in Table 7. The SJVAPCD’s thresholds are utilized for the majority of CEQA impact analysis, as requested by the CEQA Lead Agency.

Table 7: Significant Emissions Thresholds

Pollutant	Annual Threshold (tons)
Oxides of nitrogen (NO _x)	10
Reactive organic gases (ROG)	10
Particulate matter (PM ₁₀)	15
Particulate matter (PM _{2.5})	15
Source: SJVAPCD 2002	

Construction Emissions

Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of activity, and the prevailing weather conditions. The methodology developed for the purposes of this quantitative air quality analysis was based on information available at the time of analysis; actual equipment and activity intensity at the time of construction may vary from those analyzed in this document. However, it is anticipated that the level of activity analyzed is representative of activities that will occur during construction. The main sources of air pollutants associated with the Project include off-road construction equipment exhaust, worker trips, and fugitive PM₁₀ and PM_{2.5} emissions. The annual emissions for project demolition activity were estimated using CalEEMod. The annual emissions for project construction were estimated using the Roadway Construction Emissions Model, version 7, developed by Sacramento Metropolitan Air Quality Management District. The assumed construction phase durations are shown in Table 8 and Table 9.

Table 8: Construction Duration - Fulton Mall

Phase	Duration		
	Weeks	Working Days	Months
Demolition	3 weeks	15 days	0.75 months
Soil Excavation and Export	6 weeks	30 days	1.5 months
Storm Drain Replacement	12 weeks	60 days	3 months
Curb and Gutter	6 weeks	30 days	1.5 months
Asphalt and Rock	6 weeks	30 days	1.5 months
Sidewalk	12 weeks	60 days	3 months

Table 9: Construction Duration - Cross Malls

Phase	Duration		
	Weeks	Working Days	Months
Demolition	2 weeks	10 days	0.5 months
Soil Excavation and Export	3.75 weeks	19 days	0.94 months
Storm Drain Replacement	6 weeks	30 days	1.5 months
Curb and Gutter	3 weeks	15 days	0.75 months
Asphalt and Rock	3 weeks	15 days	0.75 months
Sidewalk	5 weeks	25 days	1.25 months

Based on the following roadway widths and lengths to be improved and the Project layout, the emissions analysis assumed the following construction activity:

Fulton Street

- Approximately 2,747 feet of length (0.52 mile) would be paved,
- Approximately 5.0 acres would be disturbed during the course of the Fulton Street construction,
- A maximum of 0.1 acre would be disturbed on any one day,
- Project construction would begin in 2014,
- Demolition would result in 6,867 tons of material removed; 18 tons per truck, 382 one-way trips for materials hauling; average 8-miles per one-way trip for a total of 6,112 truck trip miles
- Soils Excavation
 - Option 1 soils excavation would result in 4,477 cubic yards (cyd) of materials; 16 cyd per truck at 8 miles per one-way trip for a total of 4,480 soils hauling truck miles.
 - Option 2 soils excavation would result in 4,070 cyd of materials; 16 cyd per truck at 8 miles per one-way trip for a total of 4,070 soils hauling truck miles.
- Storm Drain replacement would result in 2,440 cyd of onsite materials movement with no export or import,
- Curb and Gutter would result in 286 cyd of soils removal, at 8 cyd per truck and 8 miles per one-way trip for a total of 288 on-road hauling miles,
- Asphalt and Rock
- Rock
 - Option 1 asphalt and rock would result in emplacement of 3,000 cyd (5,264 tons) of rock; 20 tons per truck at 8 miles per one-way trip for 4,208 miles of rock hauling trips.
 - Option 2 asphalt and rock would result in emplacement of 2,727 cyd (4,785 tons) of rock; 20 tons per truck at 8 miles per one-way trip for 3,840 miles of rock hauling trips.
- Asphalt
 - Option 1 asphalt and rock would result in emplacement of 1,522 cyd (2,979 tons) of asphalt; 22 tons per truck at 8 miles per one-way trip for 2,160 miles of asphalt hauling trips.
 - Option 2 asphalt and rock would result in emplacement of 1,384 cyd (2,708 tons) of asphalt; 22 tons per truck at 8 miles per one-way trip for 1,968 miles of asphalt hauling trips.
- Sidewalks
 - Option 1 sidewalks would result in 1,394 cyd of concrete emplacement; 8 cyd per truck at 8 miles per one-way trip for a total of 2,784 concrete hauling truck miles.
 - Option 2 sidewalks would result in 1,549 cyd of concrete emplacement; 8 cyd per truck at 8 miles per one-way trip for a total of 3,104 concrete hauling truck miles.
 - Cross Malls
- Approximately 1,410 feet of length (0.27 mile) would be paved,

- Approximately 2.6 acres would be disturbed during the course of the Cross Malls street construction,
- A maximum of 0.1 acre would be disturbed on any one day,
- Project construction would begin in 2014,
- Demolition
 - Mariposa Mall demolition would result in 25,335 cubic 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.
 - Kern and Merced Malls demolition would result in 47,004 cubic yards (3,525 tons) of materials removed; 18 tons per truck at 8 miles per one-way trip for a total of 3,136 materials hauling truck miles.
- Soils Excavation
 - Mariposa Mall soils excavation would result in 1,239 cubic yards (cyd) of materials; 16 cyd per truck at 8 miles per one-way trip for a total of 1,232 soils hauling truck miles.
 - Kern and Merced Streets soils excavation would result in 991 cubic yards (cyd) of materials; 16 cyd per truck at 8 miles per one-way trip for a total of 992 soils hauling truck miles.
- Storm Drain replacement would result in 1,253 cyd of onsite materials movement with no export or import,
- Curb and Gutter would result in 141 cyd of soils removal, at 8 cyd per truck and 8 miles per one-way trip for a total of 144 on-road hauling miles,
- Asphalt and Rock
- Rock
 - Mariposa Mall asphalt and rock would result in emplacement of 830 cyd (1,456 tons) of rock; 20 tons per truck at 8 miles per one-way trip for 1,168 miles of rock hauling trips.
 - Kern and Merced Streets asphalt and rock would result in emplacement of 664 cyd (1,166 tons) of rock; 20 tons per truck at 8 miles per one-way trip for 944 miles of rock hauling trips.
- Asphalt
 - Mariposa Mall asphalt and rock would result in emplacement of 421 cyd (824 tons) of asphalt; 22 tons per truck at 8 miles per one-way trip for 592 miles of asphalt hauling trips.
 - Kern and Merced Streets asphalt and rock would result in emplacement of 337 cyd (660 tons) of asphalt; 22 tons per truck at 8 miles per one-way trip for 480 miles of asphalt hauling trips.
- Sidewalks would result in 918 cyd of concrete emplacement; 8 cyd per truck at 8 miles per one-way trip for a total of 1,840 concrete hauling truck miles.

Demolition activity was estimated using CalEEMod. For the purposes of modeling the on-road hauling emission for soils export, rock import, asphalt import, and concrete export, for the non-demolition phases in the Roadway Construction Emissions Model, a summary of hauling miles was

prepared. Summaries of hauling miles for Fulton Mall Alternative 1 and the Cross Malls construction are provided in Table 10 and Table 11, respectively. The CalEEMod and Roadway Construction Emissions Model output is provided in Appendix B.

Table 10: Hauling Miles- Fulton Mall Alternative

Phase	Hauling Parameter		
	Round Trip Length (Miles)	Total Round Trips	Total Miles
Soil Excavation and Export	16	280	4,480
Curb and Gutter	16	18	288
Rock	16	263	4,208
Asphalt	16	135	2,160
Sidewalk	16	174	2,784
Total	—	870	13,920

Table 11: Hauling Miles - Cross Malls

Phase	Hauling Parameter		
	Round Trip Length (Miles)	Total Round Trips	Total Miles
Soil Excavation and Export - Mariposa	16	77	1,232
Soil Excavation and Export - Kern and Merced	16	62	992
Curb and Gutter	16	9	144
Rock - Mariposa	16	73	1,168
Rock - Kern and Merced	16	59	944
Asphalt - Mariposa	16	37	592
Asphalt - Kern and Merced	16	30	480
Sidewalks	16	155	1,840
Total	—	462	7,392

Results

The Project’s construction emissions (equipment exhaust and dust generation) during construction are compared with the SJVAPCD’s significance thresholds and are summarized in Table 12. As shown in Table 12, unmitigated emissions during construction do not exceed the daily or annual significance thresholds.

Table 12: Annual Construction Emissions (Alternative 1)

Activity	Emissions (tons per day)			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Fulton Mall Demolition	0.07	0.57	0.15	0.04
Fulton Mall Soils Excavation, Storm Drain Replacement Curb and Gutter, Rock and Asphalt, Sidewalks	0.60	5.30	0.40	0.30
Subtotal Fulton Mall	0.67	5.87	0.55	0.34
Cross Malls Demolition	0.05	0.39	0.10	0.03
Cross Malls Soils Excavation, Storm Drain Replacement Curb and Gutter, Rock and Asphalt, Sidewalks	0.30	2.70	0.20	0.10
Subtotal Cross Mall	0.35	3.09	0.30	0.13
Total Project Construction	1.02	8.96	0.85	0.47
SJVAPCD Threshold	10	10	10	15
Exceed Threshold?	No	No	No	No
Source: MBA 2013, Appendix DE				

Operational Pollutants

Operational Carbon Monoxide Hotspots

Alternative 1 may be considered significant if a CO hot spot intersection analysis determines that CO concentrations generated either directly or indirectly by the project cause a localized violation of the State CO 1-hour standard of 20 ppm, State CO 8-hour standard of 9 ppm, federal CO 1-hour standard of 35 ppm, or federal CO 8-hour standard of 9 ppm.

Localized high levels of carbon monoxide (CO hot spot) are associated with traffic congestion and idling or slow moving vehicles. To provide a worst-case scenario, CO concentrations are estimated at project-impacted intersections, where the concentrations would be the greatest.

Using the CALINE4 model, potential CO hot spots were analyzed at the intersections provided in Table 13. The intersections were chosen because they projected to operate at LOS E or worse prior to any potential mitigation. There are several inputs to the CALINE4 model. One input is the traffic volumes, which is from the project-specific traffic report. The traffic volumes with the project, which includes Alternative 1, were used for the buildout scenario as well as emission factors generated using the EMFAC2007 model for the year 2015 and 2035.

As shown in Table 13, the estimated 1-hour and 8-hour average CO concentrations at intersections that would operate at LOS E or F under Baseline Plus Project and Cumulative Plus Project Conditions in combination with background concentrations are below the state and federal standards. Therefore, there are no CO hot spots anticipated from the reassigned project and cumulative traffic emissions.

Table 13: Localized Carbon Monoxide Concentrations

Intersection	Peak Hour	Estimated CO Concentration (ppm)		Significant Impact?
		1 Hour	8 Hour	
9) Fresno Street/Van Ness Avenue, Baseline Plus Project Conditions	PM	3.0	2.1	No
16) Ventura Avenue /H Street, Cumulative Plus Project Conditions	PM	2.8	1.9	No

Notes:
 The 1-hour concentration is the CALINE4 output (see Appendix C D for model output) plus the 1-hour background concentration of 2.47 ppm (Calculated by dividing the 8-hour measurement from Table 3 by the persistence factor of 0.7).
 The 8 hour project increment was calculated by multiplying the 1 hour CALINE4 output by 0.7 (persistence factor), then adding the 8 hour background concentration of 1.73 ppm (from Table 3).
 A significant impact would occur if the estimated CO concentration is over the 1-hour state standard of 20 ppm or the 8-hour state/federal standard of 9 ppm.

Operational conditions under Alternative 1 would result in less than significant concentrations of carbon monoxide.

Mitigation Measures

Construction and operational emissions associated with the implementation of Alternative 1 would result in less than significant impacts to air quality in relation to criteria pollutants. The following mitigation measures are recommended to ensure air emissions are minimized.

Construction Fugitive Dust

MM AIR-1 During construction, in addition to San Joaquin Valley Air Pollution Control District Regulation VIII requirements for dust control, the project shall also implement the following additional dust control measures:

- Limit traffic speeds on unpaved roads to 15 mph;
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Install wheel washers for all exiting trucks, or wash off all trucks and equipment leaving the site;
- Install wind breaks at windward sides(s) of construction areas; and
- Suspend excavation and grading activity when winds exceed 20 mph. Regardless of wind speed, an owner/operator must comply with Regulation VIII’s 20 percent opacity limitation.

- Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The San Joaquin Valley Air Pollution Control District's phone number shall also be visible to ensure compliance with applicable regulations.

Construction Equipment Exhaust

MM AIR-2 During construction, the project shall also implement the following additional construction equipment exhaust control measures:

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.
 - The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent PM₁₀ reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after-treatment products, add-on devices such as particulate filters, and/or other options as such become available.

Alternative 2

Less than significant impact. The determination of less than significant impact to air quality in relation to criteria pollutants as described above for Alternative 1 would be the same for Alternative 2. Following is an analysis of the construction emissions associated with Alternative 2. Operational emissions for Alternative 2 would be the same as Alternative 1.

Demolition activity for Alternative 2 was estimated using CalEEMod. For the purposes of modeling the on-road hauling emission for soils export, rock import, asphalt import, and concrete export, for the non-demolition phases in the Roadway Construction Emissions Model, a summary of hauling miles was prepared. A summary of hauling miles for Fulton Mall Alternative 2 is provided in Table 14. Hauling parameters for the Cross Malls under Alternative 2 would be the same as identified for Alternative 1, above. The CalEEMod and Roadway Construction Emissions Model output is provided in Appendix B.

Table 14: Hauling Miles- Fulton Mall Alternative 2

Phase	Hauling Parameter		
	Round Trip Length (Miles)	Total Round Trips	Total Miles
Soil Excavation and Export	16	254	4,070
Curb and Gutter	16	18	288
Rock	16	240	3,840
Asphalt	16	123	1,968
Sidewalk	16	196	3,140
Total	—	832	13,306

Results

The Project’s construction emissions (equipment exhaust and dust generation) during construction are compared with the SJVAPCD’s significance thresholds and are summarized in Table 15. As shown in Table 15, unmitigated emissions during construction do not exceed the daily or annual significance thresholds.

Table 15: Annual Construction Emissions (Alternative 2)

Activity	Emissions (tons per day)			
	ROG	NO _x	PM ₁₀	PM _{2.5}
Fulton Mall Demolition	0.07	0.57	0.15	0.04
Fulton Mall Soils Excavation, Storm Drain Replacement Curb and Gutter, Rock and Asphalt, Sidewalks	0.60	5.30	0.40	0.30
Subtotal Fulton Mall	0.67	5.87	0.55	0.34
Cross Malls Demolition	0.05	0.39	0.10	0.03
Cross Malls Soils Excavation, Storm Drain Replacement Curb and Gutter, Rock and Asphalt, Sidewalks	0.30	2.70	0.20	0.10
Subtotal Cross Mall	0.35	3.09	0.30	0.13
Total Project Construction	1.02	8.96	0.85	0.47
SJVAPCD Threshold	10	10	10	15
Exceed Threshold?	No	No	No	No
Source: MBA 2013, Appendix DE				

Alternative 2 would not exceed the SJVAPCD's annual thresholds for ROG, NO_x, PM₁₀ or PM_{2.5} during the construction duration of 14 months. Therefore, the project would result in less than significant impacts to an air quality standard.

Mitigation Measures

Construction and operational emissions associated with the implementation of Alternative 2 would result in less than significant impacts to air quality in relation to criteria pollutants. The following mitigation measures are recommended to ensure air emissions are minimized.

- Implementation of mitigation measure AIR-1 is recommended.
- Implementation of mitigation measure AIR-2 is recommended.

Cumulative Impacts

Less than significant impact. Construction emissions associated with Alternative 1 or 2 could cumulatively combine with other emissions in the Air Basin. However, the SJVAPCD has determined that a project-level exceedance of any of the criteria pollutant thresholds would have a significant cumulative impact on the air quality in the Air Basin by jeopardizing the Air Basin's attainment of state and federal standards. If a project does not result in a project-level exceedance of any criteria pollutant threshold, the project would not result in a cumulatively considerable contribution to cumulative emissions within the Basin, and therefore, would have a less than significant cumulative impact. Since Alternatives 1 or 2 would not generate construction emissions that would exceed criteria pollutant thresholds, Alternative 1 or 2 would result in a contribution of air emissions that are considered less than cumulatively considerable.

In addition, as described under Alternative 1, operational CO concentrations at the Ventura Street and H Street intersection, which is considered an intersection representing potential worst-case CO concentrations under the Cumulative Plus Project Condition, would not exceed the state or federal CO standard. Therefore, the implementation of Alternative 1 or 2 would result in less than significant cumulative impacts associated with CO concentrations.

Overall, Alternative 1 or 2 would result in a less than significant cumulative air quality impact related to violating air quality standards or contributing substantially to an existing or projected air quality violation.

Criteria Pollutant

- c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?**

Project Impacts

Alternative 1

Less than significant impact. The evaluation of potential cumulatively considerable net increase of any criteria pollutant is addressed in CEQA Checklist Question 3.3 b) above. The evaluation in 3.3 b)

above determined that Alternative 1 would result in a less than significant cumulative impact on criteria pollutants. Therefore, the determination for this CEQA Checklist Question 3.3 c) is less than significant cumulative impact on criteria pollutants.

Alternative 2

Less than significant impact. As described above, the determination of less than significant cumulative impacts on criteria pollutants under Alternative 2 is provided above in CEQA Checklist Question 3.3 b).

Cumulative Impacts

Less than significant impact. As described above, the determination of less than significant cumulative impacts on criteria pollutants is provided above in CEQA Checklist Question 3.3 b).

Sensitive Receptors

d) Expose sensitive receptors to substantial pollutant concentrations?

Those who are sensitive to air pollution 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. Commercial and industrial facilities are not included in the definition because employees do not typically remain onsite for 24 hours. However, when assessing the impact of pollutants with 1-hour and 8-hour standards (such as carbon monoxide), commercial and/or industrial facilities would be considered sensitive receptors for those purposes.

The nearest sensitive receptors are the existing residences that are located in the Hotel Californian, Pacific Southwest Building, and Masten Towers.

There are three toxic air contaminants/hazardous air pollutants that are considered applicable to the Reconstruction of Fulton Mall. These pollutants include Mobile Source Air Toxics (MSAT), Naturally Occurring Asbestos (NOA), and Diesel Particulate Matter (DPM).

Project Impacts

Alternative 1

Less than significant impact. Implementation of Alternative 1 would not expose sensitive receptors to substantial concentrations of MSAT, NOA, or DPM, as discussed below.

Mobile Source Air Toxics

The 2009 Interim Guidance Update on Mobile Source Air Toxic Analysis (2009 Interim MSAT Guidance), published by the Federal Highway Administration (FHWA), was utilized to determine the project's potential for MSAT impacts. The FHWA has developed a tiered approach for analyzing MSAT, which are based on three levels of analysis:

1. No analysis for projects with no potential for meaningful MSAT effects;
2. Qualitative analysis for projects with low potential MSAT effects; or

3. Quantitative analysis to differentiate alternatives for projects with higher potential for MSAT effects.

Under the first level, projects with no potential for meaningful MSAT effects, the types of projects included are:

- Projects qualifying as a categorical exclusion under 23 CFR 771.117(c)
- Projects except under the Clean Air Act conformity rule under 40 CFR 93.126; or
- Other projects with no meaningful impacts on traffic volumes or vehicle mix.

Analysis shows that the implementation of Alternative 1 would have no meaningful impacts on traffic volumes or vehicle mix for the project area, as detailed below. However, Alternative 1 would reassign existing trips in the project area. Alternative 1 does not propose any additional traffic generating land uses. Since Alternative 1 includes two-way vehicular streets, it is anticipated that the reintroduced roadways associated with this alternative would serve existing traffic by providing access to existing businesses within Fulton Mall, but would not induce additional travel upon opening as described in the project traffic report (see Appendix J1). Based on a review of the project traffic report, except for Fulton Street, Alternative 1 would slightly increase average daily traffic on seven of the 15 roadway segments that were evaluated. The maximum increase would be 72 average daily trips (ADT) compared to the baseline conditions and 410 ADT under cumulative plus project conditions compared to cumulative no project conditions. Fulton Street between Inyo Street and Tuolumne Street would experience 210 average daily trips under baseline plus project conditions and 2,310 ADT under cumulative plus project conditions.

The apparent increase is not a trip increase from Alternative 1, but is a result of reassignment of existing trips through the project area. All trips would be existing in the project area under Alternative 1. Existing trips within the project area would be rerouted from existing travel paths through the project segments.

Alternative 1 would not increase the number of trips on the project area roadways compared to baseline conditions. However, Alternative 1 would reassign existing trips to a new location, the Fulton Mall. The relocation of existing trips may have a low potential for MSAT emissions.

A qualitative analysis provides a basis for identifying MSAT emissions. The qualitative assessment presented below is derived in part from a study conducted by the FHWA entitled *A Methodology for Evaluating Mobile Source Air Toxic Emissions Among Transportation Project Alternatives*, found at: www.fhwa.dot.gov/environment/air_quality/air_toxics/research_and_analysis/methodology/methodology00.cfm.

The 2009 Interim MSAT Guidance provides examples of qualitative MSAT analyses for different types of projects. Each project is different, and some projects may contain elements covered in more than one of the examples below. Analysts can use the example language as a starting point, but should tailor it to reflect the unique circumstances of the project being considered. The types of example projects include minor widening projects; new interchanges, replacing a signalized intersection on a surface street; or projects where design year traffic is projected to be less than 140,000 to 150,000

annual average daily traffic (AADT). As identified above, Alternative 1 is estimated to facilitate 210 existing AADT under a baseline condition (2015), and 2,310 AADT under a cumulative condition (2035).

The amount of MSAT emitted under Alternative 1 would be proportional to the vehicle miles traveled, or VMT. The VMT estimated for Alternative 1 is the same as for the baseline condition and the cumulative no project condition, however, Alternative 1 increases the efficiency of the roadway and attracts rerouted trips from elsewhere in the transportation network. This relocation of VMT would lead to higher MSAT emissions for Alternative 1 along the project alignment, along with a corresponding decrease in MSAT emissions along the parallel routes. The emissions increase is offset somewhat by lower MSAT emission rates due to increased speeds; according to EPA's MOVES2010b model, emissions of all of the priority MSAT decrease as speed increases. Emissions will likely be lower than present levels in the design year as a result of EPA's national control programs that are projected to reduce annual MSAT emissions by over 80 percent between 2010 and 2050. Local conditions may differ from these national projections in terms of fleet mix and turnover, VMT growth rates, and local control measures. However, the magnitude of the EPA-projected reductions is so great (even after accounting for VMT growth) that MSAT emissions in the study area are likely to be lower in the future in nearly all cases.

The reintroduced travel lanes contemplated as part of Alternative 1 will have the effect of moving some traffic closer to nearby residences; therefore, there may be localized areas where ambient concentrations of MSAT could be higher compared to the no build conditions. The localized increases in MSAT concentrations would likely be most pronounced along the expanded roadway sections that would be built at Fulton Mall. However, the magnitude and the duration of these potential increases compared to the baseline or cumulative no project conditions cannot be reliably quantified due to incomplete or unavailable information in forecasting project-specific MSAT health impacts. In sum, when a roadway is reintroduced, the localized level of MSAT emissions for Alternative 1 could be higher relative to the no build condition, but this could be offset due to increases in speeds and reductions in congestion in the project area (which are associated with lower MSAT emissions). Also, MSAT will be lower in other locations when traffic shifts away from them. However, on a regional basis, EPA's vehicle and fuel regulations, coupled with fleet turnover, will over time cause substantial reductions that, in almost all cases, will cause region-wide MSAT levels to be significantly lower than today.

Furthermore, analysis shows Alternative 1 would generate minimal air quality impacts for the Clean Air Act criteria pollutants, as described in CEQA Checklist Question 3.3 b) and has not been linked with any special MSAT concerns.

Moreover, EPA regulations for the vehicle engines and fuels will cause overall MSAT emissions to decline significantly over the next several decades. Based on regulations now in effect, an analysis of national trends with EPA's MOBILE6.2 model forecasts a combined reduction of 72 percent in the total annual emission rate for the priority MSAT from 1999 to 2050 while vehicle miles of travel are projected to increase by 145 percent. This will both reduce the background levels of MSAT as well as the possibility of even minor MSAT emissions from this project.

Overall, the implementation of Alternative 1 would create less than significant impacts related to MSAT emissions.

Naturally Occurring Asbestos

During construction in areas that contain naturally occurring asbestos (NOA)-containing rock formations, asbestos can be released into the air and pose a health hazard. The Department of Conservation, Division of Mines and Geology (DMG) has a published guide for generally identifying areas that are likely to contain NOA (DMG 2000). A review of DMG's map showing areas more likely to have rock formations containing NOA indicates that the Fulton Mall site is not in an area that is likely to contain NOA. In addition, the DMG map indicates that there are no areas within City of Fresno are likely to contain NOA. Therefore, disturbance of NOA is not a concern for the implementation of Alternative 1.

Diesel Particulate Matter

Construction activities would also involve the use of diesel-powered construction equipment, which emit DPM. Risk assessments for residential areas exposed to toxic air contaminants (TACs) such as DPM are generally based on a 70-year period of exposure. Construction emissions would occur in 2014 and 2015, and construction is anticipated to be completed within 12 months. Since the use of construction equipment would be temporary and would not be close to the 70-year timeframe, exposure of sensitive receptors to TACs would not be substantial. Emissions of DPM would not be substantial enough to be considered a health risk.

Alternative 2

Less than significant impact. The determination of less than significant impacts on sensitive receptors as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. The implementation of Alternative 1 or 2, which proposed the addition of roadway segments, will redistribute average daily trips. This redistribution will result in a minor increase in traffic volumes along certain roadway segments and decreases along other roadway segments. As described above for Alternative 1, which is also applicable for Alternative 2, the Fulton Mall Reconstruction would result in less than significant impacts on sensitive receptors. In addition, the project's contribution to potential cumulative impacts would be less than cumulatively considerable. Therefore, the implementation of Alternative 1 or 2 would result in a less than significant cumulative impact.

Odors

e) Create objectionable odors affecting a substantial number of people?

Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc., warrant the closest scrutiny, but consideration could also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas. For the proposed project, the sensitive receptors are residential, recreational facilities, worksites, and commercial areas.

Two situations create a potential for odor impact. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing source of odor. The District has determined the common land use types that are known to produce odors in the Basin. These types are shown in Table 16.

Table 16: Screening Levels for Potential Odor Sources

Odor Generator	Distance
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Compositing Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile
Wastewater Treatment Facilities	2 miles
Source: San Joaquin Valley Air Pollution Control District, 2002.	

According to the Guide for Assessing and Mitigating Air Quality Impacts, analysis of potential odor impacts should be conducted for the following two situations:

- **Generators** - projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate, and
- **Receivers** - residential or other sensitive receptor projects or other projects built for the intent of attracting people locating near existing odor sources.

If the project were to result in sensitive receptors being located closer to an odor generator in the list in Table 16 than the recommended distances, a more detailed analysis including a review of District odor complaint records is recommended. The detailed analysis would involve contacting the District’s Compliance Division for information regarding odor complaints. For a project locating near an existing source of odors, the project should be identified as having a significant odor impact if it is proposed for a site that is closer to an existing odor source than any location where there have been:

- More than one *confirmed* complaint per year averaged over a three-year period, or
- Three *unconfirmed* complaints per year averaged over a three-year period.

Project Impacts

Alternative 1

Less than significant impact. The development of Alternative 1 would allow the addition of roadways within Fulton Mall. The addition of roadways are not considered a source of objectionable odors according to the San Joaquin Valley Air Pollution Control District as described above. During project operations, the project could produce odors as a result of increased vehicles within Fulton Mall; however, the anticipated increase in vehicles is not expected to be substantial as addressed in CEQA Checklist Question 3.3 d) above. Therefore, a potential increase in odors from vehicular traffic would be less than significant.

During construction, onsite diesel powered equipment and vehicles will emit diesel particulate matter, which is odorous to some. Also during construction, there would be short-term emissions of ROG's during asphalt paving. These odors will dissipate with distance and should not reach an objectionable level at nearby residences. Impacts would be less than significant.

Alternative 2

Less than significant impact. The determination of a less than significant odor impact as described above under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. The implementation of Alternatives 1 or 2 would not add a source of objectionable odors. Therefore, the contribution of Alternatives 1 or 2 to potential significant cumulative odor impacts would be less than cumulatively considerable, and thus less than cumulatively significant.

3.4 - Biological Resources

A Natural Environment Study was prepared by FirstCarbon Solutions for the proposed project. The following discussion is based on the Study, which is provided in Appendix C of this Initial Study.

Effect on Species

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

The Fulton Mall project site is located within the Downtown portion of the City of Fresno and is surrounded by urban development to the north, south, east, and west. Specifically, the project site is located within a disturbed and developed area characterized by concrete pavement and buildings with scattered ornamental trees. The project site is dominated by one general habitat type, urban/developed land. The entire project site has been previously developed for the construction of the existing Fulton Mall, and associated infrastructure and various buildings. Ornamental trees are scattered throughout the project site, primarily as landscaping along paved pedestrian paths and adjacent to existing buildings. No natural vegetation or habitats occur within the project site, and therefore, no sensitive vegetation or plant species are located within Fulton Mall.

The vegetation present within the project site consists of landscaped ornamental trees such as fig (*Ficus* sp.) pine (*Pinus* sp.), and gum (*Eucalyptus* sp.), with scattered non-native grasses and ruderal (weedy) species including, red brome (*Bromus rubens*), barley (*Hordeum murinum*), and Bermuda grass (*Cynodon dactylon*). These ornamental trees, non-native grasses and ruderal species occur within landscaped and disturbed areas associated with the paved pedestrian paths

Wildlife species expected to occur within the project site include common avian species typically observed in disturbed settings and urban environments such as, northern mockingbird (*Mimus polyglottos*), house finch (*Carpodacus mexicanus*), common raven (*Corvus corax*), and mourning dove (*Zenaida macroura*). Other wildlife species expected to occur onsite include western fence lizard (*Sceloporus occidentalis*) and domestic dog (*Canis familiaris*). The buildings associated with the Fulton Mall may provide suitable roosting habitat for bat species known to occur in the area such as California myotis (*Myotis californicus*). The trees located within Fulton Mall do not provide suitable habitat for tree roosting bat species and none are expected to occur within the landscaped trees within the Mall. Furthermore, Fulton Mall does not provide suitable habitat for sensitive wildlife species.

Project Impacts

Alternative 1

Less than significant with mitigation incorporated. Alternative 1 includes the removal of the pavement and a majority of the trees within Fulton Mall. Approximately four of the existing trees will remain and approximately 140 new trees will be planted as part of Alternative 1.

The proposed Alternative 1 design will occur entirely within the developed land associated with the existing Fulton Mall. The implementation of Alternative 1 will not impact special-status plant or wildlife species known to occur in the region, particularly any state or federally listed species because Fulton Mall does not provide suitable habitat for any special-status plant or wildlife species. However, the existing landscaped ornamental trees located throughout the project site provide potential suitable nesting habitat for several common avian species protected by the Migratory Bird Treaty Act (MBTA) and California Fish and Game (CFG) Code 3500. Therefore, implementation of Alternative 1 could significantly impact nesting birds.

Additionally, the buildings associated with the Fulton Mall may provide suitable roosting habitat for bat species and therefore, construction activities, involving construction noise, may result in indirect effects on bat species, particularly if construction activities occur during the maternity roosting season of May through September. This potential indirect impact on bat species is considered significant.

Mitigation Measures

MM BIO-1 Project activities should avoid the avian nesting season of February through August to limit any potential impacts to nesting birds. If project activities must occur during the avian nesting season, a pre-construction clearance survey must be conducted by a qualified biologist within 30 days prior to the start of construction. If an active nest is discovered during the pre-construction survey, a suitable buffer will be placed

around the nest, typically 250 feet for passerines and 500 feet for raptors, and no activities may encroach into the buffer area without the consent of a biological monitor or until the nestlings have fledged and the nest is no longer active.

MM BIO-2 Construction activity should occur outside of the maternity roosting season, which typically extends from May 1st through September 30th, but can vary based on seasonal conditions. If construction activity must proceed during the maternity roosting season, a pre-construction roosting bat survey must be conducted within 15-days of construction. If an active roost is observed or detected, a suitable buffer would be placed around the active roost and no construction activities may commence without the discretion of an onsite monitoring biologist. If no active roosts are observed, construction activity would have no effect on roosting resident bats and no further measures are required.

After the implementation of Mitigation Measures BIO-1 and BIO-2, potential impacts on nesting birds and potential indirect impacts on roosting bat species would be reduced to less than significant.

Alternative 2

Less than significant with mitigation incorporated. The determination of no impact on special-status plant and wildlife species, potential significant impacts on nesting birds, and potential indirect impacts to roosting bats as described above for Alternative 1 would be the same for Alternative 2. Mitigation Measures BIO-1 and BIO-2 would be required for Alternative 2. The implementation of these two measures would reduce potential impacts on nesting birds and potential indirect impacts on roosting bat species to less than significant.

Cumulative Impacts

Less than significant with mitigation incorporated. The implementation of Alternative 1 or 2 would not impact special-status plant or wildlife species, Alternative 1 or 2 would not contribute to potential cumulative impacts to special-status species. Therefore, the implementation of Alternative 1 or 2 would result in no cumulative impacts to special-status species.

Cumulative development could also result in the removal of trees that provide suitable habitat for nesting birds. The implementation of Alternative 1 or 2 would also remove trees that could be suitable for nesting birds. Cumulatively, the potential impacts are considered significant. The contribution of Alternative 1 or 2 to the potential cumulative impacts to nesting birds is considered significant.

Furthermore, cumulative development could indirectly or directly impact suitable roosting habitat for bats during construction or operational activities. The implementation of Alternative 1 or 2 could also indirectly impact suitable roosting habitat for bats. Cumulatively, the potential impacts to bats are considered significant. The contribution of Alternative 1 or 2 to the potential cumulative impacts to nesting birds is considered significant.

Mitigation Measures

Implementation of Mitigation Measures BIO-1 and BIO-2 are required.

After the implementation of Mitigation Measures BIO-1 and BIO-2, the contribution of Alternative 1 or 2 to potential cumulative impacts on nesting birds and potential indirect impacts on roosting bat species would be reduced to less than cumulatively considerable, and therefore, less than cumulatively significant.

Riparian Habitat

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

The project site is located within a disturbed and developed area characterized by concrete pavement and buildings with scattered ornamental trees. No native or natural habitats occur within the project site or have the potential to occur within the project site. The project site is located in the central portion of the City of Fresno and is surrounded by urban development to the north, south, east, and west. The entirety of the project site as well as the project vicinity has been previously developed for the construction of the Fulton Mall and associated infrastructure, various buildings and a ballpark. Ornamental trees are scattered throughout the project site, primarily as landscaping along paved pedestrian paths and adjacent to existing buildings. No natural vegetation or habitats occur within the project site.

Project Impacts

Alternative 1

No impact. Since the project site does not have any riparian habitat or other sensitive natural communities, the construction of Alternative 1 would result in no impacts to riparian habitat or other sensitive natural communities.

Alternative 2

No impact. The determination of no impact to riparian habitat or other sensitive natural communities as described above under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since there are no riparian habitats or other sensitive natural communities within Fulton Mall, the construction of Alternatives 1 or 2 would not contribute to any potential cumulative impacts to these habitats or communities. Therefore, Alternative 1 or 2 would result in no cumulative impacts.

Federally Protected Wetlands

- c) **Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

The project site is located within a disturbed and developed area characterized by concrete pavement and buildings with scattered ornamental trees. No native or natural habitats occur within the project site or have the potential to occur within the project site. Additionally, no natural

waterways or drainages occur within the project site. The project site is located in the central portion of the City of Fresno and is surrounded by urban development to the north, south, east, and west. The entirety of the project site and project vicinity has been previously developed for the construction of the Fulton Mall and associated infrastructure, various buildings and a ballpark. Ornamental trees are scattered throughout the project site, primarily as landscaping along paved pedestrian paths and adjacent to existing buildings. No natural vegetation or habitats occur within the project site.

Project Impacts

Alternative 1

No impact. Since the project site does not have any federally protected wetlands, the construction of Alternative 1 would result in no impacts to federally protected wetlands.

Alternative 2

No impact. The determination of no potential for any impacts to federally protected wetlands resulting from construction of the proposed project as described for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since there are no federally protected wetlands within Fulton Mall, the construction of Alternatives 1 or 2 would not contribute to any potential cumulative impacts to federally protected wetlands. Therefore, Alternative 1 or 2 would result in no cumulative impacts.

Wildlife Corridors and Nursery Sites

- d) **Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?**

The Fulton Mall project site is located within the Downtown portion of the City of Fresno and is surrounded by urban development to the north, south, east, and west. Specifically, the project site is located within a disturbed and developed area characterized by concrete pavement and buildings with scattered ornamental trees. The project site is dominated by one general habitat type, urban/developed land. The entirety of the project site as well as the project vicinity has been previously developed for the construction of the existing Fulton Mall, and associated infrastructure and various buildings. Ornamental trees are scattered throughout the project site, primarily as landscaping along paved pedestrian paths and adjacent to existing buildings. No natural vegetation or habitats occur within or immediately adjacent to the project site. There are no known mapped or established wildlife movement corridors or nursery sites on or immediately adjacent to the project site.

Project Impacts

Alternative 1

No impact. Since there are no known mapped or established wildlife movement corridors or nursery sites on or immediately adjacent to the project site, construction of the project will not create a significant physical alteration to the land, beyond that which already exists, which would impede the use of wildlife movement through the site. Therefore, Alternative 1 will not have an impact on native resident or migratory fish or wildlife species or established native resident or migratory wildlife corridors. Additionally, Alternative 1 will not impede the use of wildlife nursery sites by wildlife species known to occur in the region such as resident and migratory birds, and mammals such as coyote or mountain lion. Therefore, there is no impact to wildlife movement corridors or nursery site.

Alternative 2

No impact. The determination of no potential for any impacts to wildlife movement corridors or nursery sites resulting from construction of the proposed project as described above under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. The project site is located entirely within a developed area associated with the existing Fulton Mall, and surrounded by development associated with the Downtown portion of the City of Fresno. Therefore, there is no potential for the project to result in any impacts to any established wildlife movement corridors or nursery sites. Additionally, the cumulative effects of the project on wildlife movement corridors and nursery sites is not cumulatively considerable due to the fact that the project will not impede the movement of wildlife through the site nor will it result in the cumulative effect of contributing to the overall loss of wildlife movement corridors in the City of Fresno. Therefore, implementation of Alternative 1 or 2 would result in no cumulative impacts to wildlife movement corridors or nursery sites.

Local Policies or Ordinances Protecting Biological Resources

e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**

The Fulton Mall project site is located within the Downtown portion of the City of Fresno and is surrounded by urban development in all directions. Specifically, the project site is located within a disturbed and developed area characterized by concrete pavement and buildings with scattered ornamental trees. The entirety of the project site as well as the project vicinity has been previously developed for the construction of the existing Fulton Mall, and associated infrastructure and various buildings. Ornamental trees are scattered throughout the project site, primarily as landscaping along paved pedestrian paths and adjacent to existing buildings.

Section 13, Article 3 of the City of Fresno Municipal Code discusses public tree policy and tree preservation within the City of Fresno. The Municipal Code specifically describes three policies that relate to project impacts on public and street trees, the City's Public Tree Policy, Tree Beautification Policy, and Tree Preservation Policy. The Public Tree Policy requires that the city maintain a program

for the planting and preservation of trees on all public property in the city as a municipal affair in order to beautify the city, purify its air, and provide shade for its inhabitants. This article provides for plans and establishes regulations governing the planting and preservation of trees in public property, including parkways of the city. The Tree Beautification Policy includes a Master Tree Plan that specifies the species, spacing, and location of trees to be planted on public property, including parkways of the city. The Tree Preservation Policy requires the City to utilize whatever techniques, methods, and procedures are required to preserve, whenever feasible, all trees in the city including, but not limited to, trees which are affecting surface improvements or underground facilities or which are diseased, or located where construction is being considered or will occur.

Project Impacts

Alternative 1

Less than significant impact. Alternative 1 will result in the removal of the majority of the trees within Fulton Mall during construction activities; however, as part of the project design, new trees will be planted within the rights-of-way of the proposed streets so that the same number of trees that are removed will be replaced. Since the number of trees that will be removed will be replaced within the right-of-way of the new streets, the implementation of Alternative 1 would result in a less than significant impact of the City's tree policies.

Alternative 2

Less than significant impact. The determination of less than significant impacts to the City's tree policies as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. As the implementation of Alternative 1 or 2 would replace the same number of trees as removed, the contribution of Alternative 1 or 2 to the potential cumulative impact on the City's tree policies would be less than cumulatively considerable. Therefore, Alternative 1 or 2 would result in a less than significant cumulative impact.

Conservation Plans

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

According to the California Department of Fish and Wildlife, the project site is not located within the boundaries of a Natural Community Conservation Plan and according to the California Land Use Planning and Information Network, the project site is not located within the boundaries of a Habitat Conservation Plan.

Project Impacts

Alternative 1

No impact. Since Fulton Mall is not mapped as occurring with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat

conservation plan, the implementation of Alternative 1 would not conflict with provisions of any adopted local, state or federal Natural Community Conservation Plan or Habitat Conservation Plan.

Alternative 2

No impact. The determination of no potential impact to an adopted Habitat Conservation Plan or Natural Community Conservation Plan as described above under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since Fulton Mall is not an area designated within a Habitat Conservation Plan or Natural Community Conservation Plan, the development of Alternative 1 or 2 would result in no cumulative impacts.

3.5 - Cultural Resources

Historic Resource

- a) **Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?**

Technical reports were prepared to address above-ground historic resources. These reports addressed the existing built environment within and adjacent to Fulton Mall. These reports also addressed a larger area that includes the DNCP and FCSP. The technical reports that were prepared include a historic resource survey and a historic resources impact evaluation. There were two additional historical resources reports that were prepared that include a historic resource evaluation report and a historic property survey report.

The technical reports identified many properties that could be a potential historic resource and other properties that are currently listed on a federal, state, or local registers or lists. Within the Fulton Mall area, there is one historic structure that is on the National Register of Historic Places (Bank of Italy at 1001 Fulton Mall), one structure that is on the California Register of Historic Resources (Pacific Southwest Bank Building at 1060 Fulton Mall), and one landscape that is on the California Register of Historic Resources (Fulton Mall). The technical reports also discussed the presence of a potential district that includes a collection of buildings from similar periods and historic context. The collection of buildings is located within the immediate vicinity of Fulton Mall. There are also eight structures that are located on the local register. Three of the eight structures are the structures that are on the National Register of Historic Places and the California Register of Historic Resources discussed above.

Project Impacts

Alternative 1

Potentially significant impact. The development of Alternative 1 would remove the pedestrian mall throughout the Fulton Mall and introduce two-lane, two-way streets along Fulton Street, Kern Street, Mariposa Street, and Merced Street. This will potentially cause a significant unmitigatable

impact to a resource listed on the California Register of Historic Resources. Potential direct and indirect impacts to existing and potential historic resources will be evaluated in the forthcoming EIR.

Alternative 2

Potentially significant impact. The development of Alternative 2 would remove the pedestrian mall throughout the Fulton Mall and introduce new streets. This will potentially cause a significant unmitigatable impact to a resource listed on the California Register of Historic Resources. The potential direct and indirect impacts to existing and potential historic resources from the implementation of Alternative 2 will be evaluated in the forthcoming EIR.

Cumulative Impacts

Potentially significant impact. Future projects that are consistent with the proposed DNCP and FCSP as well as current development project will be cumulatively evaluated with the implementation of Alternative 1 or 2 to determine potential cumulative impacts to existing and potential historic resources. This evaluation will be provided in the forthcoming EIR.

Archaeological Resource

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?

The following discussion is based on an Archaeological Resources Assessment Report that includes an assessment of the Fulton Mall. The Report was prepared by Greenwood and Associates and is provided in Appendix D1 of this Initial Study.

Archaeological Setting

Early Period (~12,000 B.P. to 8,000 B.P.)

Little evidence of Early and Middle Sites is found near the City, but there is some evidence for these periods in the San Joaquin Valley. The material culture of the Early Period is characterized by large, fluted projectile points that imply heavy reliance on large game for subsistence, probably supplemented with smaller game and collected plant foods. Few sites from this period have been discovered, and substantial evidence comes mostly from the former shores of Tulare Lake, especially at the Witt Site in southern Kings County. Artifacts are represented in the form of Clovis-like projectile points made from chert, similar to other Pleistocene period sites in North America, as well as various scrapers, chipped crescents, and other stone tools associated with the Fluted-Point and/or Western Pluvial Lakes Traditions. Horse, bison, ground sloth, and human bones were also found at the Witt Site, along with the tusk of mammoth or mastodon. These bones have been radiocarbon-dated to about 11,000 to 13,000 B.P.

Middle Period (8,000 B.P. to 2,500 B.P.)

An examination of lithic tools from the Early and Middle Periods shows little difference between the two. Stone tools from the Middle Period, in fact, look very similar to the Western Pluvial Lakes Tradition associated with the Great Basin. The Middle Period, however, is associated with an increase of groundstone tools, such as metates and manos, reflecting an increased dependence on

vegetative species requiring processing, such as seeds and nuts. Lithic technology, for the most part, remains relatively unchanged.

Late Period (2,500 B.P. to Ethnohistoric Present)

During the Late Period, patterns in material culture experienced dramatic change, much of which was observed and recorded, but simultaneously caused, by Europeans during the later part of the period. The Late Period also marked the increase of diversity in material culture. Both the *Olivella* shell bead and bow-and-arrow technology made their first appearances in the area. People buried their dead in a flexed position much more frequently, and burial goods were numerous compared to previous periods. Occupation sites were larger, reflecting semi-sedentism, and there was great reliance on groundstones, particularly mortars and pestles, indicative of increased dependence on nuts, seeds, and acorns. Mortars and pestles during this period were much more finely produced compared to the Middle Period. Objects such as bird-bone whistles, steatite pipes, very small and serrated projectile points, obsidian from eastern California, and rectangular *Olivella* beads appeared for the first time.

Assessing the region's prehistoric settlement patterns has been problematic, since most of the excavations done in the San Joaquin Valley have been restricted to later-period Yokut burial sites. Larger scale projects have been limited to Buena Vista Lake and San Luis, Los Banos, and Little Panoche reservoirs. Wallace has stated that the region surrounding Fresno "remains one of the least-known archaeological areas in California." Nonetheless, evidence points to the likelihood that most occupations were on or near now-extinct lake shorelines to maintain resources, with interruptions related to dry climatic intervals, particularly A.D. 1000 to A.D. 1500. After A.D. 1500, most populations settled in the southern and western parts of the San Joaquin Valley.

Ethnographic Setting

Fresno is located in the San Joaquin Valley on land once inhabited by the Yokuts, and according to Wallace the City is plotted in an area that divides the Northern Valley Yokuts (mostly the upper San Joaquin River and northward) from the Southern Valley Yokuts (mostly the upper Kings River and southward.) Wallace plots a Northern Yokuts tribelet village known as *Wakichi* south of Friant, and he plots a tribelet village from the Southern Yokuts known as *Wechihit* near Sanger.

Northern Valley Yokuts

The North Valley Yokuts occupied an area that extended to the Sacramento River Delta on the north, the crest of the Diablo Range to the west, and the lower foothills of the Sierra Nevada to the east. Their disappearance was brought about by disease and dislocation due to aggressive missionization during the late 1700s and early 1800s, the Gold Rush of the 1840s and 1850s, and American expansion thereafter. The little that is known of them today is based mostly on the accounts of non-Native explorers and missionaries.

The Northern Valley Yokuts subsisted primarily on resources present along the San Joaquin River and its associated channels. The vegetation was sparse in the valley, aside from marsh grass and tules, and trees were limited to small patches of sycamores, cottonwoods, and willows. Tule roots and seeds found throughout the valley served as important food staples. In addition, valley oaks could be found in groves in areas of great water abundance and nutrient-rich soil. Acorns from these oaks

formed an important dietary staple, and were ground into a powder using a mortar and pestle, and subsequently leached of toxins in waterways. The leftover resulting paste was then cooked and consumed. Fauna was abundant in the riverine areas, and fish, freshwater mollusks, turtles, and waterfowl were important food sources. Tule elk, pronghorn antelope, jackrabbit, squirrels, reptiles, and a variety of birds were also consumed.

The Northern Valley Yokuts lived in semi-autonomous patrilineal villages that were led by a headman and typically averaged around 300 persons. They spoke various dialects of the Penutian language stock. The Yokuts' dwellings were small, round structures formed of light wooden poles covered with woven tule mats. Villages often included a lodge for community functions, as well as a sweathouse. The local village economy involved the production of baskets and mats made of tule stalks, stone mortars and pestles, projectile points and stone tools made from local chert, jasper, chalcedony, and imported obsidian, and bone tools such as the awl. Ceramic production was likely not emphasized and secondary to other goods.

Trade was active with neighboring groups, as the Northern Valley Yokuts transported goods on watercraft made of tule along the San Joaquin River and its tributaries. Overland trails to the territory of the Salinan and Costanoan tribes on the Central California coast were also maintained. Domesticated dogs were given to the Miwok in exchange for baskets, bows, and arrows, and the Costanoans supplied the Yokuts with mussels and abalone shells.

Villages were settled primarily on the top of low mounds and near large sources of water, where they were somewhat protected from springtime flooding as snow melted from the Sierra Mountains. Their close proximity to water sources helped foster sedentary lifestyles and long-term occupation of the villages. Occasionally, flooding and food shortages forced the inhabitants to move their village to another site until conditions improved. When food shortages were less severe, able-bodied individuals went out to collect wild plants and seeds as their elders stayed behind.

The population of the Northern Valley Yokuts dramatically declined after European contact. Contact with Spanish explorers and missionaries during the Spanish-Mexican period (1769-1846) brought on disease, erosion of traditional native culture, and displacement of natives from their lands. Remaining populations were eventually incorporated into the Mission system, which further continued the devastation of the native cultures. Some Yokuts escaped the mission system and became fugitives at risk of being captured or killed. Even with the transfer of land from Spain following Mexican Independence in 1822, native populations were pushed into marginal parts of the land, and food became scarce. Relationships between native groups and encroaching ranchers became even more strained as natives began stealing livestock and horses in desperation. The incorporation of California as a State in 1846 and the California Gold Rush of 1849 only hastened the decline of Native American culture. The remaining Yokuts were pushed from their lands, usually in the face of violent opposition from white settlers, who eventually took some of the Indians for laborers on ranches and farms. By the time the United States government set aside land in the Fresno and Tule River Reserve, the Yokuts and other native peoples had nearly disappeared. Few descendants of Northern Valley Yokuts survive today.

Southern Valley Yokuts

Ethnographic evidence suggests the City of Fresno is located in the northernmost part of the Southern Valley Yokuts territory. At the time of European contact, most of the San Joaquin Valley and the foothills of the western slope of the Sierra Nevada were occupied by 40 or so groups classified together as the Yokuts with a Foothills division and a Valley division of language dialects. The Yokuts were recognized as having three major subgroups: the Northern Valley, the Foothill, and the Southern Valley. Each of these ethnolinguistic groups was composed of autonomous, culturally and linguistically related tribes or tribelets.

Alfred Kroeber divided his tribal classification system into Valley Division and Foothill Division based on ethnographic lines, geographic habitat, and language dialect. He saw the Foothill Division world-view and economy influenced more by their Shoshonean neighbors than the Valley Yokuts. Later, William Wallace divided the Yokuts into three subgroups, Southern Valley, Northern Valley, and Foothill, and shifted the known tribelets among these divisions. The following is a review of ethnographic information associated with the Southern Valley Yokuts.

The Southern Valley Yokuts occupied a rich environment with abundant water resources from the nearby sloughs, lake basins, and river systems. Swamps and tule marshes surrounded the waterways and teemed with wildlife, including aquatic mammals, fish, and waterfowl. Adjacent grasslands provided food for herds of elk, antelope, and (in the winter) deer. The regional flora was equally if not more diverse and was utilized as a main staple of the Yokuts diet. The Southern Valley Yokuts dietary base relied on a mixed strategy of fishing, waterfowl hunting, shellfish, and plant collecting, with less emphasis on large-game hunting. Important vegetal resources included cattail roots, grasses, nuts, seeds, tule, and bulbs. The resource-rich environment allowed for permanent village sites, which typically were occupied throughout the year.

Resources not found in the local environment were obtained through an extensive trade network, which had begun to develop during the Late Holocene. Quality stone and wood were lacking in the Valley environment and were often acquired through trade with nearby tribes. Imported items included acorns, salt, obsidian, and seashells, which were exchanged for locally available asphaltum, steatite, and animal skins.

The material culture of the Southern Valley Yokuts included structures, watercraft, basketry, weapons, and tools fashioned primarily from local resources. The ubiquitous tule was the primary component utilized for house construction and other fiber crafts such as basketry, mats, and cradles. Rafts were central to the economy base because of the abundance of waterways, which made watercraft the preferred mode of transportation. Wood, stone, and bone were commonly used to manufacture a variety of tools and weapons. Sweathouses were common to every settlement and, in the case of the Southern Valley Yokuts, were used exclusively by men on a daily basis.

The Southern Valley Yokuts were divided into true tribes, with individual tribelets having their own name, dialect, and territory. Typically, a tribelet was ruled by a central chief who inherited the position, was assisted by one or more aides, and lived in the largest village. The chief's duties included decisions that affected the well-being of the entire tribelet, sanctioning trade, entertaining guests, and arbitration of intra-tribal disputes. Marriage was typically informal, and patrilocality was

the accepted practice following marriage. Thus, if a family had numerous sons, a circle of extended family members would inhabit the area immediately adjacent to the patriarch's home. Polygamy was not objected to, but it was practiced solely by men. There is scant evidence that the Southern Valley Yokuts participated in a large number of organized religious ceremonies.

Historic Archaeological Setting

Spanish-Mexican Period

The nineteenth century opened with a wave of exploration into the San Joaquin Valley that eventually led to the settlement of Fresno County. Members of an 1806 expedition led by Spanish explorer Lt. Gabriel Moraga were perhaps the first Europeans to pass through present-day Fresno County. Between 1806 and 1813, Moraga guided several additional expeditions during which he discovered and named the county's two major waterway, the San Joaquin and Kings Rivers. However, Moraga's search for potential new mission sites ultimately proved fruitless and the region remained well beyond the administrative reach of the established missions. Despite these early forays, the valley's inhospitable environment deterred permanent settlement. With the onset of the Mexican War in 1846, Central California came under the control of the United States. However, it wasn't until the discovery of gold in California that miners and other settlers were ultimately drawn to the region in search of riches. In the early 1850s, minor quantities of gold were discovered along the San Joaquin and Kings Rivers and their tributaries in the Sierra foothills and the resulting gold camps and mining districts became part of the southernmost Mother Lode gold region.

Early Immigrant Settlements

The county's first substantial settlements rose in the foothills; foremost among them was Millerton. When Fresno County was created from portions of Mariposa, Merced, and Tulare counties in 1856, Millerton served as the first governmental seat. It remained the county seat until 1874 when it was moved to the rising, and more centrally located, city of Fresno. In 1869 nearly the whole of Fresno was owned by one land speculator, which was part of a State-wide trend in the 1860s. The greatest of these speculators was William S. Chapman, who held title to most of the properties in this portion of the County after the Civil War. The low-lying area now occupied by downtown Fresno was once known as the "Sinks of Dry Creek." Nearby, rancher Anthony Easterby purchased roughly 5,000 acres of land bounded by what are now Chestnut, Belmont, Clovis, and California Avenues in 1867, although the BLM search demonstrated that these lands were owned by Chapman. Easterby and neighboring rancher, Moses J. Church, were convinced that, with irrigation, the soil was fertile enough to support crops. They conceived an irrigation system that would convey water from the creeks emerging from the foothills of the Sierras to the Fresno plain. In 1871, Easterby hired Church to complete the county's first canals, known as "Church's Ditches" and began raising wheat. The Central Pacific Railroad selected a site west of the Easterby ranch for a depot location as it charted the path of its new line south along the shoulders of San Joaquin Valley in 1870. The line would eventually become the first to connect northern and southern California.

Expanding Development In Fresno

The Contract and Finance Company, real estate arm of the Central Pacific, acquired 4,480 acres around their depot site with the intention of developing an agricultural center. A street grid oriented parallel to the northwest-southeast running tracks was platted and land donated for the new

community's courthouse. The name selected for the depot and new town was Fresno Station. "Fresno" is derived from the Spanish word for ash tree. Numerous regional features were so named by early Spanish explorers who found many such trees growing along the waterways in the otherwise desolate region.

The town site was surveyed and divided into "302- by 400-foot blocks, with 25- by 150-foot lots and twenty-foot alleys." The rail alignment bisected the street grid and Silvia Avenue (present-day Divisadero Street) formed the northern boundary. The Court House and Civic Center were centrally located and took up four city blocks. The streets running northwest to southeast were given letter names, while the southwest to northeast running avenues were named for California counties. The asking price of individual lots ranged from \$60 to \$250 depending on their proximity to the civic center and the railroad tracks. Due in part to the new town's isolated location in a desert region of the San Joaquin Valley, there were few buyers initially. The railroad resorted to allowing the first new settlers to take up residence on selected land and pay later if they decided to remain on it. The incentive proved effective; the town grew and land values rose quickly.

In the spring of 1872, the railroad tracks to Fresno were completed, connecting it with the outside world. By 1874, the town boasted 55 buildings, including "four general stores, two fruit stores, one drugstore, three hotels, two restaurants, six saloons, two law offices, two physicians, one tinsmith, one saddle shop, two butcher shops, three blacksmiths, one tailor, the Expositor (newspaper), and twenty-five private residences." In 1875 the first brick building in town was constructed on Mariposa Street by Otto Froelich.

The first commercial district emerged along Front Street (present day H Street) and the railroad tracks at the heart of the area that is now referred to as the Central Area or Central Business District. The original train station was located on H Street at Tulare. It was replaced in 1889 with a larger station located on the same site. Largely because of its position on the new railroad line, Fresno quickly grew in population and stature. County residents called for a change in the county seat from Millerton to Fresno, and this was accomplished with a special election on March 23, 1874.

By the early 1870s, when farming was gaining importance throughout all of California, speculators viewed the unplowed landscapes as an untapped source of potential profits and began to devise a systematic approach to marketing large acreages by claiming water rights from nearby creeks and rivers then establishing "cooperatives" to potential farmers. In 1875, the Central California Colony was created south of Fresno. Investors purchased large tracts of land cheaply, which they then subdivided and marketed to small- scale farmers. To enhance the appeal of their offerings, the stakeholders typically built irrigation canal systems and roads - often attractively landscaped with rows of palms, eucalyptus, or other trees - which improved the colony's appearance while also aiding agricultural production and shipping. Although the first colonies were established in 1875 and 1878, the major period of colonization in Fresno County was the 1880s. By 1903 there were 48 separate agricultural colonies in Fresno County.

Late Nineteenth Century Growth

The agricultural richness of the surrounding region fueled Fresno's growth and importance as a shipping hub. Incorporated as a city in 1885, Fresno experienced rapid expansion of its urban core

during the last two decades of the nineteenth century. From 1880 to 1885, the population more than tripled from 1,112 to 3,464 inhabitants, and by 1900 it had reached 12,470. Lands surrounding the original town site boundaries were quickly snapped up by speculators and subdivided as a result of this population growth.

The first major expansion of Fresno's street grid occurred in 1880, when the Villa Homestead Tract was added to the northeast of the original town site. This addition and all subsequent ones were laid out aligned with the cardinal directions rather than oriented to the Central Pacific's tracks, resulting in the many oddly shaped parcels and skewed intersections that today demark the boundaries of the city's historic core. Subdivisions within what is now the Fulton-Lowell subarea developed beginning in 1884. Chief among the next waves of development were North Park, and West Fresno. In 1910, the Alta Vista Tract, bounded by Balch, Cedar, and Platt Avenues, and First Street was added east of the downtown.

Sanborn insurance maps recorded land use in Fresno from the beginning of 1885. The earliest maps depict scattered development throughout an approximately six-block radius of the Southern Pacific Railroad depot, which was located along H Street between Mariposa and Tulare Streets. Mariposa Street had emerged as the principal commercial thoroughfare, and the 1885 maps illustrate fully built out blocks of brick and wood frame row buildings housing shops, lodging houses, banks, offices, restaurants, and saloons beginning at H Street near the train depot and extending to the northeastward for three full blocks to K Street (Van Ness). Additional commercial row development along H Street faced the train station. Residential development in early Fresno was concentrated in the area between Mariposa and Merced Streets, and between Tulare and Inyo Streets to the southeast.

As might be expected, the town's early industry was predominantly oriented to agriculture. Fresno's historic 'Chinatown' was also well established by 1885, located immediately southwest of the Southern Pacific tracks. By the 1890s, there was a substantial Japanese population in this area as well. Fresno's economy was flourishing in 1887 and real estate transactions during that year reflected the impact of the statewide boom of the late 1880s. During the month of April alone, the county recorder reported 375 deed transactions totaling in excess of one million dollars. Relatively inexpensive land prices continued to draw new settlers to the area and played a role in the ongoing economic prosperity. Beginning about 1888, land sales began to move beyond the city limits, especially to the north and east, and there was expansion of both the residential and commercial areas of the city.

By 1888, additional residential development had occurred north of Merced Street along Tuolumne, Stanislaus, Calaveras, H, I, J, and K Streets. At that time, dwellings had also gone up along Tulare, Kern, Inyo, Mono, and Ventura Streets, and H, I, J, K, L, M, and N Streets, east of Mariposa Street. Between 1887 and 1890, the Fresno Water Company integrated and substantially expanded the town's loose patchwork of water supply infrastructure, building Fresno's first pumping station and water tower, and laying out 4-inch wrought iron water mains. Some of these original "permanent pipes" are still in use. By 1890, the city population was estimated at just under 11,000.

Fresno History, 1900-1929

The first three decades of the 20th Century were a period of steady growth and increasing prosperity for Fresno during which the city established itself as the primary city of the San Joaquin Valley. The City's first electric streetcar was in use in 1902. By 1909, the first double-track streetcar line was installed along J Street. By the early 1920s, streetcar lines would radiate out from the central business district to the north, east, south, and west where farmland was being subdivided for suburban development. The expanding transit infrastructure, along with exponentially increasing private automobile ownership, made living further from the city center possible. Land within the central city increasingly became used for commercial and civic purposes.

Three important civic buildings were constructed Downtown in the decade just after the turn of the century. The first, the Fresno Public Library, was built on the east side of I Street between Merced and Tuolumne with a \$30,000 Carnegie grant. Completed in 1904, the Fresno Carnegie Library was one of the earliest and costliest in the Carnegie system. Architects Copeland and Dole of New York designed the building in the Classical Revival style. The Carnegie Library was demolished in 1959.

In 1907, the first purpose-built City Hall was constructed just down the street from the library at the southeast corner of I Street and Merced. A new Post Office was constructed at the northwest corner of Tulare and Van Ness. These substantial and architecturally distinguished buildings signaled that Fresno had moved beyond its early nascent stage.

Concurrently, Fresno's central business district experienced a building boom during the early part of the 20th century. The 1906 Sanborn Maps show the central commercial corridor expanded along I and J streets both north and south of Mariposa between Tulare and Fresno streets. By 1919, the concentration of buildings on both streets reaches north to Tuolumne and south to Inyo with stores, restaurants, offices, banks, hotels, and theaters are all represented. That same year, I Street was renamed Broadway and K Street was renamed Van Ness Avenue. In commemoration of Fresno business man Fulton G. Berry, J Street was renamed Fulton Street in 1923. The newly named Fulton Street had been Fresno's established "Main Street" for years, the preferred location for the Valley's major consumer retailers.

Led by the fruit packing industry, the City's industrial areas continued to expand in the 20th century. Large parcels south of the Central Pacific tracks were developed with packing houses, storage warehouses, and drying sheds. Fruit and produce wholesalers Hobbs-Parsons Company operated several warehouse and packing facilities. Their 1903 produce warehouse at the corner of H Street and Tulare remains in place today and has been designated a historic resource by the City.

Many of the businesses identified on the early Sanborn Maps indicate branch operations of statewide, national and international companies. The California Fruit Cannery Association Fresno Branch Cannery No. 16 was located on H Street between Ventura and San Benito streets. The Association was the result of a merger of California's major fruit canners. In 1916, they became the California Packing Corporation or CALPAK, marketing products under the Del Monte brand.

The Rosenberg Brothers Company operated a large raisin and dried fruits packing house (previously operated by the H.L. Hobbs Company) at the northwest corner of G Street and Mono. The Rosenberg

Brothers were the founders of the Bear Creek Corporation of Medford, Oregon, marketing fruits and nuts as gifts under the "Harry & David" brand. Another organization whose name appears on early 20th Century Sanborn maps is the California Associated Raisin Company (CARC) whose success would bring the San Joaquin Valley and Fresno international recognition. CARC was a cooperative organization formed in 1912 by a group of San Joaquin Valley raisin growers to gain greater market share and combat fluctuating prices and demand. Growers sold their raisins to CARC for a guaranteed price and then shared in any net profit, less a fee to run the organization and pay a dividend to shareholders. CARC would be responsible for packaging the raisins and promoting their use throughout the country.

In 1915, CARC began marketing their raisins under the "Sun-Maid" brand name. A painted image of a young girl wearing a red sun bonnet and holding a tray of freshly picked grapes became the company's trademark, reproduced on raisin boxes and all manner of promotional materials. The model for the image was a local Fresno girl named Lorraine Collett Peterson who worked part time for a packing company. Along with a group of other "Sun Maids" employed by the firm, Miss Peterson made personal appearances to promote the raisins, while magazine and newspaper ads emphasized the benefits of raisins dried naturally by the sun versus mechanical or chemical drying. Recipe booklets and other materials helped increase Americans' consumption of raisins significantly. CARC also employed a national team of agents to sell raisins directly to grocers, reducing the need for an outside distribution network. This sophisticated integration of advertising, public relations and sales efforts was enormously successful.

In 1918, CARC opened a huge processing and packing plant at the corner of Hamilton and Pearl streets just south of the Fulton Corridor. CARC's name was officially changed to Sun-Maid Raisin Growers of California in 1922, reflecting the success of its national branding efforts. Sun Maid would continue operating the Fresno plant until 1964.

In addition to fruit packing, other industrial activities during this period included grain storage, general merchandise warehousing, lumber yards, beer and soda bottling, soap manufacturing, and a machine foundry. The Danish Creamery Association began operating a dairy products processing facility at the corner of E Street and Inyo sometime before 1919. Dairy products are still processed today at the site by California Dairies, Inc. including butter under the Danish Creamery brand name.

The area north of the railroad tracks and northwest of the central business district also began to change dramatically during the second decade of the 20th Century where commercial and light industrial uses, including a large number of automobile service businesses, began to replace the residential properties originally constructed there.

By the end of the 1920s, Fresno had transformed into a thriving city at the center of the United State's most productive agricultural region. The downtown was fully established as the San Joaquin Valley's primary marketplace offering office, retail, lodging, dining, and entertainment facilities. Adjacent industrial activity enabled agricultural goods to be processed and shipped to distant consumers. The central city's residential areas had largely been developed. Residential properties were increasingly redeveloped for commercial uses as the City's wide-ranging streetcar system and increased private automobile ownership allowed more of Fresno's citizens to live outside of the city

center. Fresno, along with the nation, appeared increasingly prosperous. Then on November 24, 1929, the New York Stock Exchange crashed and millions of dollars in stock value vanished. The stock market crash exposed structural weaknesses in the banking and finance systems, key industries, and the economy as a whole, ushering in the Great Depression.

Fulton Mall Regional Area Historic Archaeological Environmental Setting

The Project is located in a portion of the City that saw the earliest developments along the Central Pacific tracks, including the origination point of development (the railroad stop at Tulare and H), plus properties that were sold off by Chapman for the various agricultural colonies to the southwest. As the City developed, land development pressures were focused southwest of the tracks (Chinatown), and east of and paralleling the tracks (Germantown and Armenia Town). Central downtown blocks quickly became the managerial core of the town, while development of homes expanded for the most part to the north and east.

As the downtown area filled out during the late 1880s, both commercial and residential buildings could be found along K Street (later Van Ness), between Tulare and Inyo streets. More outlying residential areas, such as those along O Street, were still in relatively rural settings. With land within the city limits bringing premium prices, the City began to annex additional property for commercial and residential development. In 1887, the City annexed the first addition, the Woodward Addition, which was located at the southern end of the community; however, the greatest growth during this period was directed to the north and west of the city limits. The Lowell neighborhood developed north of Divisadero Street during Fresno's rapid growth period, from the mid 1880s through 1910. Demographically, the area was somewhat unique, in that upper, middle, and working class families all resided within it. Working class enclaves developed bordering the more affluent areas of the Lowell neighborhood. Contrary to the social and economic segregation typical of many parts of the country, Fresno saw affluent families residing only one street away from working class enclaves.

The land in the western portion of the study area, west of the original town site of Fresno began to be developed in the 1880s. The Western Addition of Fresno was subdivided in February 1882. The Western Addition included lands extending from Belmont Avenue on the north to Whites Bridge Road on the south, and west from Tehama Street to Thorne Avenue. In 1888, the West Fresno Addition was annexed, and in the ensuing years, more tracts were developed, marketed, and eventually annexed to the city of Fresno.

By 1900 the population of Fresno had reached 12,470 people, and the city drafted its first charter. During the following decade agriculture continued to flourish, with cotton growing and sweet wine production emerging as new industries. Fresno became the residential and commercial center of an increasingly prosperous region. Key to Fresno's further outward expansion was the introduction of street car and trolley lines, which carried passengers to different parts of the City and attracted business to the area. In 1889, the Fresno Street Railroad franchise first introduced service. Other franchises followed, carrying passengers in horse- and mule-drawn, mostly antiquated, second-hand trolley cars from San Francisco. In 1903, the Fresno Traction Company introduced Fresno's first electric streetcar line, and in 1909 the City's first double track line was installed on J Street (now Fulton Street).

In the eastern reaches of Fresno, early development was concentrated in the vicinity of the Fresno County Fairgrounds, particularly north of Ventura Avenue. There were fully built-out residential tracts in that area, extending as far east as Chestnut Avenue, by the early 1920s. Roeding Park, in the northwest portion of the DNCP area, came into being with the donation of 118 acres of land to the city by German immigrant, farmer, and nurseryman Frederick Roeding and wife Marianne between 1903 and 1908. An adjoining 40 acres, present location of the zoo, was acquired by the city in 1924. Fresno Chaffee Zoo began casually as a collection of unwanted pets and other animals around 1908. It received accreditation as the Roeding Park Zoo in 1929.

Highway 99, the main north-south route through Fresno and the San Joaquin Valley, had its origins as Route 4 in the 1910s. Built to accommodate the growing number of automobiles, it was among the state's first paved overland routes. It was officially designated US Highway 99 in 1926 and acquired the title "Golden State Highway" in 1927. The early highway followed the present alignment of Golden State Boulevard northwest of the downtown, and prior to World War II, its path north of Roeding Park emerged as an early "motel row," lined with motor courts and tourist camps.

Following World War II, the passage of the G.I. Bill enabled returning veterans to purchase homes and establish businesses, prompting another period of rapid expansion. The Mayfair subdivision, completed in 1947 northeast of the Project Area, included Fresno's first suburban shopping mall and ushered in an era of development at the suburban fringe. Between 1940 and 1950, the City's population grew by 30,000, with much of the growth accommodated in new auto-oriented suburbs. The Interstate Highway Act of 1956 served to spur development of suburbs, and ultimately led to the economic decline of many inner cities. The City attempted to remedy the decline of downtown Fresno with the issuance of the 1960 General Plan.

Downtown Fresno Districts

There are a series of (historic archaeological) Districts within Downtown Fresno. These districts are among the oldest, most diverse, and most densely developed areas in the City of Fresno. The boundaries of the districts were determined primarily by the unique character of each district, which in turn was based largely upon their physical form at the time they were built and the role each played in the context of the City. There are seven distinct districts within the area known as the Fulton Corridor Specific Plan (FCSP), and include the Central Business District (District 1), the Cultural Arts District, the Civic Center, the South Stadium District, the Chinatown, the Armenian Town/Convention Center and the Divisadero Triangle.

The Fulton Mall is located within the Central Business District. This District has moderate-to-high potential for buried historic archaeological sites. This District is not known to contain any prehistoric resources.

Findings

Future development in the Central Business District is expected to infill vacant land rather than tear down and replace historic-era buildings. Although replacement of structures near the Fulton Mall is always a future possibility, replacement of the Fulton Mall itself could expose buried historic archaeological resources.

Based on a records search, no known archaeological resources are located in the project area, nor have any archaeological surveys taken place within the Project site.

Based on the Archaeological Resources Assessment Report, the Fulton Mall was determined to have moderate-to-high archaeological sensitivity. Moderate-to-high was determined by finding that: maps indicate that historic buildings of heavy construction have been removed; site may or may not have surface disturbance, e.g., site of brick commercial/industrial/residential building with basement covered by pavement or, site of brick commercial/industrial building with no basement and no subsequent surface disturbance known. Because the whole of the Fulton Mall was built over, and because the Mall area was determined to have a moderate-to-high sensitivity, there is a possibility that unknown archaeological resources could be located in Fulton Mall.

Project Impacts

Alternative 1

Less than significant impact with mitigation incorporated. As discussed above, no historic archaeological resources are known to exist in the project site, and therefore, the construction of Alternative 1 would result in no impacts to known archaeological resources. Because the project site was determined to have a moderate-to-high sensitivity, there is a possibility that unknown archaeological resources could be located in Fulton Mall. Therefore, construction activities that involve subsurface excavations associated with Alternative 1 could possibly result in significant impacts to unknown archaeological resources.

Mitigation Measure

MM CR-1 It has been determined that there is a potential for buried archaeological sites in the project site. Construction activities shall be monitored by an archaeologist who meets the Secretary of Interiors Professional Qualification Standards for Archaeology and Historic Preservation. Prior to construction, a monitoring plan shall be developed and approved by an archaeologist who meets the Secretary of Interior's Standard. The monitoring plan shall incorporate the construction plans and include methods necessary to mitigate for impacts should buried archaeological sites be encountered.

The implementation of the above mitigation measure would provide monitoring for excavation activities to reduce potential impacts to unknown archaeological resources to less than significant.

Alternative 2

Less than significant impact with mitigation incorporated. The determination of less than significant impacts with the incorporation of mitigation measures for archaeological resources as described above under Alternative 1 would be the same for Alternative 2.

Mitigation Measure

Implementation of Mitigation Measure CR-1 is required.

The implementation of the above mitigation measure would provide monitoring for excavation activities to reduce potential impacts to unknown archaeological resources to less than significant.

Cumulative Impacts

Less than significant impact with mitigation incorporated. Cumulative development in Downtown Fresno is not expected to result in any impacts to known archaeological resources. However, cumulative development could impact unknown resources. This potential impact is considered potentially significant. The implementation of Alternative 1 or 2 could also result in significant impacts to unknown resources, therefore, the contribution of Alternative 1 or 2 to potential cumulative impacts on unknown archaeological resources is considered cumulatively significant. Thus, Alternative 1 or 2 could result in a significant cumulative impact.

Mitigation Measure

Implementation of Mitigation Measure CR-1 is required.

The implementation of the above mitigation measure would provide monitoring for excavation activities to reduce the project's contribution to potential cumulative impacts to unknown archaeological resources to less than cumulatively significant.

Paleontological Resource or Geologic Feature

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The following discussion is based on a Paleontological Resource Assessment prepared for the proposed Fulton Mall Reconstruction Project. The Assessment was prepared by FirstCarbon Solutions based on records search conducted by Dr. Ken Finger. The Assessment is provided in Appendix D2 of this Initial Study.

Topography

The Fulton Mall project study area consists predominantly of developed land consistent with the characteristics of an urban center. Single- and multi-story buildings are located throughout the project study area. Fulton Mall and the Cross Malls consist of paved pedestrian pathways. The project study area has generally flat topography at an elevation of approximately 290 feet above mean sea level.

Climate

The City of Fresno has an "inland Mediterranean" climate including long, hot, dry summers and short, foggy winters with low rainfall. The average winter temperatures are in the high 50s degrees Fahrenheit (°F); temperatures below freezing are unusual. Average summer temperatures are in the 90s°F; however, over the greater Fresno area the average is 95°F. Many summer days have highs exceeding 100°F. The City of Fresno experiences, on average, a little more than 10 inches annual precipitation.

Soils

The general soil profile within Fulton Mall study area consists of four separate soil series: Delhi loamy sand, Hanford sandy loam, Madera loam, and San Joaquin sandy loam. The soils within the majority of the study area have been altered from their natural state because of grading and compaction for the construction of the existing Fulton Mall and adjacent buildings and infrastructure. It is uncertain just how deep undisturbed terrain is located below the pavement of the existing Fulton Mall.

Paleontological Resource Assessment

The City of Fresno was reviewed for geology and paleontological sensitivity. The geologic maps of Matthews and Burnett (1965), Page and LeBlanc (1969), and Marchand and Allwardt (1978) indicate that the entire area of concern consists of Quaternary alluvium. Matthews and Burnett (1965) mapped the surface of the project area as Pleistocene non-marine (Qc) and Quaternary non-marine fan deposits (Qf), the former having been more recently been referred as the Riverbank Formation and the latter consists of undifferentiated Pleistocene-Holocene alluvial sediments, respectively.

Based on a database records search at the University of California Museum of Paleontology (UCMP), three Pleistocene Riverbank Formation localities (#V4401, #V65100, and #V81121) were found in surrounding Fresno County, all of which yielded elements of the Rancholabrean (late Pleistocene) vertebrate fauna. Locality #V81121 is referred to the Riverbank Formation, whereas the other two units are unnamed. Locality #V4401 (Tranquility) accounts for 149 of the 151 specimens listed. Numerous specimens have been published, several of which are types for their species. The recovered faunal assemblage includes pond turtle (*Clemmys marmorata*), rattlesnake (*Crotalus*), loon (*Gavia*), broad-footed mole (*Scapanus latimanus*), jackrabbit (*Lepus*), vole (*Microtus*), wood rat (*Neotoma*), pocket gopher (*Thomomys*), badger (*Taxidea*), grey fox (*Urocyon*), true fox (*Vulpes*), coyote (*Canis latrans*), horse (*Equus*), bison (*Bison*), elk (*Cervus*), and mule deer (*Odocoileus*). Among these are type specimens of *Clemmys marmorata*, *Scapanus latimanus*, and *Canis latrans* that have been documented in scientific publication. The UCMP database also records 12 plant localities in Fresno County, in the Pleistocene alluvial deposits of the Modesto, Riverbank, and Turlock Lake formations.

All undisturbed Pleistocene alluvium in the surface and subsurface of the area has the potential to contain significant paleontological resources that could be impacted by project-related excavations. Fossils tend to be spottily distributed in alluvium, occurring primarily in pointbar and floodplain deposits. Nevertheless, all Pleistocene alluvium, including undifferentiated Pleistocene-Holocene fan deposits, are considered to have a high paleontological sensitivity.

The whole of the Fulton Mall Reconstruction area is located on Quaternary non-marine fan deposits (Qf), with Pleistocene non-marine (Qc) located about 0.25 mile to the southeast. Since the Quaternary non-marine fan deposits overlie the Pleistocene non-marine deposits at uncertain depth at the project site, it is not known—until cuts are made—at what depth the Pleistocene non-marine deposits will be encountered.

Project Impacts

Alternative 1

Less than significant impact with mitigation incorporated. Construction activities associated with Alternative 1 would require reconstruction activities that would include excavation cuts up to 5 and 15 feet below modern grade. Grading activities that occur between modern grade and 5 feet below modern grade are expected to be disturbed given that Fulton Mall has undergone previous grading activities when the pedestrian mall and related utility improvements were constructed in the 1960s. Therefore, there would be no impacts to paleontological resources from excavation to 5 feet below modern grade.

During excavation activities that take place more than 5 feet below modern grade, there is the potential that such cuts could impact undisturbed Pleistocene and/or Quaternary deposits, and it is this undisturbed terrain that may contain locally significant fossil deposits. Therefore, Alternative 1 could result in significant impacts to unknown paleontological resources during excavations 5 feet below modern grade.

Use of the conversion of Fulton Mall to a street network under Alternative 1 would not result in long-term impacts on unknown paleontological resources because no long-term disturbance of undisturbed terrain would occur.

Mitigation Measure

MM CR-2 Prior to the issuance of grading permits, a paleontologist shall be retained to monitor excavation activities that occur five feet below modern grade. If paleontological resources are found, earth-disturbing activities shall be diverted to a location away from the site of the find to a distance recommended by the paleontologist. For resources that are discovered, the paleontologist shall salvage, prepare, identify, and curate any paleontological resources deemed significant. The significant resources shall be sent to a City-approved depository along with a summary report. Construction activity shall resume at the site of the find upon recommendation and approval of the paleontologist.

The implementation of the above mitigation measure would reduce the project's impacts to unknown paleontological resources to less than significant.

Alternative 2

Less than significant impact with mitigation incorporated. The determination of less than significant impacts with the incorporation of mitigation measures for paleontological resources as described above under Alternative 1 would be the same for Alternative 2.

Mitigation Measure

Implementation of Mitigation Measure CR-2 is required.

The implementation of the above mitigation measure would reduce the project's impacts to unknown paleontological resources to less than significant.

Cumulative Impacts

Less than significant impact with mitigation incorporated. Cumulative development in Downtown Fresno may result in cumulative impacts on unknown paleontological resources during excavation activities. This potential cumulative impact is considered potentially significant. The implementation of Alternative 1 or 2 could also result in significant impacts to unknown paleontological resources, therefore, the contribution of Alternative 1 or 2 to potential cumulative impacts on unknown paleontological resources is considered cumulatively significant. Thus, Alternative 1 or 2 could result in a significant cumulative impact.

Mitigation Measure

Implementation of Mitigation Measure CR-2 is required.

The implementation of the above mitigation measure would reduce the project's contribution to potential cumulative impacts to unknown paleontological resources to less than cumulatively significant.

Human Remains

d) Disturb any human remains, including those interred outside of formal cemeteries?

Based on a records search, no known human remains are located on the project site. Because no deposits of human remains are known for the Project area, impacts to such resources are unexpected, and the potential for such impacts are considered low.

Project Impacts

Alternative 1

Less than significant with mitigation incorporated. Although there is a low potential for human remains to occur on the project site, there is still a possibility that buried human remains could be uncovered when excavation activities occur. Therefore, the excavation activities associated with Alternative 1 could result in potential significant impacts to unknown human remains.

Mitigation Measure

MM CR-3 If human remains are encountered, all ground-disturbing activities shall immediately be suspended within a 100-foot radius of the find, or a distance determined by a qualified professional archaeologist to be appropriate based on the potential for disturbance of additional remains. The Fresno County Coroner shall be contacted. If the remains are of Native American origin, the most likely descendants of the deceased must be identified by the Native American Heritage Commission (NAHC). The City of Fresno will consult with the Native American most likely descendant(s) to identify a mutually acceptable strategy for treating, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. If the NAHC is unable to identify a most likely descendant; if the descendant fails to make a recommendation within 24 hours of being notified by the NAHC or the City; and if the descendant is not capable of reaching a mutually acceptable strategy

through mediation by the NAHC, the Native American human remains and associated grave goods will be reburied with appropriate dignity on the proposed project site in a location not subject to further subsurface disturbance.

The implementation of the above mitigation measure would result in the immediate suspension of construction activities in the vicinity of the human remain and allow the process outlined in the Public Resources Code to be completed to reduce potential impacts to unknown human remains to less than significant.

Alternative 2

Less than significant impact with mitigation incorporated. The determination of less than significant impacts with the incorporation of mitigation measures for human remains as described above under Alternative 1 would be the same for Alternative 2.

Mitigation Measure

Implementation of Mitigation Measure CR-3 is required.

The implementation of the above mitigation measure would result in the immediate suspension of construction activities in the vicinity of the human remain and allow the process outlined in the Public Resources Code to be completed to reduce potential impacts to unknown human remains to less than significant.

Cumulative Impacts

Less than significant impact with mitigation incorporated. Cumulative development in Downtown Fresno may result in cumulative impacts on unknown human remains during excavation activities. This potential cumulative impact is considered potentially significant. The implementation of Alternative 1 or 2 could also result in significant impacts to unknown human remains, therefore, the contribution of Alternative 1 or 2 to potential cumulative impacts on unknown human remains is considered cumulatively significant. Thus, Alternative 1 or 2 could result in a significant cumulative impact.

Mitigation Measure

Implementation of Mitigation Measure CR-2 is required.

The implementation of the above mitigation measure would provide monitoring for excavation activities to reduce the project's contribution to potential cumulative impacts to unknown human remains to less than cumulatively significant.

3.6 - Geology and Soils

The following discussion is based on the Limited Geologic Hazards Summary that includes an assessment of the Fulton Mall area. The Report was prepared by Krazan & Associates for the Fulton Corridor Specific Plan Area and is provided in Appendix E of this Initial Study.

Earthquakes

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**
 - i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
 - ii) **Strong seismic ground shaking?**
 - iii) **Seismic-related ground failure, including liquefaction?**
 - iv) **Landslides?**

The Fulton Mall is located along the east margin of the southern San Joaquin Valley portion of the Great Valley Geomorphic Province of California. The San Joaquin Valley is bordered to the north by the Sacramento Valley portion of the Great Valley, to the east by the Sierra Nevada, to the west by the Coast Ranges, and to the south by the Transverse Ranges. The San Joaquin sedimentary basin is separated from the Sacramento basin to the north by the buried Stockton arch and associated Stockton Fault. The 450-mile long Great Valley is an asymmetric structural trough that has been filled with a prism of Mesozoic and Cenozoic sediments up to 5 miles thick.

The Sierra Nevada, located east of the San Joaquin Valley, is gently southwesterly tilted fault block comprised of igneous and metamorphic rocks of pre-Tertiary age that comprise the basement beneath the San Joaquin Valley. The Coast Ranges, located west of the San Joaquin Valley, are comprised of folded and faulted sedimentary and metasedimentary rocks of Mesozoic and Cenozoic age.

The San Joaquin River and the Kings River are the principal rivers in the regional area. Alluvial fans formed by these rivers are the predominant geomorphic features in the Fresno area. The area of the Fulton Mall is characterized by low alluvial fans and plains, which constitute a belt of coalescing alluvial fans of low relief between the dissected uplands, adjacent to the Sierra Nevada and the valley trough. The Fulton Mall is located in the "Compound Alluvial Fan of Intermittent Streams North of the Kings River Geomorphic Area." Recent alluvial fan deposits from streams emerging from highlands surrounding the Great Valley and Pleistocene non-marine sedimentary deposits (Riverbank Formation) composed of older alluvium and dissected fan deposits underlie the vicinity of Fulton Mall.

The general area of the Fulton Mall is underlain by a homoclinal series of Cenozoic deposits dipping 4 to 6 degrees to the southwest toward the center of the San Joaquin Valley. The contact between the Cenozoic and basement rocks dips nearly 8 degrees southwest, or at a slightly greater inclination than does the on-lapping homoclinal Cenozoic sequence.

The Sierra Nevada and Coast Ranges are geologically young mountain ranges that possess active and potentially active fault zones. Major active faults and fault zones occur at some distance to the east, west, and south of Downtown Fresno. Numerous active faults are present within the central Coast Ranges west of Downtown Fresno including the San Andreas Fault (located approximately 65 miles west of Downtown Fresno). One of the nearest seismotectonic sources is the Great Valley Fault zone (Coast Ranges-Central Valley boundary zone), located approximately 39 miles west of Downtown Fresno. The Great Valley Fault zone is the geomorphic boundary of the Coast Ranges and the Central Valley and is underlain by a 300-mile long seismically active fold and thrust belt that has been the source of recent earthquakes, such as the 1983 magnitude 6.5 Coalinga and the 1985 magnitude 6.1 Kettleman Hills earthquakes. Nearly the entire thrust system is concealed or "blind." The basal detachment of this thrust system dips at a shallow angle to the west. East-directed thrusting over ramps in the detachment and west-directed thrusting on backthrusts are responsible for the uplift along the eastern range front of the Coast Ranges. Based on earthquake focal mechanisms, movement on the thrust zone is generally perpendicular to the strike of the geomorphic boundary and trend of the San Andreas Fault system. Shortening along the geomorphic boundary is driven by a component of the Pacific-North American Plate motion that is normal to the plate boundary. The Great Valley Fault zone is considered the dominant seismic feature with potential for affecting Downtown Fresno.

Regional structure within the Western Sierra Nevada north of Downtown Fresno is complex and generally consists of blocks separated by steeply eastward-dipping, north and northwest striking reverse faults of the Foothills Fault System. The Foothills Fault system is located approximately 37 miles north of Downtown Fresno. Based on mapping and historical seismicity, the seismicity of the Sierra Nevada foothills has been generally considered low by the scientific community. However, on August 1, 1975, a 5.7 Richter magnitude earthquake occurred near Oroville within the northern Sierra Nevada. Surface rupture along the Cleveland Hill Fault (part of the Foothills Fault System) was associated with 1975 Oroville earthquake. As a result of this event, numerous studies were undertaken to further evaluate the seismicity of the Sierra Nevada foothills. Of particular note are the geologic and seismicity studies conducted by Woodward-Clyde Consultants (WCC) to evaluate the proposed Auburn Dam site. Based on these studies, WCC concluded that seismic events in the Sierra Nevada foothills are associated with very small, geologically infrequent, incremental displacements having minor geomorphic surface expression.

In addition, the eastern border of the southern San Joaquin Valley is cut by a series of en-echelon range-front faults. These faults are mainly northwest-trending normal faults, down dropped to the west and with a near vertical dip. One of the range-front faults, the Clovis Fault, is mapped approximately 13 miles northeast of Downtown Fresno. These range-front faults have generally been considered inactive; however, a September 1973 magnitude 4.4 earthquake that occurred approximately 4.3 miles north of Downtown Fresno may be related to this fault system.

The Sierra Nevada and Owens Valley Fault Zones bound the eastern edge of the Sierra Nevada block nearly 85 miles east of Downtown Fresno.

Tensional forces resulting in normal faults are reported to be related to crustal stress relief in the southeast portion of the San Joaquin Valley. Numerous relatively short, normal faults traverse this

region. Creep activity is the prominent mode of slip on those faults in this region that are active. These movements have continued on an intermittent basis from the early Miocene to Recent time. This faulting is directly related to and controls the accumulation of oil in several oil fields within the easterly portion of the valley. Most authors agree that current creep movements can be ascribed to subsidence promoted by extensive withdrawal of petroleum, and in some cases, groundwater. Those faults considered to be active in the southern valley are Kern Front and Pond Faults located at least 90 miles south of Downtown Fresno.

White Wolf Fault (responsible for a 1952 earthquake that caused extensive damage in the Bakersfield area) is located in the tectonically active Tehachapi Mountains at the southerly terminus of the valley, over 100 miles south of Downtown Fresno.

Project Impacts

Alternative 1

Rupture of a Known Earthquake Fault - No impact. According to the Limited Geologic Hazards Summary prepared for the vicinity of Fulton Mall, the project site does not lie on a Fault Rupture Hazard Zones Map. The nearest zoned fault is a portion of the Ortigalita Fault located approximately 58 miles west of Downtown Fresno. Therefore, Alternative 1 would result in no impacts related to rupture from a known earthquake fault.

Strong Seismic Ground Shaking - Less than significant impact. According to the Limited Geologic Hazards Summary prepared for the vicinity of Fulton Mall, the area encompassed within both planning areas has historically experienced a low-to-moderate degree of seismicity. The report reviewed historic earthquakes and concluded that no events exceeding magnitude 6.0 occurred within 40 miles of Downtown Fresno, representing the approximate threshold for potential damage related to seismically induced ground shaking. Moreover, the magnitude 6.7 event that occurred in May 1983 approximately 50 miles southwest of Downtown Fresno and did not result in any structural or architectural damage. Although the project site may be exposed to seismic ground shaking during an earthquake, the potential impacts to Alternative 1 are considered to be less than significant.

Seismic-Related Ground Failure and Liquefaction - Less than significant impact. According to the Limited Geologic Hazards Summary prepared for the vicinity of Fulton Mall, based on the nature of the subsurface materials and relatively level site conditions and low-to-moderate degree of seismicity, seismic induced settlement would result in a less than significant geologic hazard. Based on these findings, it appears that the potential for soil liquefaction within Fulton Mall is very low due to the type of soils anticipated to be within the upper layer, the relatively low levels of expected groundshaking at Fulton Mall, and the lack of high groundwater. Therefore, Alternative 1 would result in less than significant impacts associated with seismic-related ground failure and liquefaction.

Landslides - No impact. According to the Limited Geologic Hazards Summary prepared for the vicinity of Fulton Mall, the relatively level nature of the planning area would not result in the potential for landslides and no impacts on Alternative 1 would result.

Alternative 2

Rupture of a Known Earthquake Fault - No impact. The determination of no impact from a fault rupture during an earthquake as described under Alternative 1 would be the same for Alternative 2.

Strong Seismic Ground Shaking - Less than significant impact. The determination of less than significant impact from strong ground shaking during an earthquake as described under Alternative 1 would be the same for Alternative 2.

Seismic-Related Ground Failure and Liquefaction - Less than significant impact. The determination of less than significant impact from seismic-related ground failure and liquefaction during an earthquake as described under Alternative 1 would be the same for Alternative 2.

Landslides - No impact. The determination of no impact from landslides as described under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Cumulative developments in Downtown Fresno will not result in altering geologic events or soil features/characteristics, such as ground shaking or seismic intensity. Therefore, the implementation of Alternative 1 or 2 will not affect the level of intensity at which a seismic event on an adjacent site is experienced. Alternative 1 or 2 would not contribute to potential significant cumulative impacts related to geology and soils, and therefore, Alternative 1 or 2 would result in no cumulative impacts.

Soil Erosion or Topsoil Loss**b) Result in substantial soil erosion or the loss of topsoil?****Project Impacts****Alternative 1**

Less than significant impact. Reintroducing roadways would include grading and excavation necessary to accept the roadway improvements. Because Alternative 1 would be required to comply with the mandatory obligations under the National Pollution Discharge Elimination System (NPDES) by preparing a Storm Water Pollution Prevention Program (SWPPP) for construction activities, less than significant soil erosion or loss of topsoil impacts would result.

Alternative 2

Less than significant impact. The determination of no potential for substantial soil erosion or the loss of topsoil as described under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. As Alternative 1 or 2 would be required to comply with the mandatory obligations under the National Pollution Discharge Elimination System (NPDES) by preparing a Storm Water Pollution Prevention Program (SWPPP) for construction activities and that Downtown Fresno contains relatively flat terrain, potential cumulative soil erosion or loss of topsoil in the Downtown area would

be less than significant. Therefore, implementation of Alternative 1 or 2 would result in less than cumulative impacts associated with soil erosion or loss of topsoil.

Unstable Geologic Location

- c) **Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?**

Project Impacts

Alternative 1

Less than significant impact. According to the Limited Geologic Hazards Summary prepared for the vicinity of Fulton Mall, Downtown Fresno is not subject to subsidence resulting from fluid or petroleum withdrawal. Also according to the Limited Geologic Hazards Summary, based on the nature of the subsurface materials and relatively level site conditions and low-to-moderate degree of seismicity, lateral spreading would not result in a significant geologic hazard. Refer to CEQA Checklist Question 3.6 a) above for a discussion related to liquefaction and landslides. Therefore, Alternative 1 would not be located on an unstable geologic unit or a geologic unit that would become unstable and less than significant impacts would result.

Alternative 2

Less than significant impact. The determination of less than significant impacts for unstable geologic conditions as described above under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since Downtown Fresno contains relatively flat terrain, cumulative developments in Downtown Fresno will not increase unstable geologic conditions for other sites. Therefore, cumulative development would not contribute any unstable geologic conditions to the Fulton Mall, and the implementation of Alternative 1 or 2 would not contribute to unstable geologic conditions to cumulative developments. Therefore, Alternative 1 or 2 would result in no cumulative unstable geologic impacts.

Expansive Soil

- d) **Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?**

Project Impacts

Alternative 1

Less than significant impact. According to the Limited Geologic Hazards Summary prepared for the vicinity of Fulton Mall, the surface and near-surface soils observed consist of sandy silts, silty sands, sandy silt or silty sand with trace clay, and sands. These materials are considered to have a very low to moderate expansion potential. Therefore, impacts related to expansive soils would be less than significant.

Alternative 2

Less than significant impact. The determination of less than significant impacts associated with expansive soils as described under Alternative 1 would be the same for Alternative 2..

Cumulative Impacts

No impact. Cumulative developments in Downtown Fresno will not increase expansive soil impacts on other sites. Therefore, cumulative development would not contribute any expansive soil impacts to the Fulton Mall, and the implementation of Alternative 1 or 2 would not contribute to expansive soil impacts to cumulative developments. Therefore, Alternative 1 or 2 would result in no cumulative impacts associated with expansive soils.

Wastewater Disposal Systems

- e) **Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?**

Project Impacts**Alternative 1**

No impact. Alternative 1 does not propose alternative wastewater disposal systems or septic tank wastewater disposal systems. Therefore, no impacts related to soils incapable of supporting wastewater systems would result from Alternative 1 implementation.

Alternative 2

No impact. The determination of no impact from soils incapable of adequately supporting wastewater disposal systems as described above under alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since the development of Alternative 1 or 2 does not involve alternative wastewater disposal systems or septic tank wastewater disposal systems, Alternative 1 or 2 would result in no cumulative impact to these systems.

3.7 - Greenhouse Gas Emissions

The following is from the Air Quality Report that was prepared for the Fulton Mall Reconstruction project by FCS in September 2013. The Report is provided in Appendix B of this Initial Study. Climate change refers to long-term changes in temperature, precipitation, wind patterns, and other elements of the earth's climate system. An ever-increasing body of scientific research attributes these climatological changes to greenhouse gases, particularly those generated from the production and use of fossil fuels.

While climate change has been a concern for several decades, the establishment of the Intergovernmental Panel on Climate Change (IPCC) by the United Nations and World Meteorological Organization's in 1988, has led to increased efforts devoted to greenhouse gas emissions reduction and climate change research and policy. These efforts are primarily concerned with the emissions of

greenhouse gases related to human activity that include carbon dioxide (CO₂), methane, nitrous oxide, tetrafluoromethane, hexafluoroethane, sulfur hexafluoride, HFC-23 (fluoroform), HFC-134a (s, s, s, 2 -tetrafluoroethane), and HFC-152a (difluoroethane).

Transportation sources (passenger cars, light duty trucks, other trucks, buses and motorcycles) in the state of California make up the largest source (second to electricity generation) of greenhouse gas emitting sources. Conversely, the main source of greenhouse gas emissions in the United States (U.S.) is electricity generation followed by transportation. The dominant greenhouse gas emitted is CO₂, mostly from fossil fuel combustion.

There are four primary strategies for reducing greenhouse gas emissions from transportation sources: 1) improve system and operation efficiencies, 2) reduce growth of vehicle miles traveled (VMT) 3) transition to lower greenhouse gas fuels and 4) improve vehicle technologies. To be most effective all four should be pursued collectively. The following regulatory setting section outlines state and federal efforts to comprehensively reduce greenhouse gas emissions from transportation sources.

Potential Environmental Effects

Worldwide, average temperatures are likely to increase by 1.8 degrees Celsius (°C) to 4°C, or approximately 3 °F to 7°F by the end of the 21st century (IPCC 2007). However, a global temperature increase does not translate to a uniform increase in temperature in all locations on the earth. Regional climate changes are dependent on multiple variables, such as topography. One region of the Earth may experience increased temperature, increased incidents of drought and similar warming effects, whereas another region may experience a relative cooling. According to the Intergovernmental Panel on Climate Change's Working Group II Report, climate change impacts to North America may include diminishing snowpack, increasing evaporation, exacerbated shoreline erosion, exacerbated inundation from sea level rising, increased risk and frequency of wildfire, increased risk of insect outbreaks, increased experiences of heat waves, and rearrangement of ecosystems, as species and ecosystem zones shift northward and to higher elevations (IPCC 2007).

For California, climate change has the potential to incur/exacerbate the following environmental impacts (CAT 2006):

- Reduced precipitation;
- Changes to precipitation and runoff patterns;
- Reduced snowfall (precipitation occurring as rain instead of snow);
- Earlier snowmelt;
- Decreased snowpack;
- Increased agricultural demand for water;
- Intrusion of seawater into coastal aquifers;
- Increased agricultural growing season;
- Increased growth rates of weeds, insect pests and pathogens;
- Inundation of low-lying coastal areas by sea level rise;
- Increased incidents and severity of wildfire events; and,
- Expansion of the range and increased frequency of pest outbreaks.

Although certain environmental effects are widely accepted to be a potential hazard to certain locations, such as rising sea level for low-laying coastal areas, it is currently infeasible to predict all environmental effects of climate change on any one location.

Federal Regulatory Setting

Although climate change and greenhouse gas reduction is a concern at the federal level; currently there are no regulations or legislation that have been enacted specifically addressing greenhouse gas emissions reductions and climate change at the project level for transportation projects. Neither the United States Environmental Protection Agency (EPA) nor Federal Highway Administration (FHWA) has promulgated explicit guidance or methodology to conduct project-level greenhouse gas analysis. As stated on FHWA's climate change website (<http://www.fhwa.dot.gov/hep/climate/index.htm>), climate change considerations should be integrated throughout the transportation decision-making process—from planning through project development and delivery. Addressing climate change mitigation and adaptation up front in the planning process will facilitate decision-making and improve efficiency at the program level, and will inform the analysis and stewardship needs of project level decision-making. Climate change considerations can easily be integrated into many planning factors, such as supporting economic vitality and global efficiency, increasing safety and mobility, enhancing the environment, promoting energy conservation, and improving the quality of life.

The four strategies set forth by FHWA to lessen climate change impacts do correlate with efforts that the State has undertaken and is undertaking to deal with transportation and climate change; the strategies include improved transportation system efficiency, cleaner fuels, cleaner vehicles, and reduction in the growth of vehicle hours traveled.

Climate change and its associated effects are also being addressed through various efforts at the federal level to improve fuel economy and energy efficiency, such as the "National Clean Car Program" and Executive Order 13514- Federal Leadership in Environmental, Energy and Economic Performance.

Executive Order 13514 is focused on reducing greenhouse gases internally in federal agency missions, programs and operations, but also direct federal agencies to participate in the interagency Climate Change Adaptation Task Force, which is engaged in developing a U.S. strategy for adaptation to climate change.

On April 2, 2007, in *Massachusetts v. EPA*, 549 U.S. 497 (2007), the Supreme Court found that greenhouse gases are air pollutants covered by the Clean Air Act and that the EPA has the authority to regulate greenhouse gases. The Court held that the EPA Administrator must determine whether or not emissions of greenhouse gases from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision.

On December 7, 2009, the EPA Administrator signed two distinct findings regarding greenhouse gases under section 202(a) of the Clean Air Act:

- **Endangerment Finding:** The Administrator found that the current and projected concentrations of the six key well-mixed greenhouse gases—carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF₆)—in the atmosphere threaten the public health and welfare of current and future generations.
- **Cause or Contribute Finding:** The Administrator found that the combined emissions of these well-mixed greenhouse gases from new motor vehicles and new motor vehicle engines contribute to the greenhouse gas pollution, which threatens public health and welfare.

Although these findings did not themselves impose any requirements on industry or other entities, this action was a prerequisite to finalizing the EPA's Proposed Greenhouse Gas Emission Standards for Light-Duty Vehicles, which was published on September 15, 2009. On May 7, 2010 the final Light-Duty Vehicle Greenhouse Gas Emissions Standards and Corporate Average Fuel Economy Standards was published in the Federal Register.

EPA and the National Highway Traffic Safety Administration (NHTSA) are taking coordinated steps to enable the production of a new generation of clean vehicles with reduced greenhouse gas emissions and improved fuel efficiency from on-road vehicles and engines. These next steps include developing the first-ever greenhouse gas regulations for heavy-duty engines and vehicles, as well as additional light-duty vehicle greenhouse gas regulations. These steps were outlined by President Obama in a memorandum on May 21, 2010.

The final combined EPA and NHTSA standards that make up the first phase of this national program apply to passenger cars, light-duty trucks, and medium-duty passenger vehicles, covering model years 2012 through 2016. The standards require these vehicles to meet an estimated combined average emissions level of 250 grams of carbon dioxide per mile, equivalent to 35.5 miles per gallon if the automobile industry were to meet this carbon dioxide level solely through fuel economy improvements. Together, these standards will cut greenhouse gas emissions by an estimated 960 million metric tons and 1.8 billion barrels of oil over the lifetime of the vehicles sold under the program (model years 2012-2016).

On January 24, 2011, the EPA along with the U.S. Department of Transportation and the State of California announced a single timeframe for proposing fuel economy and greenhouse gas standards for model years 2017-2025 cars and light-trucks. Proposing the new standards in the same timeframe (September 1, 2011) signals continued collaboration that could lead to an extension of the current National Clean Car Program.

Council on Environmental Quality. On February 18, 2010, the Council on Environmental Quality (CEQ) provided a draft guidance memorandum for public consideration and comment on the ways in which federal agencies can improve their consideration of the effects of greenhouse gas emissions and climate change in evaluations of proposals for federal actions under NEPA (CEQ 2010).

CEQ proposes to advise federal agencies to consider, in scoping their NEPA analyses, whether analysis of the direct and indirect greenhouse gas emissions from their proposed actions may

provide meaningful information to decision makers and the public. Specifically, if a proposed action would be reasonably anticipated to cause direct emissions of 25,000 metric tons or more of carbon dioxide equivalent greenhouse gas emissions on an annual basis, agencies should consider this an indicator that a quantitative and qualitative assessment may be meaningful to decision makers and the public. For long-term actions that have annual direct emissions of less than 25,000 metric tons of carbon dioxide equivalent, CEQ encourages federal agencies to consider whether the action's long-term emissions should receive similar analysis. CEQ does not propose this as an indicator of a threshold of significant effects, but rather as an indicator of a minimum level of greenhouse gas emissions that may warrant some description in the appropriate NEPA analysis for agency actions involving direct emissions of greenhouse gases.

State

There have been significant legislative and regulatory activities that affect climate change and greenhouse gases in California. Legislative and regulatory activities pertinent to transportation are discussed below.

Assembly Bill 1493 (AB 1493), Pavley. Vehicular Emissions: Greenhouse Gases (AB 1493), 2002: requires the ARB to develop and implement regulations to reduce automobile and light truck greenhouse gas emissions. These stricter emissions standards were designed to apply to automobiles and light trucks beginning with the 2009-model year. In June 2009, the EPA Administrator granted a Clean Air Act waiver of preemption to California. This waiver allowed California to implement its own greenhouse gas emission standards for motor vehicles beginning with model year 2009. California agencies will be working with Federal agencies to conduct joint rulemaking to reduce greenhouse gas emissions for passenger cars model years 2017-2025.

Executive Order S-3-05: (signed on June 1, 2005, by Governor Arnold Schwarzenegger) the goal of this Executive Order is to reduce California's greenhouse gas emissions to: 1) 2000 levels by 2010, 2) 1990 levels by the 2020 and 3) 80 percent below the 1990 levels by the year 2050. In 2006, this goal was further reinforced with the passage of Assembly Bill 32.

AB32 (AB 32), the Global Warming Solutions Act of 2006: AB 32 sets the same overall greenhouse gas emissions reduction goals as outlined in Executive Order S-3-05, while further mandating that ARB create a plan, which includes market mechanisms, and implement rules to achieve "real, quantifiable, cost-effective reductions of greenhouse gases." Executive Order S-20-06 further directs state agencies to begin implementing AB 32, including the recommendations made by the State's Climate Action Team.

Executive Order S-01-07: Governor Schwarzenegger set forth the low carbon fuel standard for California. Under this Executive Order, the carbon intensity of California's transportation fuels is to be reduced by at least ten percent by 2020.

Senate Bill 97 (Chapter 185, 2007): required the Governor's Office of Planning and Research (OPR) to develop recommended amendments to the State CEQA Guidelines for addressing greenhouse gas emissions. The Amendments became effective on March 18, 2010.

Senate Bill 375: SB 375 states, “Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32.” SB 375 contains the following:

- Requires MPOs to include sustainable community strategies in their regional transportation plans for reducing greenhouse gas emissions,
- Aligns planning for transportation and housing, and
- Creates specified incentives for the implementation of the strategies. Concerning CEQA, SB 375, section 21159.28 states that CEQA findings determinations for certain projects are not required to reference, describe, or discuss growth inducing impacts or any project-specific or cumulative impacts from cars and light-duty truck trips generated by a project on global warming or the regional transportation network if the project:
 - Is in an area with an approved sustainable communities strategy or an alternative planning strategy that the ARB accepts as achieving the greenhouse gas emission reduction targets;
 - Is consistent with that strategy (in designation, density, building intensity, and applicable policies); and
 - Incorporates the mitigation measures required by an applicable prior environmental document.

Caltrans

Caltrans continues to be actively involved on the Governor’s Climate Action Team as ARB works to implement the Executive Orders S-3-05 and S-01-07 and help achieve the targets set forth in AB 32. Many of the strategies Caltrans is using to help meet the targets in AB 32 come from the California Strategic Growth Plan, which is updated each year. Former Governor Arnold Schwarzenegger’s Strategic Growth Plan calls for a \$222 billion infrastructure improvement program to fortify the state’s transportation system, education, housing, and waterways, including \$100.7 billion in transportation funding during the next decade. The Strategic Growth Plan targets a significant decrease in traffic congestion below today’s level and a corresponding reduction in greenhouse gas emissions. The Strategic Growth Plan proposes to do this while accommodating growth in population and the economy. A suite of investment options has been created that combined together are expected to reduce congestion. The Strategic Growth Plan relies on a complete systems approach to attain CO₂ reduction goals: system monitoring and evaluation, maintenance and preservation, smart land use and demand management, and operational improvements.

Caltrans is supporting efforts to reduce vehicle miles traveled by planning and implementing smart land use strategies: job/housing proximity, developing transit-oriented communities, and high-density housing along transit corridors. Caltrans is working closely with local jurisdictions on planning activities; however, Caltrans does not have local land use planning authority. Caltrans is also supporting efforts to improve the energy efficiency of the transportation sector by increasing vehicle fuel economy in new cars, light and heavy-duty trucks; Caltrans is doing this by supporting on-going research efforts at universities, by supporting legislative efforts to increase fuel economy, and by its participation on the Climate Action Team. It is important to note, however, that the control of the fuel economy standards is held by EPA and ARB. Lastly, the use of alternative fuels is

also being considered; Caltrans is participating in funding for alternative fuel research at the UC Davis.

Local Agencies

San Joaquin Valley Air Pollution Control District

On December 17, 2009, the SJVAPCD Governing Board adopted “Guidance for Valley Land-use Agencies in Addressing GHG Emission Impacts for New Projects under CEQA” and the policy: “District Policy - Addressing GHG Emission Impacts for Stationary Source Projects Under CEQA When Serving as the Lead Agency.” The SJVAPCD concluded that the existing science is inadequate to support quantification of the impacts that project-specific greenhouse gas emissions have on global climatic change. The SJVAPCD found that the effects of project-specific emissions to be cumulative, and without mitigation, their incremental contribution to global climatic change could be considered cumulatively considerable. The SJVAPCD found that this cumulative impact is best addressed by requiring all projects to reduce their greenhouse gas emissions, whether through project design elements or mitigation.

The SJVAPCD’s approach is intended to streamline the process of determining if project-specific greenhouse gas emissions would have a significant effect. Projects exempt from the requirements of CEQA, and projects complying with an approved plan or mitigation program would be determined to have a less than significant cumulative impact. Such plans or programs must be specified in law or adopted by the public agency with jurisdiction over the affected resources and have a certified Final CEQA document.

For non-exempt projects, those projects for which there is no applicable approved plan or program, or those projects not complying with an approved plan or program, the lead agency would evaluate the project against a performance-based standards and would require the adoption of design elements, known as a Best Performance Standard, to reduce greenhouse gas emissions. The Best Performance Standards have not yet fully been established, though they must be designed to effect a 29-percent reduction when compared with the “business-as-usual” projections identified in ARB’s AB 32 Scoping Plan.

“Business-as-usual” is the emissions occurring in 2020 if the average baseline emissions during the 2002-2004 period were grown to 2020 levels, without control. These standards thus carry with them pre-quantified emissions reductions, eliminating the need for project specific quantification. Therefore, projects incorporating Best Performance Standards would not require specific quantification of greenhouse gas emissions, and automatically would be determined to have a less than significant cumulative impact for greenhouse gas emissions.

For stationary source permitting projects, Best Performance Standards means, “The most stringent of the identified alternatives for control of greenhouse gas emissions, including type of equipment, design of equipment and operational and maintenance practices, which are achieved-in-practice for the identified service, operation, or emissions unit class.” The SJVAPCD has identified Best Performance Standards for the following sources: boilers; dryers and dehydrators; oil and gas

extraction, storage, transportation, and refining operations; cogeneration; gasoline dispensing facilities; volatile organic compound control technology; and steam generators.

For development projects, Best Performance Standards means, “Any combination of identified greenhouse gas emission reduction measures, including project design elements and land use decisions that reduce project specific greenhouse gas emission reductions by at least 29 percent compared with business as usual.”

Projects not incorporating Best Performance Standards would require quantification of greenhouse gas emissions and demonstration that business-as-usual greenhouse gas emissions have been reduced or mitigated by 29 percent. Quantification of greenhouse gas emissions would be required for all projects for which the lead agency has determined that an environmental impact report is required, regardless of whether the project incorporates Best Performance Standards.

Fresno Council of Governments

Fresno COG is currently working on the 2014 Regional Transportation Plan Sustainable Communities Strategy (SCS), which addresses greenhouse gas emissions reductions and other air emissions. SCS regional plans consider long-term housing, transportation, and land use needs, and are being coordinated by the 8 San Joaquin Valley Air Basin MPOs.

City of Fresno

The City is working with a consultant to prepare a Climate Action Plan for municipal and community-wide sources. Although the City has made progress in the preparation of the Climate Action Plan, a draft plan has not been released as of the date of this document.

Pollutants of Concern

Gases that trap heat in the atmosphere are greenhouse gases, analogous to the way a greenhouse retains heat. The accumulation of greenhouse gases in the atmosphere regulates the earth’s temperature. However, human activities have increased the amount of greenhouse gases in the atmosphere. Some greenhouse gases can remain in the atmosphere for hundreds of years. The following greenhouse gases are defined under Assembly Bill 32 but are not expected to be generated by the Project: chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

Individual greenhouse gas compounds have varying global warming potential and atmospheric lifetimes. The global warming potential of a greenhouse gas is a measure of how much a given mass of a greenhouse gas is estimated to contribute to global warming. To describe how much global warming a given type and amount of greenhouse gas may cause, use is made of a metric called the carbon dioxide equivalent.

The calculation of the carbon dioxide equivalent is a consistent methodology for comparing greenhouse gas emissions since it normalizes various greenhouse gas emissions to a consistent reference gas, carbon dioxide. Carbon dioxide, the reference gas for global warming potential, has a global warming potential of one. For example, methane’s warming potential of 21 indicates that methane has a 21 times greater warming affect than carbon dioxide on a molecule per molecule

basis. A carbon dioxide equivalent is the mass emissions of an individual greenhouse gas multiplied by its global warming potential. The following is a brief description of the most common greenhouse gases that may be emitted by the Fulton Mall Reconstruction Project.

Carbon dioxide. Carbon dioxide (CO₂) is an odorless, colorless natural greenhouse gas. CO₂ is emitted from natural and anthropogenic sources. Natural sources include the following: decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic sources are from burning coal, oil, natural gas, gasoline, and wood. As discussed above, CO₂ has a global warming potential of 1.

Methane. Methane is a flammable greenhouse gas. A natural source of methane is from the anaerobic decay of organic matter. Geological deposits, known as natural gas fields, also contain methane, which is extracted for fuel. Other sources are from landfills, fermentation of manure, and ruminants such as cattle. Methane has a global warming potential of 21.

Nitrous oxide. Nitrous oxide, also known as laughing gas, is a colorless greenhouse gas. Nitrous oxide is produced by microbial processes in soil and water, including those reactions that occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. Nitrous oxide is a highly potent greenhouse gas with a global warming potential of 310.

Greenhouse Gas Emissions

- a) **Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?**

Project Impacts

Alternative 1

Less than significant impact. An individual project does not generate enough greenhouse gas emissions to significantly influence global climate change. Rather, global climate change is a cumulative impact. This means that a project may participate in a potential impact through its incremental contribution combined with the contributions of all other sources of greenhouse gases. In assessing cumulative impacts, it must be determined if a project's incremental effect is "cumulatively considerable." See CEQA Guidelines sections 15064(h)(1) and 15130. To make this determination the incremental impacts of the project must be compared with the effects of past, current, and probable future projects. To gather sufficient information on a global scale of all past, current, and future projects in order to make this determination is a difficult if not impossible task.

The AB 32 Scoping Plan contains the main strategies California will use to reduce greenhouse gases. As part of its supporting documentation for the Draft Scoping Plan, ARB released the greenhouse gas inventory for California (Forecast last updated: 28 October 2010). The forecast is an estimate of the emissions expected to occur in the year 2020 if none of the foreseeable measures included in the Scoping Plan were implemented. The base year used for forecasting emissions is the average of statewide emissions in the greenhouse gas inventory for 2006, 2007, and 2008.

Caltrans and its parent agency, the Business, Transportation, and Housing Agency, have taken an active role in addressing greenhouse gas emission reduction and climate change. Recognizing that 98 percent of California's greenhouse gas emissions are from the burning of fossil fuels and 40 percent of all human made greenhouse gas emissions are from transportation, Caltrans has created and is implementing the Climate Action Program at Caltrans that was published in December 2006 (see Climate Action Program at Caltrans (December 2006)).

Generate Greenhouse Gas Emissions

Greenhouse gas emissions for transportation projects can be divided into those produced during construction and those produced during operations. Construction greenhouse gas emissions include emissions produced as a result of material processing, emissions produced by onsite construction equipment, and emissions arising from traffic delays due to construction. These emissions will be produced at different levels throughout the construction phase; their frequency and occurrence can be reduced through innovations in plans and specifications and by implementing better traffic management during construction phases.

Construction

Alternative 1 would emit greenhouse gases from upstream emission sources and direct sources (combustion of fuels from worker vehicles and construction equipment). An upstream emission source (also known as life cycle emissions) refers to emissions that were generated during the manufacture of products to be used for construction of the Project. Upstream emission sources for Alternative 1 include but are not limited to the following: emissions from the manufacture of steel and/or emissions from the transportation of construction materials in other countries. The upstream emissions were not estimated because they are not within the control of Alternative 1 and to do so would be speculative at this time. Additionally, the California Air Pollution Control Officers Association (CAPCOA) White Paper on CEQA & Climate Change supports this conclusion by stating, "The full life-cycle of GHG [greenhouse gas] emissions from construction activities is not accounted for ... and the information needed to characterize [life-cycle emissions] would be speculative at the CEQA analysis level" (CAPCOA 2008). Therefore, pursuant to CEQA Guidelines Section 15144 and 15145, upstream/life cycle, emissions are speculative and no further discussion is necessary.

The emissions of CO₂ from Alternative 1 construction equipment and worker vehicles were calculated using the Road Construction Emissions Model, Version 7, and the CalEEMod emissions model. As described in Appendix B of this Initial Study, Alternative 1 would result in approximately 910.62 metric tons of CO₂ (MTCO₂e) in 2014. Alternative 1 would also emit methane and nitrous oxide from construction equipment; however, emissions of methane and nitrous oxide are negligible compared to CO₂ emissions.

Construction emissions would be short term in nature and would occur before the year 2020. AB 32 requires that annual emissions in the State of California be reduced to 1990 levels by the year 2020. Although some greenhouse gases can remain in the atmosphere for long periods, AB 32 does not regulate concentrations.

Operation

Greenhouse gas emissions were estimated using the web-based data access EMFAC2011 as described in Appendix B of this Initial Study. The proposed Fulton Street between Tuolumne Street and Inyo Street would result in 210 average annual daily trips (AADT) under baseline plus project condition and 2,310 AADT under cumulative with project condition. As discussed in Appendix J1 of this Initial Study (traffic study), the project does not propose any additional traffic generating land uses and would only redistribute trips. Therefore, development under Alternative 1 would not result in any additional vehicle miles traveled compared to the no project scenario.

Since Alternative 1 would not result in any additional vehicle miles traveled, emissions estimates discussed in Appendix B of this Initial Study are the same for all alternatives. However, Alternative 1 is expected to improve the LOS at intersections within the vicinity of Fulton Mall. Alternative 1 would create additional travel pathways through the project area, and provide more direct routes through the project area, thereby improving mobility and potentially reducing regional VMT. Improvement in traffic flow would reduce criteria pollutants and greenhouse gas emissions because emissions on a grams-per-mile basis decrease while the speed increases, with a peak efficiency at about 45 to 50 miles per hour. Therefore, emissions of greenhouse gases would be lower with the Alternative 1 and higher with the no project alternative.

One of the main strategies in Caltrans's Climate Action Program to reduce greenhouse gas emissions is to make California's transportation system more efficient. The highest levels of carbon dioxide from mobile sources, such as automobiles, occur at stop-and-go speeds (0-25 miles per hour) and speeds over 55 mph; the most severe emissions occur from 0-25 miles per hour. To the extent that a project relieves congestion by enhancing operations and improving travel times in high congestion travel corridors greenhouse gas emissions, particularly CO₂, may be reduced.

In summary, the implementation of Alternative 1 is considered to result in a less than significant impact on greenhouse gas emissions from construction and operation activities..

Alternative 2

Less than significant impact. The determination of less than significant impacts on greenhouse gases as described above under Alternative 1 would be the same as described for Alternative 2. The specific amount of construction-related greenhouse gas emissions is slightly lower (909.53 MTCO₂e in 2014) for Alternative 2 compared to Alternative 1.

Cumulative Impacts

Less than significant impact. Cumulative development in Downtown Fresno will result in the generation of greenhouse gases during construction and operational activities. Implementation of Alternative 1 or 2 would result in the generation of greenhouse gas emissions during construction, but is expected to reduce greenhouse gases during operation of the project by relieving congestion through enhanced operations and improving travel times. The contribution of greenhouse gases during construction activities under Alternative 1 or 2 would contribute to cumulative greenhouse gas emissions; however, this contribution would be less than cumulatively considerable because the emissions would not be ongoing and would occur over a short duration. Therefore, Alternative 1 or 2 would result in less than significant cumulative impacts on greenhouse gases.

Conflict with Plan, Policy, or Regulation that Reduces Emissions

- b) **Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?**

Project Impacts

Alternative 1

No impact. As described above in CEQA Checklist Question 3.7 a), Alternative 1 would likely reduce the future-year greenhouse gas emissions generated by trips through the project area. Therefore, Alternative 1 would also lower fuel consumption associated with travel in the area. Implementation of Alternative 1 would not conflict with any applicable greenhouse gas plan, and therefore, Alternative 1 would result in no impact on an applicable plan.

Alternative 2

No impact. The determination of no impact on an applicable greenhouse gas plan as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since Alternative 1 or 2 would not conflict with an applicable greenhouse gas plan, neither Alternative 1 or 2 would contribute to cumulative impacts on an applicable plan. Therefore, Alternative 1 or 2 would result in no cumulative impacts on an applicable greenhouse gas plan.

3.8 - Hazards and Hazardous Materials

The following discussion is based on hazardous materials information that was prepared for the proposed project. A Supplemental Assessment to Fulton Corridor Phase I Environmental Site Assessment was prepared by Caltrans, District 6 in June 2013. This Assessment is located in Appendix F1 in this Initial Study. Additional Hazardous Materials Information was also gathered for the project and is located in Appendix F2 of this Initial Study.

Routine Use

- a) **Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?**

Project Impacts

Alternative 1

Less than significant impact. The construction of the proposed enhanced roadways with sidewalks would not result in the routine use, storage, transport, or disposal of large quantities of hazardous substances. The proposed project could involve the use of some hazardous and flammable substances that would be used during the construction phase. These substances could include vehicle fuels and oils in the operation of heavy equipment for site grading and roadway construction. Construction vehicles onsite may require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. However, the materials used would

not be in quantities or stored in a manner that pose a significant hazard to the public. Therefore, the impacts resulting from project construction would be less than significant.

During long-term activities given that the proposed new streets under Alternative 1 will provide access to the existing uses within Fulton Mall, no routine transport, use, or disposal of hazardous materials would foreseeably occur. Therefore, long-term impacts would be less than significant.

Alternative 2

Less than significant impact. The determination of no potential to create a significant hazard to the public from the routine transport, use or disposal of hazardous materials as described under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. The cumulative context for the analysis of potential hazardous materials impacts related to the routine transport, use, or disposal of hazardous materials is generally site-specific, rather than cumulative in nature. Compliance with all applicable federal, state, and local regulations related to hazards and hazardous materials would be required for the project. Additionally, the project would not include the routine transport, use or disposal of hazardous materials. Therefore, project impacts from hazardous materials would not be cumulatively considerable resulting in a less than significant cumulative impact.

Accident Conditions

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

It is not anticipated that the Fulton Mall Project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The environmental project analysis is discussed below.

Potential impacts may occur if unanticipated contamination is discovered during project construction. If contamination is detected, then a site-specific investigation by a hazardous materials environmental professional would be required.

Project Impacts

Alternative 1

Less than significant with mitigation. Alternative 1 could involve the use of some hazardous and flammable substances during the construction phase. These substances could include vehicle fuels and oils in the operation of heavy equipment for site grading and roadway construction. Construction vehicles onsite may require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. However, the materials used would not be in quantities or stored in a manner that pose a significant hazard to the public. Because project construction would comply with applicable federal, state, and local laws pertaining to the safe handling and transport of hazardous materials impacts associated with accidental release of

hazardous materials from construction equipment/vehicles or operational activities would be less than significant.

Potential impacts may occur if unanticipated hazardous materials contamination is discovered during project construction. Impacts would be reduced to less than significant with the implementation of Mitigation Measures HAZ-1 and HAZ-2.

Mitigation Measures

MM HAZ-1 In the event that unknown soil contamination is discovered during grading activities, the property owners and/or developers of properties shall ensure that site characterization shall be conducted in the form of step-wise Phase II ESA in order to characterize the source and maximum extent of impacts from constituents of concern. The findings and conclusions of the site characterization shall become the basis for formation of a remedial action plan and/or risk assessment.

MM HAZ-2 If the findings and conclusions of the Phase II ESA, site characterization and/or risk assessment demonstrate the presence of concentrations of hazardous materials exceeding regulatory threshold levels, property owners and/or developers of properties shall complete site remediation and potential risk assessment with oversight from the applicable regulatory agency including but not limited to, the Cal-EPA DTSC or RWQCB, and Fresno County Department of Environmental Health Services. Potential remediation could include the removal or treatment of water and/or soil. If removal occurs, hazardous materials shall be transported and disposed at a hazardous materials permitted facility.

The implementation of the above measures would provide a process to reduce the potential hazardous materials impacts from accident conditions to be less than significant.

Alternative 2

Less than significant impact with mitigation measures incorporated. The determination of potential impacts to people from the release of hazardous materials into the environment as described under Alternative 1 would be the same for Alternative 2.

Mitigation Measures

MM HAZ-1 In the event that unknown soil contamination is discovered during grading activities, the property owners and/or developers of properties shall ensure that site characterization shall be conducted in the form of step-wise Phase II ESA in order to characterize the source and maximum extent of impacts from constituents of concern. The findings and conclusions of the site characterization shall become the basis for formation of a remedial action plan and/or risk assessment.

MM HAZ-2 If the findings and conclusions of the Phase II ESA, site characterization and/or risk assessment demonstrate the presence of concentrations of hazardous materials exceeding regulatory threshold levels, property owners and/or developers of properties shall complete site remediation and potential risk assessment with

oversight from the applicable regulatory agency including but not limited to, the Cal-EPA DTSC or RWQCB, and Fresno County Department of Environmental Health Services. Potential remediation could include the removal or treatment of water and/or soil. If removal occurs, hazardous materials shall be transported and disposed at a hazardous materials permitted facility.

The implementation of the above measures would provide a process to reduce the potential hazardous materials impacts from accident conditions to be less than significant.

Cumulative Impacts

Less than significant Impact with mitigation measures incorporated. Alternatives 1 or 2 would not result in reasonably foreseeable upset or accident conditions involving the release of hazardous materials into the environment from the use, storage or transport of hazardous materials. Potential impacts may occur if unanticipated hazardous materials contamination is discovered during project construction. Therefore, there is a potential for Alternative 1 or 2 to contribute to potential significant hazardous materials impacts. Therefore, these potential impact are considered potentially significant.

Mitigation Measures

Implementation of Mitigation Measures HAZ-1 and HAZ-2 is required.

The implementation of the above measures would provide a process to reduce the potential hazardous materials impacts from accident conditions to be less than significant. Therefore, the implementation of the above measures would reduce the contribution of Alternative 1 or 2 to cumulative hazardous materials impacts from accidental conditions to less than cumulatively significant. Therefore, cumulative impacts would be less than significant.

Schools

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The Fulton Mall consists of six blocks bounded by Van Ness Avenue to the east, Inyo Street to the south, Broadway Street to the west, and Tuolumne Street to the north. The nearest schools to the project area are the Fresno Academy for Civic and Entrepreneurial Leadership (Fresno Unified School District charter school) located approximately 0.20 mile southwest of the project site and the Fresno County Special Education Local Plan School (public) located approximately 0.07 mile northeast of the project site.

Project Impacts

Alternative 1

Less than significant impact. Alternative 1 could involve the use of some hazardous and flammable substances that would be used during the construction phase. These substances could include vehicle fuels and oils in the operation of heavy equipment for site grading and roadway construction.

Construction vehicles onsite may require routine or emergency maintenance that could result in the release of oil, diesel fuel, transmission fluid, or other materials. However, the materials used would not be in quantities or stored in a manner that pose a significant hazard to the public, additionally, the construction would be subject to applicable federal, state, and local laws pertaining to the safe handling and transport of hazardous materials impacts. Therefore, Alternative 1 would result in a less than significant hazards impacts on schools.

Alternative 2

Less than significant impact. The determination of less than significant impact on schools from the use of hazardous materials as described for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts.

Less than significant impact. The proposed construction activities as well as construction activities from cumulative projects are required to comply with laws pertaining to safe handling of hazardous materials. With compliance, cumulative impacts would be less than significant, and therefore, the project would result in a less than significant cumulative impact.

Hazardous Materials Site Listing

- d) **Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?**

The Fulton Mall is located within the boundaries of the draft Fulton Corridor Specific Plan. A Phase I Environmental Site Assessment was conducted for the Downtown Neighborhoods Community Plan (DNCP) and for the FCSP area (see Attachment in Appendix F1 in this Initial Study). Because of the location of the Fulton Corridor Specific Plan (FCSP) boundaries within DNCP boundaries, the information below is from the Phase I ESA for the DNCP because the geographical area for the DNCP covers both plan areas.

A supplemental assessment to the Fulton Corridor Phase I ESA was completed by the Caltrans Hazardous Waste Branch (see Appendix F1 in this Initial Study).

In order to provide site specific, accurate, up to date information as it related to the Fulton Mall Reconstruction project, Caltrans Hazardous Waste searched the following five California Environmental Protection Agency Data Resources, commonly referred to as the 'Cortese List,' for the supplemental assessment:

- EnviroStor database, List of Hazardous Waste and Substances sites, Department of Toxic Substances Control (DTSC)
- Geotracker database, List of Leaking Underground Storage Tank sites, State Water Resources Control Board
- Sites Identified with Waste Constituents Above Hazardous Waste Levels Outside the Waste Management Unit, State Water Resources Control Board

- CDO/CAO List, List of active Cease and Desist Orders and Cleanup and Abatement Orders, State Water Resources Control Board
- List of hazardous waste facilities subject to corrective action, DTSC

In addition:

- SWIS database, Solid Waste information System, Department of Resources Recycling and Recovery (CalRecycle) was reviewed.

The database search conducted by Caltrans identified two open (actively worked on) Leaking Underground Storage Tank (LUST) cleanup sites as well as one closed case clean-up site within the Fulton Mall Reconstruction Project boundaries.

The two open cases identified within the project boundaries include Greyhound Bus Depot located at 1033 Broadway and Van Waters & Roger-Fresno Facility/Univar USA Inc located at 1152 G Street. The closed-case is for the Broadway Furniture Parking Lot.

Since the completion of the supplemental assessment, the Greyhound Bus Depot LUST case has been closed. A closure/No Further Action Letter from the Central Valley Regional Water Quality Control Board was issued on May 14, 2013 (see Appendix F2 in this Initial Study).

The Van Waters and Rogers-Fresno Facility/Univar USA Inc. site located at 1152 G Street is currently an open cleanup site with tetrachloroethene release to soil and groundwater. Investigation to assess the lateral and vertical extent of impacts to groundwater is ongoing. A remediation action plan and Report of Waste Discharge Requirements are currently being prepared. There are three monitoring wells (T1-2, T2-2, T2-3) related to the Van Waters and Rogers Site/Univar USA Inc. within the project boundaries. Despite the risk of groundwater contamination migration, construction activities are not likely to affect groundwater on the project based on the scope of work.

Broadway Furniture Parking Lot site is a closed case (a closure letter or other formal closure decision document has been issued for the site). A diesel/gasoline leak was reported on July 27, 2004 and Cleanup Action was completed on July 29, 2004. A closure/No Further Action Letter was issued on October 6, 2004. The site is under the authority of Fresno County Environmental Health.

Project Impacts

Alternative 1

No impact. Despite the risk of groundwater contamination migration from the Van Waters Rogers site, construction activities are not likely to affect groundwater on the project because groundwater levels in Downtown Fresno has historically been located at depths of 73 to 121 feet below ground surface and the maximum depth of project excavation activities is 15 feet below ground surface. In addition, there are three monitoring wells (T1-2, T2-2, T2-3) also related to the Van Waters and Rogers site; however, these wells will not be affected by construction activities due to their distance from proposed grading locations. Well T1-3 is located approximately 380 feet southwest from the affected right-of-way. Well T2-2 is located approximately 280 feet southwest from the affected right-

of-way, and Well T2-3 is located approximately 187 feet northeast from the affected right-of-way. Therefore, grading activities will not affect the groundwater monitoring wells associated with the Van Waters and Rogers-Fresno Facility site. While the vicinity of Fulton Mall contains sites that have undergone remediation activities, implementation of the project would not create a hazard to the public or the environment because each of the remediation sites are associated with groundwater and the project will not affect groundwater due to the substantial depth (73 to 121 feet) of the existing groundwater. Alternative 1 would not create a hazardous materials hazard to the public.

Alternative 2

Less than significant impact. The impacts associated with Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. The contribution of the project's impact regarding being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 is anticipated to be less than significant and not be cumulatively considerable because two listed sites maintain a closed-case status (a closure letter or other formal closure decision document has been issued for the site). In addition, construction activities are not likely to affect groundwater on the project based on the scope of work.

Airports

- e) **For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?**

Project Impacts

Alternative 1

No impact. The Fresno Chandler Downtown Airport is located 1.5 miles west of the project site. The proposed project site is located approximately 0.25 mile outside of the Fresno Chandler Downtown Airport Land Use Plan. Therefore, the project would not expose people to an airport safety hazard. Therefore, no impact would occur.

Alternative 2

No impact. The determination of no impact related to exposing people to the airport safety hazard described for Alternative 1 is the same for Alternative 2.

Cumulative Impacts

No impact. The project boundaries are located outside of the Fresno Chandler Downtown Land Use Plan. Therefore, Alternative 1 or 2 would result in no cumulative impacts associated with exposing people to the airport safety hazard.

Private Airstrip

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?

Project Impacts

Alternative 1

No impact. There are is one private airstrip located in the City of Fresno (Airnav.com 2012). The private airstrip is Sierra Sky Park Airport and is located approximately 8 miles north of the project site. Due to the distance of the site from the private airstrip, the implementation of the project will result in no safety hazard impact to people associated with the project.

Alternative 2

No impact. The determination of no impact related to safety hazards associated with a private airstrip discussed in Alternative 1 above would be the same for Alternative 2.

Cumulative Impacts

No impact. The project boundaries are not located within the vicinity of a private airstrip. Therefore, Alternative 1 or 2 would not contribute to safety hazards associated with a private airstrip. Therefore, Alternative 1 or 2 would result in no cumulative impacts.

Emergency Plans

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

The City of Fresno has an Emergency Operations Plan (EOP) that was adopted in 2008 and includes information regarding emergency response as well as emergency evacuation. The EOP provides a framework for responding to various emergencies. These emergencies could include fire, hazardous materials, earthquakes, flood, dam failure, aircraft accidents, civil disturbance, terrorism, train accidents, major vehicle accidents, extreme weather, and landslides. Due to the various roadways that are located throughout the City, emergency evacuation routes are identified depending on the emergency.

Project Impacts

Alternative 1

No impact. The project will open the Fulton pedestrian mall to through traffic. The project will be part of a circulation plan that would allow people to evacuate in the event of an emergency and ensure proper access for emergency response vehicles. The provision of streets within Fulton Mall will not adversely impact emergency evacuation or emergency response. Furthermore, Alternative 1 would not impact the implementation of the City's adopted Emergency Operations Plan.

Alternative 2

No impact. The determination of no impact to the emergency response or emergency evacuation components of the City's Emergency Operation Plan as addressed above for Alternative 1 is the same for Alternative 2.

Cumulative Impacts

No impact. Since Alternative 1 or 2 would result in no impacts, neither alternative would contribute to cumulative impacts. Therefore, Alternative 1 or 2 would result in no cumulative impacts associated with physically interfering with the City's adopted Emergency Operation Plan that addresses emergency response and emergency evacuation.

Wildland Fires

- h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?**

Project Impacts

Alternative 1

No impact. The proposed project would be entirely located in a highly urbanized area and would not be near or adjacent to wildlands. Therefore, no impacts associated with wildland fires would occur related to the proposed project.

Alternative 2

No impact. The potential impact associated with wildland fires would be the same as described above for Alternative 1.

Cumulative Impacts

No impact. Since Alternative 1 or 2 would not expose people or structures to wildland fires, neither alternative would result in cumulative impacts.

3.9 - Hydrology and Water Quality

Water Quality Standards and Requirements

- a) Violate any water quality standards or waste discharge requirements?**

Short Term

Construction of the proposed Fulton Mall project would require reconstruction activities that would disturb more than one acre. During these activities, there would be a potential for stormwater flows to carry onsite sediments, debris, and constituents into the existing storm drainage facilities that serve the project area. Once within the storm drainage system, these materials could be conveyed downstream and into local waterways. Since these materials have the potential to enter the storm drainage system during the construction phase, there is a potential for the proposed project to degrade water quality. The project area, as well as the City of Fresno, is underlain by a single,

unconfined aquifer. In light of this, any degradation of water quality within this aquifer would be especially problematic, as the groundwater basin within the project area has been designated as a Sole Source Aquifer as authorized by Section 14246 of the Federal Safe Drinking Water Act of 1974.

Project construction would also require the use of gasoline- and diesel-powered equipment and vehicles, including bulldozers, backhoes, flatbed trucks, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, oils, paints, and solvents would likely be used during project construction. An accidental release of any of these substances could degrade the quality of stormwater runoff and contribute additional sources of pollution into the storm drainage system.

Long-Term

Based on highway storm water runoff data collected by the Caltrans Storm Water Research and Monitoring Program, typical pollutants from California highways include heavy metals, sediment, and litter. All constituents and parameters in nearby surface water bodies found to be elevated or exceeding published water quality standards could be potential concerns for the proposed project.

The pedestrian mall is currently served by 95 storm drain inlets that collect surface flows from the project area. Adjacent streets such as Fresno and Tulare Streets also have their own storm drain facilities that convey flows from the roadway. Both the onsite and adjacent storm drain facilities presently connect with the existing storm drain facilities located throughout the Fulton Mall vicinity. These existing storm drain facilities are connected to one of several larger east-west and northeast-southwest trending trunk lines, which eventually connect with a series of existing drainage basins located along S. West Street in the southwestern portion of the City of Fresno.

Project Impacts

Alternative 1

Less than significant impact with mitigation incorporated. Implementation of this alternative would eliminate the Fulton Mall and introduce two-way streets that would provide vehicular interconnectivity to adjacent roadways.

Short-term Construction

Construction activities associated with this alternative could generate pollutants such as increased silt, ground rubber, oils from automobiles, debris, litter, chemicals, dust, and dissolved solids related to grading and excavation. Since construction activities could result in increased pollutants to surface water, the proposed project could result in short-term potential to degrade water quality. This impact during construction activities is considered potentially significant.

However, there are regulatory mechanisms in place that would reduce the effects of project construction on water quality, including the National Pollutant Discharge Elimination System (NPDES) General Permit. Construction of the proposed project would be required to comply with the requirements of the NPDES General Permit. The NPDES Permit Program, which is administered by the Central Valley RWQCB, helps control water pollution by regulating point sources that discharge pollutants into receiving waters during both construction and operations activities.

Construction of the Fulton Mall project would be required to comply with all applicable requirements of the NPDES Permit Program, which includes the preparation and participation with the Construction General Permit and implementation of a SWPPP and BMPs. Combined, compliance with these requirements would reduce short-term construction impacts on water quality to a less than significant level.

Long-term Operation

This alternative would be subject to the NPDES Permit Program, which controls water pollution by regulating point sources that discharge pollutants into receiving waters during both construction and operations activities. Because of the nature of improvements to the Fulton Mall under Alternative 1, it is not anticipated to violate any water quality standards or waste discharge requirements.

Mitigation Measure

MM HWQ-1 Prior to the issuance of a grading permit, specific locations of relocated storm drain inlets within the existing malls shall be approved by the City of Fresno Public Works Department.

MM HWQ-2 Prior to issuance of a grading permit, a response plan for accidental spills of hazardous materials such as oil or gasoline during construction activities shall be prepared.

Alternative 2

Less than significant impact with mitigation incorporated. The determination of less than significant impacts with mitigation incorporated related to construction water quality as described in Alternative 1 above would be the same for Alternative 2.

Mitigation Measures

Implementation of Mitigation Measures HWQ-1 and HWQ-2 is required.

Cumulative Impacts

Less than significant impact with mitigation incorporated. Compliance with all applicable requirements of the NPDES Permit Program, which includes the preparation and participation with the construction General Permit and implementation of a SWPPP and BMPs would ensure that cumulative impacts resulting from water quality or discharge violations to less than significant. However, in the case of accidental spills of hazardous materials such as oil or gasoline, Alternative 1 or 2 could contribute to potential significant impacts to water quality. Therefore, the water quality impact from Alternative 1 or 2 could result in a potential significant cumulative impacts.

Mitigation Measures

Implementation of Mitigation Measures HWQ-1 and HWQ-2 is required.

Groundwater Supplies and Recharge

- b) **Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?)**

The City of Fresno is underlain by the Kings River Subbasin, which, along with 6 other subbasins, comprises the San Joaquin Basin. In turn, the San Joaquin Basin is located within the Tulare Lake Hydrologic Region. The Tulare Lake Hydrologic Region spans approximately 10.9 million acres (17,000 square miles) and includes most of Fresno County. The Region encompasses the southern one-third of the Central Valley Regional Water Quality Control Board (RWQCB).

Groundwater quality throughout the Tulare Lake Hydrologic Region is generally suitable for most urban and agricultural uses, and meets primary and secondary drinking water standards for municipal use. Local impairments are found in the Tulare Lake Hydrologic Region's groundwater supply, however, with high total dissolved solids (TDS), nitrate, arsenic, and organic compounds acting as the primary constituents of concern within the Region. With the exception of western portion of the Tulare Lake Hydrologic Region, the Region lacks any substantial low permeability units that would isolate deep from shallow aquifers. As such, most of the aquifer underlying the project area is unconfined. As a single, unconfined aquifer, the groundwater basin within the project area has been designated as a Sole Source Aquifer as authorized by Section 14246 of the Federal Safe Drinking water Act of 1974. This designation means that project area is dependent on a single source of groundwater and that this sole source must be protected from contamination.

While the groundwater supply within the Kings River Subbasin generally meets drinking water standards, with the exception of the northwest portion of the City, extensive contamination occurs throughout the City. Of the City's 272 groundwater wells, 96 wells are impacted by one contaminant plume, 33 wells are impacted by two contaminant plumes, and 5 wells are impacted by three contaminant plumes. Thirty-four of the City's active wells currently have wellhead treatment systems.

Project Impacts

Alternative 1

Less than significant impact. Implementation of this alternative would eliminate the Fulton Mall and introduce two-way streets that would provide vehicular interconnectivity to adjacent roadways; no new businesses or housing are proposed, that could create a substantial demand on groundwater resources. Surface water drainage from the Fulton Mall study area is conveyed to existing retention basins that are used to recharge groundwater.

This alternative is anticipated to have a less than significant impact regarding groundwater supplies and recharge because the Fulton Mall is currently paved over and this would remain the case with this alternative. Under this alternative, the streets would be paved with asphalt and would remain as an impervious area. Thus, this alternative is anticipated to have a less than significant impact regarding depletion of groundwater supplies and ground water recharge.

Alternative 2

Less than significant impact. The determination of less than significant impacts regarding groundwater and recharge as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. Implementation of the project as well as cumulative development in Downtown Fresno is not expected to result in substantial effects on groundwater recharge because the existing storm drain system conveys water to existing recharge basins. Future development is not expected to remove existing recharge basins. Therefore, cumulative impacts on groundwater recharge would be less than significant. As a result, the implementation of Alternative 1 or 2 would have a less than significant impact.

The project and cumulative development will increase the demand on water supplies. However, based on a review of the City of Fresno Urban Water Management Plan (UWMP), the City's future water supply plan is to reduce the amount of groundwater that is used to meet future water demand (City of Fresno UWMP, Figure 4-3). Therefore, cumulative impacts on existing groundwater supplies would be less than significant. As a result, the implementation of Alternative 1 or 2 would have less than significant cumulative impacts on groundwater supplies.

Drainage Pattern: Erosion or Siltation

- c) **Substantially alter the existing drainage pattern of area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?**

The existing Fulton Mall is currently developed and located within a highly urbanized area in the City of Fresno. The Fresno River is located approximately 5 miles north of the proposed project boundary.

Project Impacts

Alternative 1

No impact. Implementation of this alternative would eliminate the Fulton Mall and introduce two-way streets that would provide vehicular interconnectivity to adjacent roadways.

This alternative would not alter the course of a stream or river as the site is currently developed with the existing Fulton Mall. Therefore, there would be no impact.

Alternative 2

No impact. The determination of no impact regarding alteration of a stream or river as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Implementation of the project would not alter the course of a stream or river. Therefore, the project would not be cumulatively considerable and therefore would result in no cumulative impact.

Drainage Pattern: Flooding

- d) **Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?**

The existing Fulton Mall is currently developed and located within a highly urbanized area in the City of Fresno. The Fresno River is located approximately 5 miles north of the proposed project boundary.

Project Impacts

Alternative 1

Less than significant impact. Implementation of this alternative would eliminate the Fulton Mall and introduce two-way streets that would provide vehicular interconnectivity to adjacent roadways.

This alternative would not alter the course of a stream or river as the site is currently developed with the existing Fulton Mall. This alternative is not anticipated to substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff because the Mall is currently covered by impervious surfaces and this would be the case under Alternative 1.

Alternative 2

Less than significant impact. The determination of less than significant impact on drainage patterns as described above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. Implementation of the Alternative 1 or 2 would not substantially alter drainage patterns. The project's potential contribution to cumulative alterations to drainage patterns would be less than cumulatively considerable and thus less than cumulatively significant.

Runoff Water and Drainage Systems

- e) **Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?**

The primary surface water feature within the City of Fresno is the San Joaquin River, which generally serves as the City's northern boundary. At 366 miles long, the San Joaquin River is the largest river in Central California, spanning from the Sierra Nevada Mountains to the San Francisco Bay via the San Joaquin Valley. Much of the water that flows through the San Joaquin River is used for irrigation purposes, as much of the agricultural production in the San Joaquin Valley depends on water that at least originated in the River.

The San Joaquin River has been identified by the Central Valley Region Water Quality Control Board (RWQCB) as having numerous beneficial uses, including municipal and domestic water supply, agricultural, industrial, recreational, freshwater and wildlife habitat, and migration and spawning grounds. Water quality in the San Joaquin River is affected by both natural and anthropogenic

sources, including soil erosion; stormwater runoff; wastewater discharges, industrial, residential, and agricultural runoff; recreational activity; and flora and fauna. While the segment of the San Joaquin River in the City is not considered substantially impaired, significant downstream portions of the River throughout the Valley and near the Sacramento-San Joaquin Delta are affected by various constituents and pollutants, usually because of agricultural runoff. The portion of the San Joaquin River in the City does, however, appear on the State Water Resources Control Board's 2010 Impaired Water Bodies/303(d) List for invasive species (non-native fish species).

In addition to the San Joaquin River, a network of agricultural canals and flood control channels traverse the City. Numerous agricultural ponds, recharge basins, and other similar features also dot the City's landscape.

Project Impacts

Alternative 1

Less than significant impact. Implementation of this alternative would eliminate the Fulton Mall and introduce two-way streets that would provide vehicular interconnectivity to adjacent roadways.

Although Alternative 1 would potentially reintroduce vehicles onto Fulton, Mariposa, Merced, and Kern Streets, the project would not decrease the amount of infiltration areas found in the project area. The concrete pedestrian areas that currently comprise the project area would be replaced with asphalt streets. The distribution of the paved impervious surfaces under Alternative 1 may nominally change in the project area; however, the impervious surface area would not substantially change. Thus, Alternative 1 would not increase the volume of surface flows generated in the project area, which could potentially convey roadway pollutants and other constituents. The 90-plus inlets that are presently distributed through the project area would be removed, and new storm drain facilities would take their place. Similar to existing facilities that serve the streets adjacent to the Fulton Mall, these new storm drain facilities would connect with a series of storm drain lines that crisscross the project area, eventually connecting with larger trunk lines and conveying stormwater into drainage basins located to the west. Since surface flow volumes would not substantially increase as a result of the project, it is expected that the existing drainage distribution facilities, coupled with the new storm drain facilities that would be constructed as part of the new streets, would be adequate to serve both the proposed project and existing uses. As such, the existing and new storm drain facilities could adequately collect, convey, and distribute onsite surface flows, as well as any pollutants contained within, before stormwater and constituents are permitted to enter downstream surface water bodies.

Alternative 2

Less than significant impact. The determination of less than significant impacts from storm water runoff as described for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. The distribution of the paved impervious surfaces under project Alternatives 1 and 2 may nominally change in the project area; however, the impervious surface area would not substantially change. Thus, project implementation would not increase the volume of

surface flows generated in the project area, which could potentially convey roadway pollutants and other constituents. The 90-plus inlets that are presently distributed through the project area would be removed, and new storm drain facilities would take their place. Similar to existing facilities that serve the streets adjacent to the Fulton Mall, these new storm drain facilities would connect with a series of storm drain lines that crisscross the project area, eventually connecting with larger trunk lines and conveying stormwater into drainage basins located to the west. Since surface flow volumes would not substantially increase as a result of the project, it is expected that the existing drainage distribution facilities, coupled with the new storm drain facilities that would be constructed as part of the new streets, would be adequate to serve both the proposed project and existing uses. As such, the existing and new storm drain facilities could adequately collect, convey, and distribute onsite surface flows, as well as any pollutants contained within, before stormwater and constituents are permitted to enter downstream surface water bodies. Therefore, implementation of the project would be less than cumulatively considerable result in less than significant cumulative impacts.

Water Quality

f) Otherwise substantially degrade water quality?

Short Term

Construction of the proposed Fulton Mall project would require reconstruction activities that would disturb more than one acre. During these activities, there would be a potential for stormwater flows to carry onsite sediments, debris, and constituents into the existing storm drainage facilities that serve the project area. Once within the storm drainage system, these materials could be conveyed downstream and into local waterways. Since these materials have the potential to enter the storm drainage system during the construction phase, there is a potential for the proposed project to degrade water quality. As addressed in the Environmental Setting discussion above, the project area is underlain by a single, unconfined aquifer. In light of this, any degradation of water quality within this aquifer would be especially problematic, as the groundwater basin within the project area has been designated as a Sole Source Aquifer as authorized by Section 14246 of the Federal Safe Drinking Water Act of 1974.

Project construction would also require the use of gasoline- and diesel-powered equipment and vehicles, including bulldozers, backhoes, flatbed trucks, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, oils, paints, and solvents would likely be used during project construction. An accidental release of any of these substances could degrade the quality of stormwater runoff and contribute additional sources of pollution into the storm drainage system.

Long-Term

Based on highway storm water runoff data collected by the Caltrans Storm Water Research and Monitoring Program, typical pollutants from California highways include heavy metals, sediment, and litter. All constituents and parameters in nearby surface water bodies found to be elevated or exceeding published water quality standards could be potential concerns for the proposed project.

The pedestrian mall is currently served by 95 storm drain inlets that collects surface flows from the project area. Adjacent streets such as Fresno and Tulare Streets also have their own storm drain

facilities that convey flows from the roadway. Both the onsite and adjacent storm drain facilities presently connect with the existing storm drain facilities located throughout Fulton Mall vicinity, as addressed in the Environmental Setting discussion above. These existing storm drain facilities are connected to one of several larger east-west and northeast-southwest trending trunk lines, which eventually connect with a series of existing drainage basins located along S. West Street in the southwestern portion of the City of Fresno.

Project Impacts

Alternative 1

Less than significant impact. Implementation of this alternative would eliminate the Fulton Mall and introduce two-way streets that would provide vehicular interconnectivity to adjacent roadways.

Construction of Alternative 1 would require reconstruction activities that would disturb more than one acre. During these activities, there would be a potential for stormwater flows to carry onsite sediments, debris, and constituents into the existing storm drainage facilities that serve the project area. Once within the storm drainage system, these materials could be conveyed downstream and into local waterways. Since these materials have the potential to enter the storm drainage system during the construction phase, there is a potential for the proposed project to degrade water quality. The project area is underlain by a single, unconfined aquifer. In light of this, any degradation of water quality within this aquifer would be especially problematic, as the groundwater basin within the project area has been designated as a Sole Source Aquifer as authorized by Section 14246 of the Federal Safe Drinking water Act of 1974.

Project construction would also require the use of gasoline- and diesel-powered equipment and vehicles, including bulldozers, backhoes, flatbed trucks, water pumps, and air compressors. Chemicals such as gasoline, diesel fuel, oils, paints, and solvents would likely be used during project construction. An accidental release of any of these substances could degrade the quality of stormwater runoff and contribute additional sources of pollution into the storm drainage system.

There are, however, regulatory mechanisms in place that would reduce the effects of project construction on water quality, including the National Pollutant Discharge Elimination System (NPDES) General Permit. Construction of the proposed project would be required to comply with the requirements of the NPDES General Permit. The NPDES Permit Program, which is administered by the Central Valley RWQCB, helps control water pollution by regulating point sources that discharge pollutants into receiving waters during both construction and operations activities.

Any development project disturbing more than one acre of soil must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit Order 2009-0009-DWQ). Construction activities subject to the Construction General Permit includes clearing, grading, and other ground- disturbing activities such as stockpiling or excavation. The Construction General Permit requires development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). Among other mandated items that are included in a SWPPP, the SWPPP would contain features designed to protect against substantial soil erosion as a result of water and wind erosion, known as Best Management Practices (BMPs). Common BMPs

include maintaining or creating drainages to convey and direct surface runoff from bare areas and installing physical barriers such as berms, silt fencing, waddles, straw bales, and gabions.

Construction of the Fulton Mall project would be required to comply with all applicable requirements of the NPDES Permit Program, which includes the preparation and participation with the Construction General Permit and implementation of a SWPPP and BMPs. Combined, compliance with these requirements would reduce short-term construction impacts on water quality to a less than significant level.

Potential Long-Term Operational Impacts

Based on highway storm water runoff data collected by the Caltrans Storm Water Research and Monitoring Program, typical pollutants from California highways include heavy metals, sediment, and litter. All constituents and parameters in nearby surface water bodies found to be elevated or exceeding published water quality standards are potential concerns for the proposed project. If the reconstruction of the streets within Fulton Mall proves to be a significant source of constituents that cause degradation of water quality and associated beneficial uses of water, then there is a potential for the proposed project to degrade water quality.

Under Alternative 1, the distribution of the paved impervious surfaces may nominally change in the project area; however, the impervious surface area would not substantially change. Thus, Alternative 1 would not increase the volume of surface flows generated in the project area, which could potentially convey roadway pollutants and other constituents. The 90-plus inlets that are presently distributed through the project area would be removed, and new storm drain facilities would take their place. Similar to existing facilities that serve the streets adjacent to the Fulton Mall, these new storm drain facilities would connect with a series of storm drain lines that crisscross the project area, eventually connecting with larger trunk lines and conveying stormwater into drainage basins located to the west. Since surface flow volumes would not substantially increase as a result of the project, it is expected that the existing drainage distribution facilities, coupled with the new storm drain facilities that would be constructed as part of the new streets, would be adequate to serve both the proposed project and existing uses. As such, the existing and new storm drain facilities could adequately collect, convey, and distribute onsite surface flows, as well as any pollutants contained within, before stormwater and constituents are permitted to enter downstream surface water bodies. By adequately collecting and containing the majority of onsite surface flows and pollutants, long-term operations impacts to water quality would be reduced to a less than significant level.

Alternative 2

Less than significant impact. The determination of less than significant impacts to water quality as discussed above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. Implementation of the project would be required to comply with all applicable requirements of the NPDES Permit Program, which includes the preparation and participation with the Construction General Permit and implementation of a SWPPP and BMPs. Additionally, the project is not anticipated to increase the volume of surface flows generated in the

project area, which could potentially convey roadway pollutants and other constituents. Compliance with applicable requirements and adequately collecting and containing the majority of onsite surface flows and pollutants would reduce the project impacts to less than cumulatively considerable.

Housing Placement: Flood Hazard Area

g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?

The project site is located within an urbanized area in the City of Fresno. Based on a review of the Federal Emergency Management Agency (FEMA) Flood Insurance Map for the project site, the Fulton Mall is not located within a 100-year flood hazard area. This site is within Zone X which is Other Flood Area. According to the FEMA Map, Other Flood Areas are areas of 0.2 percent chance of flood and not considered a 100-year flood.

Project Impacts

Alternative 1

No impact. Implementation of this alternative would not include the development of housing. Therefore, this Alternative would not impact housing that is located within a 100-year flood hazard area.

Alternative 2

No impact. The determination of no potential for flooding of housing within the project boundaries as described for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since the project does not include housing, the project would not result in cumulative impact on housing within a 100-year flood hazard.

Structures: Flood Hazard Area

h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?

As stated above in CEQA Checklist Question 3.9 g), the project site is not located within a 100-year flood hazard area.

Project Impacts

Alternative 1

No impact. Since the project site is not located within a 100-year flood hazard area, Alternative 1 would result in no impacts to flood flows.

Alternative 2

No impact. The determination of no impact to flood flows as discussed in Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since the project site is not located within a 100-year flood hazard area, Alternative 1 or 2 would result in no impacts to flood flows and would not contribute to any potential cumulative impacts.

Flooding

- i) **Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?**

Project Impacts

Alternative 1

Less than significant impact. Refer to the discussion under CEQA Checklist Question 3.9 h) above regarding potential impacts related to flood hazards. The following four dams have the potential to result in flooding to portions of the City of Fresno should a failure occur:

- **Friant Dam** - The Friant Dam is located approximately 18 miles north from the project site.
- **Big Dry Creek Dam** - The Big Dry Creek Dam is located approximately 12 miles northeast from the project site.
- **Pine Flat Dam** - The Pine Flat Dam is located approximately 27 miles northeast from the project site.
- **Redbank-Fancher Creek Projects (Redbank Dam)** - The Redbank-Fancher Creek Projects (Redbank Dam) located approximately 13 miles northeast from the project site.

Per the Fresno Metropolitan Flood Control District Benefit and Cost Analysis, which was conducted for the estimated cost for the toe drain modification at Big Dry Creek Dam, if there were a failure at Big Dry Creek Dam, the estimated inundation would impact the Fulton Mall, which would be flooded between approximately 14 hours after dam failure. However, less than significant impacts are anticipated in this regard because development within the mall would be required to be flood proof in accordance with the City of Fresno floodplain ordinance and 40CFR60.

Alternative 2

Less than significant impact. The determination of less than significant impacts for flooding from dam failure described in Alternative 1 would be the same for Alternative 1.

Cumulative Impacts

Less than significant impact. The development of Alternative 1 or 2 would not contribute to potential flooding from dam failure. Therefore, the project would not result in cumulative impacts.

Seiche, Tsunami, or Mudflow

j) Inundation by seiche, tsunami, or mudflow?

The Fulton Mall is located along the east margin of the southern San Joaquin Valley portion of the Great Valley Geomorphic Province of California. The San Joaquin Valley is bordered to the north by the Sacramento Valley portion of the Great Valley, to the east by the Sierra Nevada, to the west by the Coast Ranges, and to the south by the Transverse Ranges. The project site is located approximately 12 miles from Big Creek Dry Dam, and approximately 110 miles from the Pacific Ocean, the source of a potential tsunami.

Project Impacts

Alternative 1

No impact. Because of this distance and the intervening Coast Ranges, there is no potential for a tsunami to impact the project site and no impacts would result. The nearest body of water capable of producing a seiche during a seismic event, wind event, or sudden change in barometric pressure is Big Creek Dry Dam located approximately 12 miles from the project site. The intervening distance would preclude any water displaced by oscillation from reaching the project site. The project site and vicinity is located on level ground and represents a built-up urban environment without slopes capable of producing mudflows. Therefore, the implementation of Alternative 1 would not be impacted from inundation by seiche, tsunami, or mudflow.

Alternative 2

No impact. The determination of no impact associated with inundation by seiche, tsunami, or mudflow described for Alternative 1 would be the same for Alternative 1.

Cumulative Impacts

No impact. Alternative 1 or 2 would result in no impacts from inundation, and therefore would not contribute to any cumulative inundation impact.

3.10 - Land Use and Planning

Divide Established Community

a) Physically divide an established community?

Project Impacts

Alternative 1

No impact. Implementation of Alternative 1 would not result in a change to the population, income, or housing characteristics within the vicinity of Fulton Mall. Although residents live within the vicinity of Fulton Mall, they are located within apartment complexes that are separated by at least one block. Therefore, these apartment complexes do not create a residential neighborhood. The development of the project would not directly affect any of the apartment complexes. Therefore, Alternative 1 would not physically divide an established community.

Alternative 2

No impact. The determination of no impact on an established community described in Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Given that Alternative 1 or 2 would not divide an established community, Alternative 1 or 2 would not contribute to any potential cumulative impacts.

Conflict with Applicable Plans, Policies, or Regulations

- b) **Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?**

Various plans and programs are applicable to the proposed project. These applicable plans and programs are listed below.

Transportation Plans

Fresno COG is an association of city and county governments created to address regional transportation issues as well as other regional issues. Its members include the County of Fresno and the 15 incorporated cities within the County.

Fresno COG develops long-term solutions for regional challenges such as transportation, air quality, growth management, hazardous waste management, and air quality. Because these issues cross city and county boundaries, Fresno COG works with cities, counties, and public agencies in the region to develop plans and strategies to address regional issues. The Fresno COG has developed strategies that specifically address the growth and transportation issues facing Southern California as documented in adopted plans including the Regional Transportation Plan (RTP, adopted in 2011), the Federal Transportation Improvement Program (FTIP, adopted in 2012 and 2013), and the Federal Statewide Transportation Improvement Plan (FSTIP, adopted 2012). Following is a discussion of each of these plans and program.

Regional Transportation Plan

Transportation control measures provided by Fresno COG include those contained in the Regional Transportation Plan (RTP), the most current version of which is the 2011 RTP. The 2011 RTP has control measures to reduce emissions from on-road sources by incorporating strategies such as high occupancy vehicle interventions, transit, and information-based technology interventions. The measures implemented by Air Resources Board and Fresno COG affect the Project indirectly by regulating the vehicles that the residents may use and regulating public transportation.

The project is included in the 2011 RTP through 2011 RTP Amendment #2 as Project ID FRE500768. The FHWA and FTA completed review of the conformity determination for the 2011 RTP and found that the document conforms to the applicable state implementation plan in accordance with the provisions of 40 CFR Parts 51 and 93. The FHWA and FTA issued the determination on December 14,

2010. The FHWA and FTA issued a determination of conformity for the 2011 RTP Amendment #2 on December 14, 2012.

Fresno COG is currently circulating the 2014 RTP for informal and early public review and comment. The 2014 RTP, also called the Regional Transportation Plan 2040, charts a 25-year course to the year 2040. The 2014 RTP addresses greenhouse gas emission reductions and other air emissions with a goal of sustainable planning.

Federal Statewide Transportation Improvement Plan

The Federal Statewide Transportation Improvements Plan (FSTIP) covers a four-year period from 2012/2013 through 2015/2016, which includes the listings of proposed transportation projects in the rural non MPO areas of the state, and incorporates by reference projects listed in the MPO's 2013 FTIPs. Fresno COG submitted their board-approved 2013 FTIP to Caltrans, including 2013 FTIP Amendment #1 made August 2012. The FSTIP was transmitted from Caltrans to FHWA on November 5, 2012. The FHWA and FTA completed review of California's 2013 FSTIP, and approved the document as proposed. The FHWA and FTA determined the 2013 FSTIP conforms to the SIP on December 14, 2012. The 2013 FSTIP incorporated by reference those projects included in the 2012/2013 Federal Transportation Improvement Programs (FTIP) adopted by the MPOs in California. This conformity determination includes Fresno COG 2013 FTIP Amendment #1, which lists the project.

Federal Transportation Improvement Plan

The FTIP is a compilation of project lists from the State Transportation Improvement Program (STIP), urbanized and non-urbanized areas, and other programs using federal funding. The 2013 FTIP is composed of two parts. The first is a priority list of projects and project segments to be carried out in a four-year period. The second is a financial plan that demonstrates how the TIP can be implemented. The project was included in the 2013 FTIP Appendix F, Regional Transportation Plan Project Listing 2011 through 2035, as RTP ID FRE500768. The project was also included in 2013 FTIP Amendment #1, dated August 2012, as Project ID FRE130069. Since the 2013 FSTIP incorporated by reference those projects included in the 2012/2013 Federal Transportation Improvement Programs (FTIP) adopted by the MPOs in California, this conformity determination includes Fresno COG 2013 FTIP Amendment #1, which lists the project.

City of Fresno 2025 General Plan

The City of Fresno 2025 General Plan was adopted in 2002 and currently serves as a guide to enable government at all levels, private enterprise, community groups, and individual citizens to make decisions and utilize community resources in a manner that will realize progress toward a common vision of a measurably enhanced physical, economic, and social environment.

Following are the applicable goals and policies of the City of Fresno 2025 General Plan which are included in the Public Facilities Element.

- **Policy E-1-a:** Implement the following classified street system in accordance with adopted engineering design standards and the 2025 Fresno General Plan Land Use and Circulation Map

(Exhibit 4) and the Transportation (Streets and Highways) Element Map (Exhibit 7) adopted and incorporated herein depicting the location and general alignment of streets and highways.

- **Policy E-1-f:** Allow a Level of Service “D” (“LOS D”) as the acceptable level of traffic congestion on major streets. LOS “D” according to the Caltrans and COFCG accepted LOS criteria, as developed by the Florida Department of Transportation, means moderate congestion at peak traffic periods; approaching unstable flow with reduced speeds, limited maneuverability, and loss of convenience; average speeds range from 9 to 17 miles per hour on arterials with stopped delays of 40 seconds or less.
- **Policy E-2-h:** Limit the number of driveway access points on all major streets to minimize traffic disruption and protect traffic flows. No development shall be approved if it will adversely affect the flow of traffic on a public street below an acceptable standard to be determined by the Public Works Director and based upon the policies noted herein.

City of Fresno Draft General Plan Update

The City of Fresno has prepared and made available for public review a comprehensive update to its General Plan, which is anticipated to be adopted in 2014. The update provides a policy direction for the long-term development and maintenance of the City. It provides guidance to decision-makers when making determinations about the allocation of resources and the future physical form and character of development in the City. The land uses and circulation system within the General Plan Update are consistent with the proposed land uses and circulation system proposed in the Downtown Neighborhoods Community Plan (DNCP) and Fulton Corridor Specific Plan (FCSP). The General Plan Update proposes that the Downtown planning area would be further refined through specific and community plans, such as the proposed DNCP and FCSP, and further implemented through updates to the Development Code for regulations specific to the Downtown. The goals within the DNCP and FCSP are being proposed as objectives within the General Plan Update to ensure consistency between the General Plan Update and the DNCP and FCSP.

The following proposed policies from the Fresno General Plan Update are applicable to the proposed project.

- **Goal MT-1:** Create and maintain a transportation system that is safe, efficient, provides access in an equitable manner, and optimizes travel by all modes.
- **Policy MT-1-h: “Complete Streets” Concept Implementation.** Provide transportation facilities upon a “Complete Streets” concept that facilitates and balanced use of all travel modes (pedestrians, bicyclists, motorists, and transit users), meeting the transportation needs of all ages and abilities and providing mobility for a variety of trip purposes. Implementation actions will include:
 - Meeting the needs of all users within the street system as a whole; each individual street does not need to provide all modes of travel, but travel by all modes must be accommodated throughout the planning area;
 - Continuing to adopt refined street cross-section standards as appropriate in response to needs identified;
 - Considering the impact of streets on public health by addressing storm water runoff quality, air quality, and water conservation among other factors; and

- Adhering to the City's Water Efficient Landscape Ordinance for median and streetscape plantings and irrigation methods.
- **Policy UF-11:** Revitalize the Fulton Mall.

Central Area Community Plan

The Central Area Community Plan was approved in 1989 and encompasses approximately 1,500 acres bound by Highway 99, Highway 41 and Highway 180. The Community Plan provides a tool for the future development of the planning area. Following are the goal and policies of the Community Plan that are applicable to the proposed project.

- **Fulton Mall District Goal:** Retain the Fulton Mall as a multifunctional, primarily pedestrian environment and improve its physical condition and economic vitality as a District with strong linkages to other Central Area activity centers; and promote the image of this District as a high quality, unique, comfortable and secure area which is accessible and attractive for business, recreation, tourism and a variety of special activities.

Essential to this setting is proximity of significant and attractive housing opportunities within the Central Area, and an environment reflective of the community's appreciation for its cultural diversity and historic importance.

- **Fulton Mall District Policy 1:** Enhance linkage between the Fulton Mall District and other Central Area districts to strengthen interaction between them. Improve vehicular and pedestrian circulation around and access within the Fulton Mall District to optimize public convenience and safety, consistent with high standards of aesthetic quality.
- **Fulton Mall District Policy 2:** Reinforce the emerging "three-node pattern: of retail, service and office activities with the north node principally as a public/private urban office park; the central node, as a blend of specialty shops, private and government offices; and south node, mainly as a diverse mix of unique retail shopping and services which cater to Central Area employees, residents, tourists and shoppers.
- **Fulton Mall District Policy 4:** Improve the appearance of public and private property through measures that result in a high level of maintenance.
- **Fulton Mall District Policy 5:** Encourage the redesign and remodeling of functionally obsolete office and retail business buildings to accommodate new uses that will stimulate activity along Fulton Mall network.
- **Fulton Mall District Policy 6:** Establish and maintain an environment characterized by enhanced security, public convenience, easy access and orientation.
- **Fulton Mall District Policy 8:** Improve and maintain the Fulton Mall as an exciting, physically and visually superior pedestrian environment for the people of Fresno, the San Joaquin Valley and the world.

Draft Downtown Neighborhood Communities Plan

The City of Fresno has prepared and made available for public review the draft Downtown Neighborhoods Community Plan (DNCP), which is anticipated to be adopted in 2014. If adopted, the

DNCP would be the community's tool for guiding the successful regeneration of Downtown Fresno and its surrounding neighborhoods. The Plan provides long-term goals for the Plan Area and detailed policies concerning a wide range of topics, including land use and development, transportation, the public realm of streets and parks, infrastructure, historic resources, and health and wellness. The project site is located near the center of the DNCP, which encompasses 7,290 acres.

Following are the applicable goals and policies of the draft DNCP.

- **Goal 3.3:** Create a network of complete streets and multi-modal transportation strategies.
- **Policy 3.3.1:** Create "complete streets" in the Downtown Neighborhoods so that all streets accommodate the needs of all potential users - vehicles, pedestrians, cyclists, transits vehicles and freight.
- **Policy 3.3.6:** Prioritize space for pedestrians and bicycles in the design and improvement of public right-of-way. As part of the implementation of this policy, design new roadways or retrofit existing roadways to have wider sidewalks and/or an improved pedestrian-oriented streetscape.
- **Policy 3.3.8:** In order to decrease conflicts between automobiles and pedestrians, consolidate existing and minimize new curb cuts and driveways throughout the Plan Area.
- **Goal 3.4:** Physically improve the Downtown Neighborhoods' roadways and manage the transportation system to enhance safety and quality of life.
- **Policy 3.4.3:** Reestablish an interconnected street grid comparable to Fresno's original grid pattern in order to increase walkability and improve connections to parks, open space, schools, and neighborhood centers.

Draft Fulton Corridor Specific Plan

The City of Fresno has prepared and made available for public review the draft Fulton corridor Specific Plan (FCSP), which is anticipated to be adopted in early 2014. If adopted, the FCSP would be the community's tool for guiding the future development of Downtown Fresno. The Plan provides long-term goals for the FCSP area and detailed policies concerning a wide range of topics, including land use and development, historic resources, the public realm, transportation, and infrastructure. The project site is located near the center of the FCSP, which encompasses 655 acres. The FCSP is located within the DNCP.

Following are the applicable goals and policies of the draft FCSP.

- **Goal 9-1:** Provide a comprehensive transportation, circulation, and parking system that improves quality of life in Downtown.
- **Policy 9-1-2:** Design new roadways or retrofit existing roadways to have wider sidewalks and a pedestrian-oriented streetscape.
- **Policy 9-1-4:** Along Commercial and mixed-use streets, minimize driveways and driveway crossings of the pedestrian right-of-way.
- **Policy 9-1-6:** Install new or retain existing on-street parking (parallel or angles) along all streets, except where precluded by lack of curb-side access or right-of-way. The type of parking shall depend on the adjacent land use and roadway classification.

- **Policy 9-1-12:** Reestablish an interconnected street grid comparable to Fresno's original grid pattern in order to increase walkability and improve connections to parks, open space, schools, and neighborhood centers.
- **Goal 9-4:** Make parking convenient and easy to find.

Project Impacts

Alternative 1

Less than significant impact with mitigation incorporated. Following is a discussion of the consistency of Alternative 1 with the applicable plans and policies.

Transportation Plans

Regional Transportation Plan

The Project was included in the regional emissions analysis conducted by Fresno COG for the conforming 2011 Regional Transportation Plan (2011 RTP), under the RTP ID FRE500768, as identified in the 2011 RTP Amendment #2. The description of RTP ID FRE500768 in the RTP projects list is:

1. In the City of Fresno, at 4 locations; reintroduce 2-lane undivided complete streets.
 - 1) Fulton Mall between Tuolumne and Inyo Streets
 - 2) Merced Mall from Congo Alley to Federal Alley
 - 3) Mariposa Mall from Broadway Street to Federal Alley
 - 4) Kern Mall from Fulton Mall to Federal Alley

FHWA determined the 2011 RTP conforms to the SIP on December 14, 2010. This analysis found that the 2011 RTP and, therefore, the individual projects contained in the 2011 RTP, are conforming projects, and will have air quality impacts consistent with those identified in the state implementation plans for achieving the NAAQS.

The 2011 RTP Amendment #2 was adopted by Fresno COG and the 2011 RTP Amendment #2 conformity was approved by FHWA on December 14, 2012. The Project's design concept and scope have not changed significantly from what was analyzed in the 2011 RTP Amendment #2. Therefore, the Project is consistent with Amendment #2 of the 2011 RTP.

Federal Statewide Transportation Improvement Plan

The FHWA and FTA completed review of California's 2013 FSTIP, and approved the document as proposed. The FHWA and FTA determined the 2013 FSTIP conforms to the SIP on December 14, 2012. Therefore, the proposed project is consistent with the Federal Statewide Transportation Improvement Plan.

Federal Transportation Improvement Plan

The 2013 FSTIP incorporated by reference those projects included in the 2012/2013 Federal Transportation Improvement Programs (FTIP) adopted by the MPOs in California. This conformity determination includes Fresno COG 2013 FTIP Amendment #1, which lists the project. Therefore, the proposed project is consistent with the Federal Transportation Improvement Plan.

City of Fresno 2025 General Plan

The proposed project has been evaluated for its consistency with the 2025 General Plan goals and policies because the 2025 General Plan is the currently adopted plan for the City. Alternatives 1 and 2 propose to reclassify the rights-of-way within Fulton Mall between Tuolumne Street and Inyo Street to a Collector street. This reclassification is not consistent with Policy E-1-a of the Public Facilities Element because this policy makes reference to the 2025 General Plan Circulation Element Map which does not identify the rights-of-way within Fulton Mall as a major street.

Policy E-1-f discusses the LOS D policy for roadways. The implementation of Alternatives 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. In the existing plus project plus cumulative scenario, there will be two intersections where the project would contribute to an exceedance of the LOS D policy in the year 2035. Both Alternatives 1 and 2 would not be consistent with Policy E-1-f under cumulative 2035 conditions.

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 Collector street. Alternatives 1 and 2 does not include the addition of driveway access points on the proposed streets, and therefore, both of these alternatives would be consistent with Policy E-2-h.

City of Fresno 2035 draft General Plan Update

The proposed project has been evaluated for its consistency with the draft General Plan Update goals and policies because this plan is anticipated to be adopted in 2014. Alternatives 1 and 2 propose to reconstruct Fulton Mall using "complete streets" design concepts, which would be consistent with Policy MT-1-h in the General Plan Update. In addition, both alternatives would be consistent with Policy UF-11, which proposes to revitalize the Fulton Mall.

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. Both Alternatives 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 Alternatives 1 and 2 would indirectly increase the economic productivity of Fulton Mall, and therefore, would be consistent with this portion of the Goal. Alternatives 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 alternatives 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 alternatives would include new pavement for the sidewalks, refurbish the sculptures, and provide new lighting systems. The improvements under Alternatives 1 and 2 would improve the appearance of the Fulton Mall area and be consistent with Fulton Mall District Policy 4.

Alternatives 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 alternatives 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 Alternatives 1 and 2. The provision of streets under both alternatives 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, Alternatives 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 Alternatives 1 and 2 would result in a shared environment between pedestrians and motorists. As a result, Alternatives 1 and 2 would not be consistent with Fulton Mall District Policy 8.

Draft Downtown Neighborhood Communities Plan

The proposed project has been evaluated for its consistency with the draft DNCP goals and policies because the City anticipates adopting the DNCP in 2014. There are various goals and policies of the DNCP that are relevant to the proposed project. The DNCP identifies the creation of “complete streets” in Goal 3.3 and Policy 3.3.1. Alternatives 1 and 2 include the reconstruction of Fulton Mall using “complete streets,” and therefore, these alternatives would be consistent with the goal and policy. In addition, the DNCP includes policies to prioritize space for pedestrians in the improvement of the public right-of-way (Policy 3.3.6) and decrease conflicts between automobiles and pedestrians by minimizing new curb cuts and driveways (Policy 3.3.8). Alternatives 1 and 2 would be consistent with both of these policies because these alternatives will include sidewalks for pedestrians and no new curb cuts or driveways are proposed. Therefore, Alternatives 1 and 2 would be consistent with Policy 3.3.6 and Policy 3.3.8. The DNCP also has a goal and policy related to enhancing safety and quality of life and reestablishing an interconnected street grid comparable to Fresno’s original grid pattern. Both Alternative 1 and 2 would include sidewalks and curbs so vehicular and bicycle traffic is separated from pedestrian traffic. In addition, both alternatives include new streets along Fulton Mall, Kern Mall, Mariposa Mall, and Merced Mall and would reestablish the original street grid. Therefore, both alternatives would be consistent with Goal 3.4 and Policy 3.4.3.

Draft Fulton Corridor Specific Plan

There are also various goals and policies of the draft FCSP that are relevant to the proposed project. The FCSP identifies the provision of a transportation, circulation, and parking system that improves the quality of life in Downtown in Goal 9-1. Both Alternatives 1 and 2 would provide streets within Fulton Mall and increase the number of shoppers within the Mall. The increase in shoppers will increase the number of “eyes” within the Mall and deter crime-related activities, and therefore, improve the quality of life in the Mall. Both alternatives would be consistent with Goal 9-1. The DNCP also includes the provision of pedestrian-oriented streetscapes (Policy 9-1-2), minimization of driveways and driveway crossing (Policy 9-1-4), and installation of on-street parking. Alternatives 1 and 2 are consistent with these policies because both alternatives provide streetscapes that include trees, benches, sculptures and other artwork within the sidewalk areas. In addition, both alternatives do not include any driveways or driveway crossings. Furthermore, both alternatives

include on-street parking to allow shoppers to park near their retail store destination. The FCSP also includes a similar policy as the DNCP related to the reestablishment of an interconnected street grid (Policy 9-1-12). Both Alternatives 1 and 2 will be consistent with Policy 9-1-12). Finally, the FCSP includes a goal (Goal 9-4) to make parking more convenient and easy to find. The provision of on-street parking adjacent to the retail stores will make parking easier to find. Therefore, both alternatives would be consistent with Goal 9-4.

Alternatives 1 and 2 would be consistent with the various transportation plans, as well as the goals and policies of the City of Fresno draft 2035 General Plan Update, the draft DNCP, and the draft FCSP. Alternatives 1 and 2 would not be consistent with elements of the 2025 General Plan and Central Area Community Plan. Narrative changes, as specified below, would be required mitigation measures.

Mitigation Measures

2025 General Plan

MM LU-1 Policy E-1-a: An amendment to the Circulation Element Map would be required to reclassify the rights-of-way within Fulton Mall between Tuolumne Street and Inyo Street to a Collector street.

MM LU-2 Policy E-1-f: Mitigation identified in the Supplemental Traffic Impact Report would be implemented to improve the intersections so that the project's contribution to the exceedance of LOS D at two intersections would be reduced.

Central Area Community Plan

MM LU-3 Fulton Mall District Goal: An amendment to the Circulation Element Map of the 2025 General Plan would be required for Alternatives 1 and 2 to reclassify the Fulton Mall from a pedestrian-oriented facility to a collector street.

MM LU-4 Fulton Mall District Policy 8: Narrative changes to the Plan would need to be provided to re-classify the Mall from a pedestrian-only environment to a collector street. The No Build Alternative (Alternative 3) would result in no adverse impacts to transportation and land use plans. No avoidance, minimization, or mitigation measures are required as part of the No Build Alternative.

Implementation of the above mitigation measures would reduce the potential impacts on existing plans and policies by Alternative 1 to less than significant

.Alternative 2

Less than significant with mitigation incorporated. The determination of less than significant with mitigation incorporated described above for Alternative 1 would be the same for Alternative 2.

Mitigation Measures

Implementation of Mitigation Measures LU-1 through LU-4 are required.

Implementation of the above mitigation measures would reduce the potential impacts on existing plans and policies by Alternative 2 to less than significant.

Cumulative Impacts

Less than significant with mitigation incorporated. Implementation of Alternative 1 or 2 may contribute to cumulative impacts on plans and policies. This contribution is considered to be cumulatively significant.

Mitigation Measures

Implementation of Mitigation Measures LU-1 through LU-4 are required.

Implementation of the above mitigation measures would reduce the contribution of potential impacts on existing plans and policies by Alternative 1 or 2 to less than significant.

Conflict with Conservation Plans

c) Conflict with any applicable habitat conservation plan or natural communities conservation plan?

According to the California Department of Fish and Wildlife, the project site is not located within the boundaries of a natural communities conservation plan and according to the California Land Use Planning and Information Network, the project site is not located within the boundaries of a habitat conservation plan.

Project Impacts

Alternative 1

No impact. Since Fulton Mall is not mapped as occurring with any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, the implementation of Alternative 1 would not conflict with provisions of any adopted local, state or federal Natural Community Conservation Plan or Habitat Conservation Plan.

Alternative 2

No impact. The determination of no potential impact to an adopted Habitat Conservation Plan or Natural Community Conservation Plan as described above under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since Fulton Mall is not an area designated within a Habitat Conservation Plan or Natural Community Conservation Plan, the development of Alternative 1 or 2 would result in no cumulative impacts.

3.11 - Mineral Resources

Loss of Known Mineral Resource

- a) **Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?**

Project Impacts

Alternative 1

No impact. Aggregate materials along the San Joaquin River corridor are the principal mineral resources in Fresno; additional resources are located along the Kings River corridor and several streambeds in the western portion of Fresno County. Resources are surface mined. The California Department of Conservation, Division of Mines and Geology, maps aggregate deposits and has designated the Fresno Metropolitan Area and most of eastern Fresno County as a production-consumption region for mineral resources (Fresno General Plan Draft MEIR, 2002). However, the Project site and immediate vicinity are not mapped on the most recent Aggregate Mineral Resource Zones Map in the City's planning area (Fresno General Plan [Exhibit 10], 2002). Therefore, no impact on mineral resources would occur.

Alternative 2

No impact. The determination of no potential impact for the loss of availability of mineral resources described for Alternative 1 would be the same for Alternative 1.

Cumulative Impacts

No impact. Implementation of the project would not contribute to cumulative effects on mineral resources.

Loss of Mineral Resource Recovery Site

- b) **Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?**

Project Impacts

Alternative 1

No impact. Aggregate materials along the San Joaquin River corridor are the principal mineral resources in Fresno; additional resources are located along the Kings River corridor and several streambeds in the western portion of Fresno County. Resources are surface mined. The California Department of Conservation, Division of Mines and Geology, maps aggregate deposits and has designated the Fresno Metropolitan Area and most of eastern Fresno County as a production-consumption region for mineral resources (Fresno General Plan Draft MEIR, 2002). However, the Project site and immediate vicinity are not mapped on the most recent Aggregate Mineral Resource Zones Map in the City's planning area (Fresno General Plan [Exhibit 10], 2002). Therefore, no impact on mineral resources would occur.

Alternative 2

No impact. The determination of no potential impact for project implementation to result in the loss of availability of mineral resources described in Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Implementation of the project would not contribute to cumulative effects on mineral resources.

3.12 - Noise

The following is a summary of the Noise Study Report prepared for the proposed project by FirstCarbon Solutions in September 2013. The complete report is provided in Appendix I. Noise is defined as unwanted sound. Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. Sound is produced by the vibration of sound pressure waves in the air. Sound pressure levels are used to measure the intensity of sound and are described in terms of decibels. The decibel (dB) is a logarithmic unit, which expresses the ratio of the sound pressure level being measured to a standard reference level. A-weighted decibels (dBA) approximate the subjective response of the human ear to a broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. They are adjusted to reflect only those frequencies that are audible to the human ear.

Noise equivalent sound levels are not measured directly, but are calculated from sound pressure levels typically measured in dBA. The equivalent sound level (L_{eq}) represents a steady state sound level containing the same total energy as a time varying signal over a given sample period. The peak traffic hour L_{eq} is the noise metric used by California Department of Transportation (Caltrans) for all traffic noise impact analyses.

The Day-Night Average Sound Level (L_{dn}) is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. The time of day corrections require the addition of ten decibels to sound levels at night between 10 p.m. and 7 a.m. While the Community Noise Equivalent Level (CNEL) is similar to the L_{dn} , except that it has another addition of 4.77 dB to sound levels during the evening hours between 7 p.m. and 10 p.m. These additions are made to the sound levels at these times because during the evening and nighttime hours, when compared to daytime hours, there is a decrease in the ambient noise levels, which creates an increased sensitivity to sounds. For this reason the sound is perceived to be louder in the evening and nighttime hours and is weighted accordingly. Many cities rely on the CNEL noise standard to assess transportation-related impacts on noise sensitive land uses.

Noise measurements were taken to represent existing ambient noise levels at land uses that may be affected by the conversion of the existing pedestrian only streets into complete streets, thereby allowing vehicle access.

As shown in Figure 5-1 (see appendix), Noise Measurement 1 (NM1) was taken at the intersection of two streets that currently allow vehicle access (Broadway Street and Fresno Street). Further, the intersection of Highway 99 and Fresno Street is approximately 2,375 feet to the west of this location.

There is also bus service along Fresno Street. Noise Measurements 2 and 5 were taken internal to the project site where vehicle access is currently not allowed. Noise Measurement 3 was taken near Van Ness Avenue near Kern Street that currently does not allow vehicle access. Measurement 4 was taken at the western corner of the intersection of Tuolumne Street and Fulton Street, where Fulton Street dead ends into the mall and becomes "Fulton Mall." Table 17 summarizes the results of the short-term noise monitoring conducted in the study area.

Table 17: Summary of Short-Term Measurements

Position	Land Uses	Start Time	Duration (minutes)	Measured L_{eq}
NM-1	Residential (Masten Towers)	6:24 p.m.	15	70.7
NM-2	Residential (Pacific Southwest Building) and Retail	4:30 p.m.	30	59.9
NM-3	Residential (Californian Hotel)	5:58 p.m.	15	65.7
NM-4	Office/Commercial	6:51 p.m.	15	62.5
NM-5	Office Commercial	5:09 p.m.	30	59.9

Following is the noise evaluation for each of the CEQA Checklist items.

Noise Levels in Excess of Standards

- a) **Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?**

Federal Regulations

The adverse impact of noise was officially recognized by the federal government in the Noise Control Act of 1972, which serves the three purposes listed below:

- Promulgating noise emission standards for interstate commerce.
- Assisting state and local abatement efforts.
- Promoting noise education and research.

The Federal Office of Noise Abatement and Control was initially tasked with implementing the Noise Control Act. However, the ONAC has since been eliminated, leaving the development of federal noise policies and programs to other federal agencies and interagency committees. For example, the Occupational Safety and Health Administration (OSHA) agency limits noise exposure of workers to 90 dB L_{eq} or less for 8 continuous hours or 105 dB L_{eq} or less for 1 continuous hour.

The Department of Transportation (DOT) assumed a significant role in noise control through its various operating agencies. The Federal Aviation Administration (FAA) regulates noise of aircraft and airports. Surface transportation system noise is regulated by a host of agencies, including the Federal Transit Administration (FTA). Transit noise is regulated by the federal Urban Mass Transit Administration, while freeways that are part of the interstate highway system are regulated by the

Federal Highway Administration (FHWA). Finally, the federal government actively advocates that local jurisdictions use their land use regulatory authority to arrange new development in such a way that “noise sensitive” uses are either prohibited from being sited adjacent to a highway or, alternately that the developments are planned and constructed in such a manner that potential noise impacts are minimized.

Since the federal government has preempted the setting of standards for noise levels that can be emitted by the transportation sources, the City of Fresno is restricted to regulating the noise generated by the transportation system through nuisance abatement ordinances and land use planning.

State Regulations

Established in 1973, the California Department of Health Services Office of Noise Control was instrumental in developing regularity tools to control and abate noise for use by local agencies. One significant model is the “Land Use Compatibility for Community Noise Environments Matrix,” which allows the local jurisdiction to delineate compatibility of sensitive uses with various incremental levels of noise (California Department of Health, Office of Noise Control 1976).

Title 24, Chapter 1, Article 4 of the California Administrative Code (California Noise Insulation Standards) requires noise insulation in new hotels, motels, apartment houses, and dwellings (other than single-family detached housing) that provides an annual average noise level of no more than 45 dBA CNEL. When such structures are located within a 60-dBA CNEL (or greater) exterior noise contour, an acoustical analysis is required to ensure that interior levels do not exceed the 45-dBA CNEL annual threshold. In addition, Title 21, Chapter 6, Article 1 of the California Administrative Code requires that all habitable rooms, hospitals, convalescent homes, and places of worship shall have an interior CNEL of 45 dB or less due to aircraft noise.

Government Code Section 65302 mandates that the legislative body of each county and city in California adopt a noise element as part of its comprehensive general plan. The local noise element must recognize the land use compatibility guidelines published by the State Department of Health Services. The guidelines rank noise/land use compatibility in terms of normally acceptable, conditionally acceptable, normally unacceptable, and clearly unacceptable. The City of Fresno utilizes a version of these guidelines to evaluate potential noise/land use impacts.

Local Regulations

The City of Fresno is currently in the process of updating their General Plan. Draft versions of the Noise and Safety Element are available for viewing; however, they have not been adopted yet. Therefore, the 2025 Fresno General Plan standards still apply.

The City of Fresno General Plan Noise Element (2002) contains goals and policies that address noise. The following General Plan goals and policies are applicable to the proposed project:

- **Goal 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.
- **Goal 14.** Protect and improve public health and safety.
- **H-1-a. Policy.** Noise-sensitive land uses impacted by existing or projected future transportation noise sources shall include mitigation measures so that resulting noise levels do not exceed the standards shown in Table 18 below:

Table 18: Maximum Allowable Noise Exposure for Noise Sensitive Land Uses

Land Use ⁴	Outdoor Activity Areas ¹ L _{dn} dB	Interior Spaces	
		L _{dn} dB	L _{eq} dB ²
Residential	60 ³	45	—
Transient Lodging	60 ³	45	—
Hospitals, Nursing Homes	60 ³	45	—
Theaters, Auditoriums, Music Halls	—	—	35
Churches, Meeting Halls	60 ³	—	45
Office Buildings	—	—	45
Schools, Libraries, Museums	—	—	45

Notes:
¹ Where the location of the outdoor activity area is unknown or is not applicable, the exterior noise level standard shall be applied to the property line of the receiving land use.
² As determined for a typical worst-case hour during periods of use.
³ Noise levels up to 65 dB L_{dn} adjacent to the Burlington Northern Santa Fe and Union Pacific mainline tracks may be allowed by the project approving authority when it is determined that it is not possible to achieve 60 dB L_{dn} in outdoor activity areas using a practical application of the best-available noise reduction technology, and when all feasible exterior noise reduction measures have been proposed.
⁴ The Planning and Development Director, on a case-by-case basis, may designate land uses other than those shown in this table to be noise-sensitive, and may require appropriate noise mitigation measures.
 Source: City of Fresno General Plan Noise Element, February 2002: 163.

- **H-1-b. Policy.** For purposes of city analyses of noise impacts, and for determining appropriate noise mitigation, a significant increase in ambient noise levels is assumed if the project causes ambient noise levels to exceed the following:
 - The ambient noise level is less than 60 dB L_{dn} and the project increase noise levels by 5 dB or more.
 - The ambient noise level is 60-65 dB L_{dn} and the project increases noise levels by 3 dB or more
 - The ambient noise level is greater than 65 dB L_{dn} and the project increases noise levels by 1.5 dB or more.
- **H-1-c. Policy.** The city shall review new public and private development proposals to determine conformance with the policies of this Noise Element.

- **H-1-d. Policy.** The city shall require an acoustical analysis in those cases where a project potentially threatens to expose existing or proposed noise-sensitive land uses to excessive noise levels. The presumption of potentially excessive noise levels shall be based on the location of new noise-sensitive uses to known noise sources of staff's professional judgment that a potential for adverse noise impacts exists. Acoustical analyses shall be required early in the review process so that noise mitigation may be included in the project design. For development not subject to environmental review, the requirements for an acoustical analysis shall be implemented prior to the issuance of building permits. The requirements for the content of an acoustical analysis are established by the Planning and Development Department in conjunction with environmental health agencies.
- **H-1-e. Policy.** The city shall develop and employ procedures to ensure that noise mitigation measures required pursuant to an acoustical analysis are implemented in the development review and building permit processes.
- **H-1-f. Policy.** The city shall develop and employ procedures to monitor compliance with the policies of the Noise Element after completion of projects where noise mitigation measures have been required.
- **H-1-g. Policy.** The city shall enforce the State Noise Insulation Standards (California Code of Regulations, Title 24) and Chapter 35 of the Unicom Building Code (UBC) concerning interior noise exposure for multi-family housing, hotels and motels.
- **H-1-h. Policy.** The city shall request the California Highway Patrol, the Sheriffs, and Police Department to actively enforce the California Vehicle Code sections relating to adequate vehicle mufflers and modified exhaust systems, and sound systems in vehicles.
- **H-1-i. Policy.** The city shall review and update the Noise Element and the Noise Ordinance to ensure that noise exposure information and specific policies and ordinances are consistent with changing conditions with the city and with noise control regulations or policies enacted after the adoption of this element.
- **H-1-j Policy.** Noise created by new transportation noise sources, including roadway improvement projects, shall be mitigated so that resulting noise levels do not exceed the adopted standards at noise-sensitive land uses.
- **H-1-k. Policy.** Noise-sensitive land uses impacted by stationary noise sources shall include mitigation measures so that resulting noise levels do not exceed the standards shown in Table 19:

Table 19: Maximum Allowable Noise Exposure-Stationary Noise Sources¹

Noise Descriptor	Daytime (7 a.m. to 10 p.m.)	Nighttime (10 p.m. to 7 a.m.)
Hourly Equivalent Sound Level (L _{eq}), dB	50	45
Maximum Sound Level (L _{max}), dB	70	65
Notes: ¹ As determined at the outdoor activity areas. Where the location of outdoor activity areas is unknown or not applicable, the noise exposure standard shall be applied at the property line of the receiving land use. When ambient noise levels exceed or equal the levels in this table, mitigation shall only be required to limit noise to the ambient plus five (5) dB. Source: City of Fresno General Plan Noise Element, Table 9. February 2002		

- **H-1-l. Policy.** Noise created by new proposed stationary noise sources or existing stationary noise sources which undergo modifications that may increase noise levels shall be mitigated so as not to exceed the noise level standards of Table 19 at noise-sensitive land uses.
- **H-1-m Policy.** As a guideline, noise barrier (wall, earth berms, or berm/wall combinations) shall not exceed 15 feet in height as measured from the elevation of the nearest building pad. The Planning Department Director, on a case-by-case basis, may allow noise barrier heights differing from this guideline. However, resulting noise levels must satisfy the maximum allowable noise exposure standards.

City of Fresno Municipal Code

Chapter 10, Regulations Regarding Public Nuisances and Real Property Conduct and Use, Article 1, Noise Regulations, of the Fresno Municipal Code establishes excessive noise guidelines and exemptions. The following portions of the Municipal Code are applicable to the proposed project:

- SEC. 10-102. - Definitions.
 - (b) Ambient Noise. "Ambient noise" is the all-encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far. For the purpose of this ordinance, ambient noise level is the level obtained when the noise level is averaged over a period of fifteen minutes, without inclusion of the offending noise, at the location and time of day at which a comparison with the offending noise is to be made. Where the ambient noise level is less than that designated in this section, however, the noise level specified herein shall be deemed to be the ambient noise level for that location.

Table 20: SEC. 10-102 of the Noise Ordinance of the City of Fresno

District	Time	Sound Level Decibels
Residential	10 pm to 7 am	50
Residential	7 pm to 10 pm	55
Residential	7 am to 7 pm	60
Commercial	10 pm to 7 am	60
Commercial	7 am to 10 pm	65
Industrial	anytime	70

- SEC. 10-105. Excessive Noise Prohibited. No person shall make, cause, or suffer or permit to be made or caused upon any premises or upon any public street, alley, or place within the city, any sound or noise which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing or working in the area, unless such noise or sound is specifically authorized by or in accordance with this article. The provisions of this section shall apply to, but shall be limited to, the control, use, and operation of the following noise sources:
 - (a) Radios, musical instruments, phonographs, television sets, or other machines or devices used for the amplification, production, or reproduction of sound or the human voice.
 - (b) Animals or fowl creating, generating, or emitting any cry or behavioral sound.
 - (c) Machinery or equipment, such as fans, pumps, air conditioning units, engines, turbines, compressors, generators, motors or similar devices, equipment, or apparatus.
 - (d) Construction equipment or work, including the operation, use or employment of pile drivers, hammers, saws, drills, derricks, hoists, or similar construction equipment or tools. This subsection shall not apply to construction equipment or work within the area bounded by the Union Pacific tracks, from Ventura to Tulare; Tulare Street, from Union Pacific tracks to Fulton Mall; Fulton Mall/Street, from Tulare to Ventura; and Ventura Street, from Fulton Street to Union Pacific tracks. This exception shall become null and void on June 1, 2003. (Orig. Ord. 1076; Rep. and Added Ord. 72-163, 1972; Am. Ord. 2001-41, § 1, 5-20-01).

- SEC. 10-107 School, Hospitals, and Churches. No person shall create any noise on any street, sidewalk, or public place adjacent to any school, institution of learning, or church while the same is in use, or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such street, sidewalk, or public place indicating the presence of a school, church, or hospital. (Orig. Ord. 3667; Rep. and Added Ord. 72-163, 1972).

- SEC. 10-109 Exceptions. The provisions of this article shall not apply to:
 - (a) Construction, repair or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday.

- (b) Emergency work.
- (c) Any act or acts which are prohibited by any law of the State of California or the United States. (Added Ord. 72-163, 1972; Am. Ord. 80-171, § 74, eff. 12-26-80).

Project Impacts

Alternative 1

Less Than Significant Impact. The implementation of Alternative 1 would result in increases in noise levels during construction and operational activities.

Construction

Construction noise varies depending on the construction process, type of equipment involved, location of the construction site with respect to sensitive receptors, the schedule proposed to carry out each task (e.g., hours and days of the week) and the duration of the construction work.

Table 21 summarizes noise levels produced by construction equipment that is commonly used on roadway construction projects. Construction equipment is expected to generate noise levels ranging from 70 to 90 dB at a distance of 50 feet, and noise produced by construction equipment would be reduced over distance at a rate of about 6 dB per doubling of distance.

Table 21: Construction Equipment Noise

Equipment	Maximum Noise Level (dBA at 50 feet)
Scrapers	89
Bulldozers	85
Heavy Trucks	88
Backhoe	80
Pneumatic Tools	85
Concrete Pump	82
Source: Federal Transit Administration 1995.	

Construction equipment used on the site may be mobile or stationary. Mobile equipment (e.g., loaders, graders, dozers) moves around a construction site performing tasks in a recurring manner. Stationary equipment (e.g., air compressor, generator, concrete saw) operates in a given location for an extended period of time to perform continuous or periodic operations. Operational characteristics of heavy construction equipment are additionally typified by short periods of full power operation followed by extended periods of operation at lower power, idling, or powered-off conditions.

Site preparation involves demolition, grading, compacting, and excavating. Equipment and vehicles that may be used during site preparation would include backhoes, bulldozers, loaders, excavation equipment (e.g., graders and scrapers), pile drivers and compaction equipment. Finishing activities may include the use of pneumatic hand tools, scrapers, concrete trucks, vibrators, and haul trucks.

During construction of the project, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction. Construction noise is required to comply with applicable local, state, and federal regulations, and that all equipment shall be fitted with adequate mufflers according to the manufacturers' specifications.

No adverse noise impacts from construction are anticipated because the use of construction vehicles would only occur between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturdays and therefore, be exempt from the City of Fresno Noise Ordinance standards.

Operation

Potential noise impacts associated with the operations of the proposed project are a result of project-generated vehicular traffic on the project vicinity roadways and from stationary noise sources associated with the proposed project.

According to the traffic study prepared for the proposed project (Fehr & Peers 2013), the addition of roadways within Fulton Mall would not result in an increase of greater than 0.03 percent over baseline on any road segment with the exception of Fulton Street. Considering that a doubling of the existing traffic volumes would be required to achieve a 3 dB increase in ambient noise levels, implementation of the proposed project would result in a nominal increase in ambient noise levels along study area road segments. According to the City of Fresno 2025 General Plan, a threshold of significance for increases in ambient noise levels is a 5 dB or more. Therefore, impacts to these road segments are less than significant and not discussed further in this analysis. The impact analysis will be focused on the pedestrian-only right-of-way segments that are proposed to be converted to "complete streets."

Alternative 1 would result in 210 ADT on Fulton Street between Tuolumne Street and Inyo Street at project completion. None of the other road segments that will be converted from pedestrian use are through streets and would only service the immediate area. Therefore, traffic volumes along these segments would be less than those projected for Fulton Street. Considering this, traffic noise modeling was only conducted for Fulton Street, as it represents the worst-case scenario.

Under Baseline Plus Project for Alternative 1, vehicle traffic noise along Fulton Street was modeled, and traffic noise levels would reach up to 42.5 dBA L_{eq} (h) and 42.7 dBA CNEL at the buildings adjacent to the Fulton Street rights-of-way. Existing ambient noise levels (59.9-70.7 dBA L_{eq}) are substantially louder than the projected Baseline Plus Project noise levels. Therefore, the implementation of Alternative 1 would result in a less than significant traffic noise impact because the City of Fresno's noise standard of 60 dBA CNEL for sensitive uses such as residences would not be exceeded.

Parking Areas

Sources of noise from parking areas are primarily from engine and tire noise, slamming of doors, and pedestrians. A parking area is not considered to be a serene environment and the traffic noise from the adjacent streets will provide a masking effect over the short-term, single event noise occurrences common to parking lots. Therefore, less than significant noise impacts would occur from the proposed parking areas along the proposed streets.

Tot Lot Area

The Fulton Mall includes two tot lots—one near the corner of Fulton and Merced, the other near Fulton and Kern—that were part of the Mall’s original design. In 2008, the City of Fresno used funding from State Proposition 40 and the Federal Land and Water Conservation Fund (LWCF) to improve these tot lots. The City removed the original play structures, which were in extreme disrepair, and installed new, brightly colored play equipment and a soft-fall surface in a portion of each tot lot area.

The proposed Fulton Mall Reconstruction Project involves the reintroduction of a roadway in the right-of-way on Fulton and its cross-malls, and it will not be possible to retain the Mall’s tot lots in their present locations. The tot lot would be relocated to an area adjacent to Congo Alley and approximately 72 feet from the right-of-way (ROW) of Mariposa Mall (Street). The traffic noise impact to the relocated tot lot is expected to be less than 60 dBA. Mariposa Street would have less traffic volume than Fulton Street, and Fulton Street was shown to have a maximum cumulative noise level of 53.1 dBA CNEL at the building facade adjacent to the roadway. The relocated tot lot will be an additional 72 feet back from the road ROW, which would reduce noise levels further. Traffic noise impacts to the relocated tot lot would be less than significant.

Mitigation Measures

Although construction impacts would be less than significant, Mitigation Measures NOI-1 through NOI-4 are recommended to ensure construction noise is minimized.

- MM NOI 1** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and residential uses nearest the project site during all project construction.

- MM NOI 2** The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site, to the degree possible.

- MM NOI 3** The project proponent shall mandate that the construction contractor prohibit the use of personal or commercial music or sound amplification on the project site during construction.

- MM NOI 4** The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

Alternative 2

Less than significant impact. The implementation of Alternative 2 would result in increases in noise levels during construction and operational activities.

The determination of less than significant construction noise impacts to persons exposed to or generation of noise levels in excess of existing standards under Alternative 2 would be the same as described above for Alternative 1.

Similar to the discussion provided under Alternative 1, the addition of roadways within Fulton Mall under Alternative 2 would not result in an increase of greater than 0.03 percent over baseline on any road segment with the exception of Fulton Street. Considering that a doubling of the existing traffic volumes would be required to achieve a 3 dB increase in ambient noise levels, implementation of the proposed project would result in a nominal increase in ambient noise levels along study area road segments. According to the City of Fresno 2025 General Plan, a threshold of significance for increases in ambient noise levels is a 5 dB or more. Therefore, impacts to these road segments are less than significant and not discussed further in this analysis. The impact analysis will be focused on the pedestrian-only right-of-way segments that are proposed to be converted to “complete streets.”

Similar to Alternative 1, Alternative 2 would result in 210 ADT on Fulton Street between Tuolumne Street and Inyo Street at project completion. None of the other road segments that will be converted from pedestrian use are through streets and would only service the immediate area. Therefore, traffic volumes along these segments would be less than those projected for Fulton Street. Considering this, traffic noise modeling was only conducted for Fulton Street, as it represents the worst-case scenario.

Under Baseline Plus Project for Alternative 2, vehicle traffic noise along Fulton Street was modeled for areas within the vignettes and areas outside of the vignettes. The modeling is different because speed limits would change from 25 miles per hour inside the vignettes to 30 miles per hour outside the vignettes. The traffic noise levels would reach up to 40.5 dBA L_{eq} (h) and 40.7 dBA CNEL at the buildings adjacent to the Fulton Street rights-of-way within the vignette areas and up to 42.5 dBA L_{eq} (h) and 42.7 dBA CNEL at the buildings adjacent to the Fulton Street rights-of-way outside of the vignette areas. Existing ambient noise levels (59.9-70.7 dBA L_{eq}) are substantially louder than the projected Baseline Plus Project noise levels. Therefore, the implementation of Alternative 2 would result in a less than significant traffic noise impact because the City of Fresno’s noise standard of 60 dBA CNEL for sensitive uses such as residences would not be exceeded within or outside of the vignette areas. Therefore, long-term traffic noise impacts would be less than significant.

The determination of less than significant impacts from parking areas as well as to the proposed tot lots as described above for Alternative 1 would be the same for Alternative 2.

Mitigation Measures

Although construction impacts would be less than significant, Mitigation Measures NOI-1 through NOI-4 are recommended to ensure construction noise is minimized.

- MM NOI 1** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and residential uses nearest the project site during all project construction.

- MM NOI 2** The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site, to the degree possible.

- MM NOI 3** The project proponent shall mandate that the construction contractor prohibit the use of personal or commercial music or sound amplification on the project site during construction.
- MM NOI 4** The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

Cumulative Impacts

Less than significant impact. Cumulative development within Downtown Fresno will increase construction and operational noise levels.

There is a possibility that construction activities associated with cumulative development could occur in Downtown Fresno at the same time as the construction of Alternative 1 or 2. Construction equipment is expected to generate noise levels ranging from 70 to 90 dB at a distance of 50 feet, and noise produced by construction equipment would be reduced over distance at a rate of about 6 dB per doubling of distance.

During construction of cumulative projects, noise from construction activities may intermittently dominate the noise environment in the immediate area of construction. Construction noise is required to comply with applicable local, state, and federal regulations, and that all equipment shall be fitted with adequate mufflers according to the manufacturers' specifications.

No adverse noise impacts from cumulative construction are anticipated because the use of construction vehicles are expected to occur between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturdays and therefore, be exempt from the City of Fresno Noise Ordinance standards. As a result, cumulative construction noise would be less than cumulatively significant.

Potential noise impacts associated with the operations of the proposed project are a result of project-generated vehicular traffic on the project vicinity roadways and from stationary noise sources associated with the proposed project.

The Noise Study Report evaluated cumulative traffic noise levels. The analysis focused on Fulton Street because all other roadways would experience a nominal increase in traffic with the implementation of Alternatives 1 or 2.

Under Alternatives 1 or 2, cumulative traffic levels along Fulton Street from Tuolumne Street to Inyo Street would be 2,310 ADT. None of the other road segments that will be converted from pedestrian use are through streets and would only service the immediate area. Therefore, the project contribution to cumulative traffic volumes along these segments would be less than the project's contribution projected for Fulton Street. Considering this, cumulative traffic noise modeling was only conducted for Fulton Street, as it represents the worst-case scenario.

Under Cumulative Plus Project for Alternative 1, vehicle traffic noise along Fulton Street was modeled, and traffic noise levels would reach up to 52.9 dBA L_{eq} (h) and 53.1 dBA CNEL at the

buildings adjacent to the Fulton Street rights-of-way. Under Cumulative Plus Project for Alternative 2, vehicle traffic noise along Fulton Street was modeled, and traffic noise levels would be the same as Alternative 1 for areas outside the vignette areas and reach up to 50.9 dBA L_{eq} (h) and 51.1 dBA CNEL at the buildings adjacent to the Fulton Street rights-of-way in areas within the vignettes. Existing ambient noise levels (59.9-70.7 dBA L_{eq}) are substantially louder than the projected Cumulative Plus Project noise levels. Therefore, cumulative noise levels under Alternative 1 or 2 would result in a less than significant cumulative traffic noise impact because the City of Fresno's noise standard of 60 dBA CNEL for sensitive uses such as residences would not be exceeded. Therefore, long-term cumulative traffic noise impacts would be less than significant.

The determination of less than significant cumulative noise impacts from parking areas as well as to the proposed tot lots as described above for Alternative 1 project impacts would be the same for cumulative impacts.

Mitigation Measures

Although construction impacts would be less than significant, Mitigation Measures NOI-1 through NOI-4 are recommended to ensure the project's contribution to potential cumulative construction noise is minimized.

- MM NOI 1** The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and residential uses nearest the project site during all project construction.
- MM NOI 2** The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from the noise sensitive receptors nearest the project site, to the degree possible.
- MM NOI 3** The project proponent shall mandate that the construction contractor prohibit the use of personal or commercial music or sound amplification on the project site during construction.
- MM NOI 4** The construction contractor shall limit haul truck deliveries to the same hours specified for construction equipment. To the extent feasible, haul routes shall not pass sensitive land uses or residential dwellings.

Excessive Groundborne Vibration

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?

The Federal Transit Administration Report² outlines guidelines for assessing the impact of vibration from construction activities on nearby buildings. The guidelines determine impact threshold levels that should be considered based on the age and/or condition of the structures and the level of vibration that could potentially cause damage to the structural integrity of those structures. Based

² U.S. Department of Transportation, Federal Transit Administration, "Transit Noise and Vibration Impact Assessment," May 2006.

on the age and/or condition of the buildings, the recommended damage thresholds range from 0.2 inches/second peak particle velocity at non-engineered timber and masonry structures to 0.5 inches/second peak particle velocity for reinforced-concrete, steel, or timber structures containing no plaster. Thus, for the purposes of this analysis, the following significance thresholds are applied to analyze the potential vibration impacts from Project construction:

- Project construction activities would cause a ground-borne vibration level to exceed 0.2 inches/second peak particle velocity at non-engineered timber and masonry structures;
- Project construction activities would cause a ground-borne vibration level to exceed 0.3 inches/second peak particle velocity at engineered concrete and masonry (no plaster) buildings;
- Project construction activities would cause a ground-borne vibration level to exceed 0.12 inches/second peak particle velocity at buildings extremely susceptible to vibration damage, such as historic buildings; or
- Project construction activities would cause a ground-borne vibration level to exceed 0.5 inches/second peak particle velocity at reinforced-concrete, steel, or timber (no plaster) structures.

Project Impacts

Alternative 1

Less than significant impact. While long-term project operation would not include uses or activities that typically generate excessive groundborne vibration or groundborne noise levels, short-term project construction could introduce groundborne vibration to the project site and the surrounding area.

Offsite sources that may produce perceptible vibrations are usually caused by construction equipment, steel-wheeled trains, and traffic on rough roads, while smooth roads rarely produce perceptible groundborne noise or vibration (Table 22).

Table 22: Vibration Levels Generated by Construction Equipment

Equipment	Peak Particle Velocity (inches/second) at 25 feet	Approximate Vibration Level (LV) at 25 feet
Pile driver (impact)	1.518 (upper range) 0.644 (typical)	112 104
Pile driver (sonic)	0.734 upper range 0.170 typical	105 93
Clam shovel drop (slurry wall)	0.202	94
Hydromill (slurry wall)	0.008 in soil 0.017 in rock	66 75
Vibratory Roller	0.210	94

Table 22 (cont.): Vibration Levels Generated by Construction Equipment

Equipment	Peak Particle Velocity (inches/second) at 25 feet	Approximate Vibration Level (LV) at 25 feet
Hoe Ram	0.089	87
Large bulldozer	0.089	87
Caisson drill	0.089	87
Loaded trucks	0.076	86
Jackhammer	0.035	79
Small bulldozer	0.003	58

Source: Transit Noise and Vibration Impact Assessment, Federal Transit Administration, May 2006.

The primary source of vibration during project construction would likely be from a bulldozer (tractor), which would generate 0.089 inch per second PPV at 25 feet with an approximate vibration level of 87 VdB. Vibration from the bulldozer would be intermittent and not a source of continual vibration. At less than 0.1 inch/second, the bulldozer would not create vibration that would affect even the most fragile of structures. Therefore, impacts from construction vibration are considered to be less than significant.

Operation

The proposed project consists of the reconstruction of Fulton Mall as a complete street by reintroducing vehicle traffic lanes to the existing pedestrian mall. The project does not include any sources of operational vibration; no impacts are anticipated.

Alternative 2

Less than significant impact. The determination of less than significant impacts to persons exposed to or generation of excessive groundborne vibration or groundborne noise levels as described above under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. Cumulative development associated with the implementation of the 2025 Fresno General Plan, the CACP or, if adopted, the DNCP and FCSP as well as current development projects in the Downtown Fresno area will result in construction activities that could expose persons to groundborne vibration. Construction of multi-story structures could require the use of pile drivers, which could result in a substantial amount of vibration. Cumulative short-term construction vibration could be significant. Long-term vibration impacts associated with development in Downtown Fresno is expected to be less than significant because the uses that are proposed to be allowed within the DNCP and FCSP are not associated with substantial groundborne vibration.

Construction activities associated with Alternatives 1 or 2 would result in less than significant vibration impacts as discussed above. The project’s contribution to potential cumulative impacts are

considered less than cumulatively considerable, therefore, less than a cumulative significant vibration impact.

As discussed above, operational activities associated with Alternatives 1 or 2 would result in a less than significant vibration impact. Therefore, the contribution of Alternative 1 or 2 would be considered less than cumulatively considerable, therefore less than a cumulative significant vibration impact.

Permanent Increase in Ambient Noise Levels

c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?

Refer to discussion 3.12 (a) above for existing ambient noise levels in the project area.

Project Impacts

Alternative 1

Less than significant impact. As previously described in CEQA Checklist Question 3.12 (a) above, increases in permanent operational noise levels would occur from the re-distribution of existing vehicular traffic and parking areas. As discussed, except for Fulton Street, Alternative 1 would not result in greater than 0.03 percent increase in traffic volumes over baseline conditions. A doubling of existing traffic volumes would be required to achieve a 3 dB increase in ambient noise levels. Because the increase in traffic volumes would be nominal, the proposed project would not result in substantial increases in ambient noise levels. Therefore, permanent noise impacts along the roadway segments would be less than significant.

New streets within Fulton Mall are proposed. The proposed project would result in 210 ADT on Fulton Street between Tuolumne Street and Inyo Street at project completion. None of the other road segments that will be converted from pedestrian use are through streets and would only service the immediate area. Therefore, traffic volumes along these segments would be less than those projected for Fulton Street. Considering this, traffic noise modeling was only conducted for Fulton Street, as it represents the worst-case scenario. As discussed in CEQA Checklist Question 3.12(a), Permanent noise levels along Fulton Mall under Baseline Plus Project for Alternative 1, would reach up to 42.5 dBA L_{eq} (h) and 42.7 dBA CNEL at the buildings adjacent to the Fulton Street rights-of-way. Existing ambient noise levels (59.9-70.7 dBA L_{eq}) are substantially louder than the projected Baseline Plus Project noise levels. Therefore, the implementation of Alternative 1 would not result in an adverse change to the existing ambient noise levels, would not exceed the City's noise standard of 60 dB CNEL, and would be considered less than significant.

Alternative 1 includes the relocation of two tot lots to one area that is adjacent to Congo Alley and approximately 72 feet from the proposed right-of-way of Mariposa Mall (Street). Since Mariposa Street would have less traffic volumes and less traffic noise compared to Fulton Street and the tot lots are 72 feet west of the Mariposa Street right-of-way compared to the existing structures adjacent to Fulton Street (approximately 20 feet), the permanent noise level under Alternative 1 would not exceed the City's most restrictive outdoor activity area standard of 60 dB L_{dn} .

Alternative 2

Less than significant impact. The determination of less than significant impacts regarding permanent increases in ambient noise levels as described above in CEQA Checklist Question 3.12 (a) above under Alternative 2 would be the same as for permanent noise increases for Alternative 2.

Cumulative Impacts

Less than significant impact. As described above in CEQA Checklist Question 3.12 (a), cumulative permanent noise levels under Alternative 1 or 2 would result in a less than significant cumulative traffic noise impact because the City of Fresno's noise standard of 60 dBA CNEL for sensitive uses such as residences would not be exceeded. Therefore, long-term cumulative traffic noise impacts would be less than significant.

The determination of less than significant cumulative permanent noise impacts from parking areas as well as to the proposed tot lots as described above in CEQA Checklist Question 3.12 (a) under Cumulative would be the same for cumulative permanent impacts.

Overall, Alternatives 1 or 2 would result in less than significant cumulative permanent noise impacts.

Temporary or Periodic Increase in Ambient Noise Levels

- d) **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?**

City of Fresno Municipal Code

Chapter 10, Regulations Regarding Public Nuisances and Real Property Conduct and Use, Article 1, Noise Regulations, of the Fresno Municipal Code establishes excessive noise guidelines and exemptions. The following portions of the Municipal Code are applicable to the proposed project:

- SEC. 10-109 Exceptions. The provisions of this article shall not apply to:
 - (a) Construction, repair or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the city or other governmental agency, or to site preparation and grading, provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday.
 - (b) Emergency work.
 - (c) Any act or acts which are prohibited by any law of the State of California or the United States. (Added Ord. 72-163, 1972; Am. Ord. 80-171, § 74, eff. 12-26-80).

Project Impacts

Alternative 1

Less than significant impact. As previously discussed in CEQA Checklist Question 3.12 a), noise from construction activities may intermittently dominate the noise environment in the immediate area of construction. Construction noise is required to comply with applicable local, state, and federal regulations, and that all equipment shall be fitted with adequate mufflers according to the manufacturers' specifications.

No adverse noise impacts from construction are anticipated because the use of construction vehicles would only occur between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturdays and therefore, be exempt from the City of Fresno Noise Ordinance standards. Potential temporary or periodic noise associated with Alternative 1 would be less than significant.

Mitigation Measures

Although construction impacts would be less than significant, Mitigation Measures NOI-1 through NOI-4 are recommended to ensure the project's contribution to potential cumulative construction noise is minimized.

Implementation of Mitigation Measures NOI-1 through NOI-4 are recommended.

Alternative 2

Less than significant impact. The determination of less than significant impacts resulting from a substantial temporary or periodic increase in ambient noise levels in the project vicinity as discussed for Alternative 1 above would be the same for Alternative 2.

Mitigation Measures

Although construction impacts would be less than significant, Mitigation Measures NOI-1 through NOI-4 are recommended to ensure the project's contribution to potential cumulative construction noise is minimized.

Implementation of Mitigation Measures NOI-1 through NOI-4 are recommended.

Cumulative Impacts

Less than significant impact. There is a possibility that cumulative development may result in substantial increases in ambient noise levels from temporary or periodic noise levels if construction activities occur between 10:00 p.m. and 7:00 a.m. As described above in CEQA Checklist Question 3.12 a), cumulative short-term, temporary or periodic noise levels under Alternative 1 or 2 would result in a less than significant cumulative noise impact because the use of construction vehicles would only occur between the hours of 7:00 a.m. and 10:00 p.m. Monday through Saturdays. Because of compliance with the Noise Ordinance, the contribution of Alternative 1 or 2 to the potential cumulative increase in ambient noise levels from temporary or periodic noise levels would be less than cumulatively considerable. Therefore, Alternative 1 or 2 would result in less than significant cumulative temporary noise impacts.

Airport Noise Levels

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Project Impacts

Alternative 1

No impact. The Fresno Chandler Downtown Airport is located 1.5 miles west of the project site. The proposed project site is located approximately 0.25 mile outside of the Fresno Chandler Downtown Airport Land Use Plan. The project does not include housing development or new business development. Therefore, project implementation would not expose people in the project area to excessive aircraft noise levels. No impact would occur.

Alternative 2

No impact. The determination of no potential to expose people in the project area to excessive aircraft noise levels as described above under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Cumulative development in the immediate vicinity of the Fresno Chandler Downtown Airport may expose people to aircraft noise. Since the project site is located 1.5 miles east of the airport and approximately 0.25 mile outside of the Fresno Chandler Downtown Airport Land Use Plan, substantial aircraft noise at the project site is not expected. Furthermore, the project would not increase the population within the project boundary through housing developments or new business developments. Therefore, the implementation of Alternative 1 or 2 would not contribute to the cumulative exposure of people to aircraft noise. Thus, Alternative 1 or 2 would result in no cumulative aircraft noise exposure impacts.

Private Airstrip Noise Levels

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?

The project site is located within the existing Fulton Mall in the City of Fresno. There are one private airstrip located in the City of Fresno (Airnav.com 2012). The private airstrip is Sierra Sky Park Airport and is located approximately 8 miles north of the project site.

Project Impacts

Alternative 1

No impact. Due to the distance of the site from the Sierra Sky Park private airstrip, the implementation of Alternative 1 will not expose people associated with Alternative 1 to excessive aircraft noise levels **from a private airstrip.**

Alternative 2

No impact. The determination of no potential to expose people in the project area to excessive noise levels from private airstrips as described under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Since the implementation of Alternative 1 or 2 would result in no impacts to expose people to excessive noise levels from private airstrips, Alternative 1 or 2 would result in no cumulative impacts.

3.13 - Population and Housing**Population Growth**

- a) **Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?**

The following discussion of the inducement of population growth is based on information provided in the Community Impact Assessment that is provided in Appendix H of this Initial Study. In addition, information was obtained from the Fulton Mall Alternatives Plans, Economic Impact Analysis prepared by Gibbs Planning Group in 2011 and from the Fulton Mall Urban Decay Study, Fulton Corridor Specific Plan prepared by Rosenow Spevacek Group, Inc. in 2012. The latter two studies are available for review at the City of Fresno Development and Resource Management Department.

The Fulton Mall is limited to pedestrian traffic. This limitation has resulted in businesses within the immediate vicinity of Fulton Mall grossly under-performing and storefronts having a high vacancy rate. There is a lack of convenient parking spaces in front of stores, and no visibility for drive-by vehicular traffic. Parking is located around the perimeter of the study area; however, due to the broken street grid, motorists find it confusing to navigate to a parking area and then navigate to the businesses and stores by foot. There is no clear view into the Mall area from its ends, and the landscape largely blocks views of the storefronts.

The underperformance of the Fulton Mall has occurred for many years. Starting around 1970, business in Downtown Fresno began to decline due to increasingly rapid growth in the northern parts of the City and the opening of the major suburban shopping mall, Fashion Fair. This caused department stores within the Project Study Area to leave Downtown Fresno. The opening of additional shopping malls within the City resulted in further declines in economic activity in Downtown.

The immediate vicinity of Fulton Mall became an area of low levels of retail and other economic activity. In fact, urban decay data show that challenges in lease and vacancy rates are several times more severe on the Fulton Mall than in the rest of Downtown, compared with citywide and regional averages. The Project Study Area is devoid of any significant activity on weeknights after 5 pm when workers leave Downtown.

Numerous efforts are underway to address this problem. In 2010, property owners voted to create an assessment district, which is today managed by the Downtown Fresno Partnership. This district, which is centered on Fulton Mall, funds promotions, events, and advocacy on behalf of the area. The City is also undertaking a wholesale rewrite of its land use plans and zoning codes that govern the downtown, in order to encourage investment and development in Downtown and healthy, mixed-income neighborhoods in the surrounding 7,290 acres.

Project Impacts

Alternative 1

Less than significant impact. Implementation of Alternative 1 would eliminate the Fulton Mall and introduce two-way streets that would provide vehicular interconnectivity to adjacent roadways; no new businesses or housing is proposed. Because the project vicinity is already developed, the introduction of the new streets would not directly induce population growth and would not affect the regional population characteristics of the City.

Although the implementation of Alternative 1 does not include additional land uses within the project area, the provision of streets will increase access to the area. This increase in access is anticipated to influence growth within the project area. This growth is anticipated to occur through the reoccupation of the ground floors of existing vacant buildings as vehicle access and parking become available. This cause-and-effect relationship is bolstered by letters received from two Fulton Mall property owners and developers who recently acquired major historic buildings in support of a City application for funding related to the Fulton Mall Reconstruction Project. The owner of the JC Penney building, who is planning the creation of 66 housing units, wrote that “like any development project...access to and around the property is of utmost concern to me in making this kind of investment” (Maghame 2012). The owner of the Pacific Southwest and Helm Buildings, who is planning to develop a mix of housing, office, and entertainment space, wrote that “addressing the access and infrastructure issues surrounding my properties...is my main source of hesitation about investing in housing units there” (Khatchadourian, 2012).

This reoccupation is considered a beneficial impact on the existing land uses within the immediate vicinity of Fulton Mall because additional tenants and customers are expected to increase the economic productivity of the immediate vicinity of Fulton Mall.

Based on the Economic Impact Analysis for the Fulton Mall Alternative Plans prepared in June 2011, the reopening of Fulton Street and adding on-street parking under Alternative 1 is anticipated to reduce the existing ground floor vacancies from 26 percent to nine percent, close to citywide levels. The reoccupation would represent leasing approximately 79,200 sf of the existing 122,700 sf of vacant ground floor space. Assuming sales only at the present-day rate in the immediate vicinity of Fulton Mall of \$78.88 per sf per year, the new occupancy would generate \$6.25 million in annual sales. Nearly all of the sales tax, which would be \$513,840 per year, would accrue to the City of Fresno.

Interest in developing in Downtown Fresno overall has been on the rise for several years. Because the density along the Fulton Mall is so much greater than other areas, activity in the immediate

vicinity of Fulton Mall fuels itself, and the increases in economic productivity expected to occur as a result of implementing Alternative 1 are therefore substantial.

Although Alternative 1 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 approved City land use plans and would not affect the regional population characteristics of the City. Therefore, implementation of Alternative 1 would not result in a substantial inducement of population growth. Thus, Alternative 1 would result in a less than significant impact on population growth.

Alternative 2

Less than significant impact. The determination of less than significant impacts from the inducement of population growth as described above under Alternative 1 would be the same for Alternative 2. The specific influence in growth under Alternative 2 would be the reduction of existing ground floor vacancies from 26 percent to 15 percent. The reoccupation under Alternative 2 would represent leasing approximately 51,900 sf of retail space of the existing 122,700 sf of vacant ground floor space. Assuming sales only at the present-day rate in the immediate vicinity of Fulton Mall of \$78.88 per sf per year, the new occupancy would generate \$4.09 million in annual sales. With the implementation of Alternative 2, the annual sales tax generated from the annual sales would be \$336,721 per year.

Cumulative Impacts

Less than significant impact. Cumulative development within Downtown Fresno under the DNCP and FCSP will increase population within the City of Fresno. Based on current population estimates by Fresno Council of Governments, the anticipated increase in population that is currently expected for the year 2035 is consistent with the population estimate for the buildout of the DNCP and FCSP that is also projected for 2035. Therefore, population growth associated with cumulative development would result in a less than significant cumulative impact on population growth. Since the implementation of Alternative 1 or 2 as well as cumulative development would result in a less than significant impact on population growth, cumulative impacts on population growth would be less than significant. As a result, the contribution of Alternative 1 or 2 to the cumulative increase in population growth would be less than cumulatively considerable. Thus, Alternative 1 or 2 would result in less than significant cumulative impacts.

Housing Displacement/Replacement Housing

- b) **Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?**

Project Impacts

Alternative 1

No impact. Construction of streets under Alternative 1 would not displace existing housing or require the construction of new housing. Therefore, implementation of Alternative 1 would not directly or indirectly displace housing and would result in no impact.

Alternative 2

No impact. The determination of no direct or indirect impact on housing as described above under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Development of cumulative projects in Downtown Fresno in accordance with the DNCP and FCSP may result in the displacement of existing housing. This displacement could be considered a significant cumulative impact. Since the implementation of Alternatives 1 or 2 would result in no impacts on housing, Alternatives 1 and 2 would not contribute to potential cumulative impacts. Therefore, Alternatives 1 or 2 would result in no cumulative impacts.

Population Displacement/Replacement Housing

- c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?

Project Impacts

Alternative 1

No impact. Construction of streets under Alternative 1 would not displace existing population or housing or require replacement housing. Therefore, implementation of Alternative 1 would not directly or indirectly displace population or housing and would result in no impact.

Alternative 2

No impact. The determination of no direct or indirect impact on population or housing as described above under Alternative 1 would be the same for Alternative 2..

Cumulative Impacts

No impact Development of cumulative projects in Downtown Fresno in accordance with the DNCP and FCSP may result in the displacement of existing population and housing. This displacement could be considered a significant cumulative impact. Since the implementation of Alternatives 1 or 2 would result in no adverse impacts on population or housing, Alternatives 1 and 2 would not contribute to potential cumulative impacts. Therefore, Alternatives 1 or 2 would result in no cumulative impacts.

3.14 - Public Services

Fire Protection

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:

a) Fire protection?

The City Fire Department has 19 fire stations throughout the City and serves approximately 336 square miles. The nearest fire station (Station #3) to Fulton Mall is located at the southeast corner of Fresno Street and E Street, which is approximately 0.4 mile from Fulton Mall. Federal Alley and Home Run Alley/Congo Alley currently parallel Fulton Mall that could provide access to police and fire personnel in case of an emergency. The placement of streets along Fulton Mall would provide long-term improvement to police and fire personnel access to the structures along Fulton Mall. This long-term access for police and fire personnel would result in a beneficial impact on these services.

Project Impacts**Alternative 1**

No impact. The project does not include new governmental facilities or alterations to existing facilities. Reintroducing roadways in place of the Fulton Mall would not require new governmental facilities to be provided or directly alter existing government facilities because service ratios, response times and performance objectives would not be affected. Moreover, the introduction of the roadways under this alternative would provide additional vehicular access for emergency vehicles that would be considered a beneficial impact. Therefore, project implementation would not result in impacts related to the provision of fire protection services.

Alternative 2

No impact. The determination of no impacts related to the provision of fire protection services described for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. The project does not include new governmental facilities or alterations to existing facilities. Reintroducing roadways in place of the Fulton Mall would not require new governmental facilities to be provided or directly alter existing government facilities because service ratios, response times, and performance objectives would not be affected. Moreover, the introduction of the roadways under this alternative would provide additional vehicular access for emergency vehicles that would be considered a beneficial impact. Therefore, project implementation would not result in cumulatively significant impacts related to the provision of fire protection services.

Police Protection**b) Police protection?**

The City of Fresno Police Department operates five police stations within the City. The nearest station to Fulton Mall is located at 2323 Mariposa Mall, which is within the Project Study Area.

According to Captain Greg Garner, the police captain in charge of the Southwest Policing District which includes the Project Study Area, most criminal acts are committed around the Fulton Mall are crimes of opportunity. While criminal offences range from severe (such as armed robbery) to minor (such as loitering), the most common offences include petty theft, vandalism, and illegal panhandling (Urban Decay Study 2012).

Project Impacts

Alternative 1

No impact. The project does not include new governmental facilities or alterations to existing facilities. Reintroducing roadways in place of the Fulton Mall would not require new governmental facilities to be provided or directly alter existing government facilities because service ratios, response times, and performance objectives would not be affected. Moreover, the introduction of the roadways under this alternative would provide additional vehicular access for police emergency vehicles that would be considered a beneficial impact. Captain Garner believes that opening the Mall to traffic has the potential to have a beneficial impact on reducing crime (Urban Decay Study). Therefore, project implementation would not result in impacts related to the provision of police protection services.

Alternative 2

No impact. The determination of no impacts related to the provision of police protection services described for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. The project does not include new governmental facilities or alterations to existing facilities. Reintroducing roadways in place of the Fulton Mall would not require new governmental facilities to be provided or directly alter existing government facilities because service ratios, response times, and performance objectives would not be affected. Moreover, the introduction of the roadways under Alternative 1 or 2 would provide additional vehicular access for police emergency vehicles that would be considered a beneficial impact. Captain Garner, with the Fresno Police Department, believes that opening the Mall to traffic has the potential to have a beneficial impact on reducing crime (Urban Decay Study). This beneficial impact could result in a reduction in the demand for police services in the Fulton Mall area. Therefore, project implementation would not result in cumulatively significant adverse impacts related to the provision of police protection services.

Schools

c) Schools?

Project Impacts

Alternative 1

No impact. The reintroduction of streets in place of the pedestrian mall would not result in direct impacts to school facilities. The nearest schools to the project are the Fresno Academy for Civic and Entrepreneurial Leadership School (Fresno Unified School District charter school) located approximately 0.20 mile southwest of the project site and the Fresno County Special Education Local Plan School (public) located approximately 0.07 mile northeast of the project site. Project implementation would not affect the vehicular access to either of these two schools nor would it require any physical alteration to these governmental facilities. Therefore, implementation of the proposed project would not result in any impacts related to schools.

Alternative 2

No impact. The determination of no impacts related to the provision of school services described for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. The reintroduction of streets in place of the pedestrian mall would not result in significant cumulative impacts to school facilities. The nearest schools to the project are the Fresno Academy for Civic and Entrepreneurial Leadership School (Fresno Unified School District charter school) located approximately 0.20 mile southwest of the project site and the Fresno County Special Education Local Plan School (public) located approximately 0.07 mile northeast of the project site. Project implementation would not affect the vehicular access to either of these two schools nor would it require any physical alteration to these governmental facilities. Therefore, implementation of the proposed project would be less than cumulatively considerable. .

Parks**d) Parks?****Project Impacts****Alternative 1**

No impact. The project does not include new parks or alterations to existing facilities. Reintroducing roadways in place of the Fulton Mall would not require new park facilities to be provided or require directly altering existing government facilities because the introduction of new roadways would not directly affect service ratios or performance objectives related to parks. Therefore, project implementation would not result in impacts related to the parks.

Alternative 2

No impact. The determination of no impacts to parks described for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. The project does not include new parks or alterations to existing facilities. Reintroducing roadways in place of the Fulton Mall would not require new park facilities to be provided or require directing altering existing governmental facilities because the introduction of new roadways would not directly affect service ratios or performance objectives related to parks. Therefore, project implementation would not result in cumulatively considerable impacts.

Other Public Facilities

e) Other public facilities?

Project Impacts

Alternative 1

No impact. The Central Library is located approximately 0.3 mile northeast of the Fulton Mall. Because of the distance between the Fulton Mall and the Central Library, improvements associated with implementing this alternative would not result in the need to alter this governmental facility. Replacing the Fulton Mall with vehicular roadways would interconnect the street system but would not directly increase the use of the Central Library. Moreover, implementation of Alternative 1 would provide a beneficial effect by providing greater access to existing facilities within Fulton Mall. Therefore, implementation of this alternative would not result in the need to alter this governmental facility or provide a new, similar or replacement governmental facility and no impacts would occur.

Alternative 2

No impact. The determination of no impact to other public facilities described for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. Improvements associated with implementing the project would not result in the need to alter other public facilities. Replacing the Fulton Mall with vehicular roadways would interconnect the street system, and the project would provide a beneficial effect by providing greater access to existing facilities within Fulton Mall. Therefore, the project would not adversely affect public facilities and would not be cumulatively considerable.

3.15 - Recreation

Increase Use of Parks and Recreational Facilities Physical Effect on Environment

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**
- and
- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

The City of Fresno currently has a mix of regional, community, neighborhood, pocket, and mini parks within the city limits. A limited number of parks are provided in the downtown area. No parks are located within the immediate vicinity of Fulton Mall. There are two recreational areas for children within Fulton Mall. These areas are tot lots with playground equipment and sand areas. One of the tot lots is located within Fulton Mall immediately north of Kern Mall and encompasses 966 square feet of active play equipment area. The second tot lot is also within Fulton Mall immediately south

of Merced Mall and encompasses 806 square feet of active play equipment area. Today most, though not all, of this equipment remains functional for the children to use.

Project Impacts

Alternative 1

Less than significant impact. The implementation of the build Alternative 1 for the proposed Fulton Mall Reconstruction project will result in direct effects to the existing tot lots that are used for public recreation. The two tot lots encompass approximately 1,772 square feet of active play equipment area. Alternatives 1 would result in the relocation of the tot lots and they will be consolidated into one larger tot lot within the Project Study Area at the Fresno County Economic Opportunities Commission campus near the intersection of Mariposa and Congo Alley. During the construction period, the removal of this resource would create a temporary adverse effect. The provision of an equal square footage of active play space within the Project Study Area will reduce the long-term effect so that the effect is not adverse. The long-term restoration or replacement of the playground equipment will provide a beneficial recreational effect because all equipment will be functional for the children to use.

Alternative 2

Less than significant impact. The determination of less than significant impacts to other recreational facilities under Alternative 2 would be the same as described above for Alternative 1.

Cumulative Impacts

Less than significant impact. The provision of an equal square footage of active play space within the Project Study Area will reduce the long-term effect so that the effect is not adverse. The long-term restoration or replacement of the playground equipment will provide a beneficial recreational effect because all equipment will be functional for the children to use. Therefore, the project would be less than cumulatively considerable.

3.16 - Transportation and Traffic

Traffic Increase

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

The following is a summary of the analysis in the Final Transportation Impact Report for Fulton Mall Reconstruction Project and the Fulton Mall Supplemental Traffic Analysis - 2025 General Plan prepared by Fehr & Peers in July 2013 and September 2013, respectively. The report is provided in Appendix J.1 and analysis is provided in Appendix J.2 of this Initial Study.

Study Area

The selected Study Area was determined through consultation with City of Fresno and Caltrans District 6 staff, the “City of Fresno Traffic Impact Study Report Guidelines” (City of Fresno, 2009), and the transportation impact analysis conducted for the Downtown Neighborhoods Community Plan (DNCP) and Fulton Corridor Specific Plan (FCSP).

Fulton Mall is located at the center of Fresno’s Central Business District, and consists of six blocks bounded by Van Ness Avenue to the east, Inyo Street to the south, Broadway to the west, and Tuolumne Street to the north. The Fulton Mall project area includes an approximately 2,670-foot long north-south pedestrian-only mall along Fulton Street, with three shorter east-west pedestrian malls on Merced Street, Mariposa Street, and Kern Street where they cross the Fulton Mall. Together, the total linear length of the pedestrian mall complex is approximately 4,620 feet. Fresno Street and Tulare Street carry east-west traffic through the project area with traffic signals where they cross Fulton Mall.

Intersections

The following 18 study intersections and 16 roadway segments were evaluated.

- | | |
|--------------------------------------|------------------------------------|
| 1. Stanislaus Street/Van Ness Avenue | 10. Tulare Street/H Street |
| 2. Stanislaus Street/Fulton Street | 11. Tulare Street/Fulton Street |
| 3. Stanislaus Street/Broadway | 12. Tulare Street/Van Ness Avenue |
| 4. Tuolumne Street/Broadway | 13. Inyo Street/H Street |
| 5. Tuolumne Street/Fulton Street | 14. Inyo Street/Fulton Street |
| 6. Tuolumne Street/Van Ness Avenue | 15. Inyo Street/Van Ness Avenue |
| 7. Fresno Street/H Street | 16. Ventura Avenue/H Street |
| 8. Fresno Street/Fulton Street | 17. Ventura Avenue/Broadway |
| 9. Fresno Street/Van Ness Avenue | 18. Ventura Avenue/Van Ness Avenue |

Fresno Street currently travels under H Street via a grade-separated underpass. The City of Fresno intends to make this an at-grade intersection in the future. The Fresno Street/Fulton Street and Tulare Street/Fulton Street intersections are current locations where Fulton Mall crosses these east-west streets with traffic signals to allow pedestrians to cross.

Methodology

The traffic analysis used the most recent adopted Fresno Council of Governments (COG) regional model to identify the base year. The base year version of the model was modified and calibrated within the study area to more accurately reflect baseline conditions by using baseline traffic counts collected in the field between March 2009 and January 2012. The baseline conditions roadway operations analysis uses roadway geometrics and traffic control as observed in Fall 2011.

This study analyzes traffic operations using level of service (LOS) as the primary measure of performance. Roadway LOS is a qualitative description of traffic flow from the perspective of motorists. The *Highway Capacity Manual* (HCM) (Transportation Research Board, 2000) defines six levels of service from LOS A representing the least congested traffic conditions to LOS F representing

the most congested traffic conditions. The City of Fresno *Traffic Impact Study Report Guidelines* (2009) and Caltrans' *Guide for the Preparation of Traffic Impact Studies* (2002) recommend using the HCM methodology. Given the recent release of the 2010 HCM and current limitations in the software and application of the 2010 HCM, City of Fresno and Caltrans District 6 staff agreed on the use of the 2000 HCM methodology for this study.

Intersection LOS is based on the control delay experienced by motorists traveling through the intersection. At signalized intersections, the LOS is determined by the average control delay per vehicle, as described in Chapter 16 of the 2000 HCM. Unsignalized intersections are evaluated using the methodology contained in Chapter 17 of the 2000 HCM. The 2000 HCM does not define an overall intersection LOS for side-street stop-controlled intersections; therefore, at side-street stop-controlled intersections, this study reports the control delay and LOS for the movement with the greatest control delay.

Level of Service Policy

According to the 2025 Fresno General Plan, Policy E-1-f states that level of service D is the acceptable level of traffic congestion on major streets.

Baseline Conditions

The level of service (LOS) for morning (AM) and evening (PM) peak hours at the study area intersections during current (baseline) conditions were identified in the traffic report. The report identified that baseline conditions at the study area intersections currently operate at a LOS D or better which is considered acceptable.

Project Impacts

Alternative 1

Less than significant impact. Alternative 1 includes the addition of two-lane, two-way streets within Fulton Mall. This Alternative does not propose any additional traffic generating land uses. With the addition of new streets, Alternative 1 would cause some shifts in local traffic patterns. To evaluate this shift in traffic patterns, a locally validated version of the 2010 Fresno COG TDF model was used to estimate the re-distribution of traffic in the study area. The Fresno COG TDF model confirmed that opening Fulton Mall to vehicular traffic would not affect traffic volumes outside the study area. The model also confirmed that opening the mall to vehicular traffic resulted in minor changes to traffic patterns, primarily on Fulton Street and parallel facilities, such as Van Ness Avenue.

A baseline plus project condition was evaluated for the AM and PM peak hour at the study area intersections. The project condition was opening the Mall to traffic. As shown in the traffic report, the AM and PM peak hours would continue to operate at LOS D or better during the baseline plus project condition. Therefore, the implementation of Alternative 1 would result in a less than significant impact on traffic conditions.

Alternative 2

Less than significant impact. The determination of less than significant impact on traffic conditions under Alternative 2 would be the same as described for Alternative 1.

Cumulative Impacts

Less than significant impact with mitigation measures incorporated. Under Cumulative Conditions, the traffic evaluation uses local and regional planning and funding documents to identify the reasonably foreseeable changes to the transportation system and development patterns in the Fresno region. The cumulative analysis includes the future implementation of the DNCP and FCSP by the year 2035. In addition to the DNCP and FCSP, the cumulative projects includes a financially constrained list of transportation projects for which funding has been identified or is reasonably expected to be available within the RTP planning horizon of 2035. All of these projects are included in the 2035 Fresno COG TDF model used in this cumulative conditions analysis. The Cumulative No Project conditions analysis reflects anticipated conditions without the proposed Fulton Mall Reconstruction Project. This includes the cumulative transportation and land use development changes identified above, including projected development within the project area consistent with the DNCP and FCSP.

A cumulative no project condition was evaluated for the AM and PM peak hour at the study area intersections. The traffic report and analysis described that there were five intersections that would operate at LOS E or F during the AM and/or PM peak hour under the Cumulative No Project condition. These five intersections include the following:

1. Stanislaus Street/Broadway Street
2. Tuolumne Street/Broadway Street
3. Fresno Street/H Street
4. Fresno Street/Van Ness Avenue
5. Ventura Avenue/H Street

A Cumulative Plus Project (Alternatives 1 or 2) Conditions was evaluated for the AM and PM peak hour at the study area intersections. Given there would be intersections that would not operate at an acceptable level of service under the Cumulative No Project Condition, the City of Fresno's Traffic Impact Study Report Guidelines were reviewed to determine the significance criteria for projects with intersections not operating acceptable levels prior to adding a proposed project. According to the City of Fresno's Traffic Impact Study Report Guidelines, a significant impact would occur if the project increases the average delay for a study intersection that is already operating at an unacceptable level. Based on the evaluation in the Fulton Mall Supplemental Traffic Analysis - 2025 General Plan, there would be four intersections that would operate at an unacceptable level of service during the AM and/or PM peak hour under the Cumulative Plus Project Conditions. A discussion of the contribution of project traffic to traffic delays at these four intersections is provided below.

Stanislaus Street/Broadway Street

The technical calculations show that the overall intersection delay at this intersection decreases slightly from 165 seconds to 159 seconds during the PM peak hour with the proposed project. Therefore, the project would not have a cumulatively significant impact at this location.

Tuolumne Street/Broadway Street

The technical calculations show that the overall intersection delay at this intersection increases from 541 seconds to 723 seconds during the PM peak hour with the proposed project. Therefore, the project would have a potentially significant impact at this location.

Fresno Street/H Street

At this intersection, the traffic delay would decrease with the proposed project during the AM and PM peak hours. Therefore, the project would not have a cumulatively significant impact at this location

Ventura Avenue/H Street

The Cumulative No Project and Cumulative Plus Project traffic volumes at this intersection indicate that the proposed project is not expected to result in a substantial change in traffic at this location. In the AM peak hour, two turning movements have a minor increase in traffic volumes that can be attributed to rounding and model variation. In the PM peak hour, one turning movement has a minor increase while one has a minor decrease that can also be attributable to rounding and model variation. In the AM peak hour, the change in traffic volumes through the intersection is an increase of less than one percent, which is well within observed variation in day-to-day traffic. Therefore, this change is not considered cumulatively significant. In the PM peak hour, there is no net change in traffic volumes through the intersection. Similarly, this change is not considered cumulatively significant.

To reduce the project's contribution to a potential significant traffic impact at the Tuolumne Street/Broadway Street intersection, the following mitigation measure is required.

- MM TR-1** Prior to the Tuolumne Street/Broadway Street intersection degrading to worse than LOS D, the City of Fresno shall modify the existing signal to allow the split phase operations on northbound and southbound Broadway Street. If the City of Fresno adopts a revision to the current LOS standard of LOS D and allows LOS F for Downtown Fresno intersections prior to the intersection degrading to worse than LOS D, then the recommended improvement would not be required.

The implementation of the recommended improvement would reduce the delay at the Tuolumne Street/Broadway Street intersection to 33 seconds, and the intersection would operate at LOS C that complies with the City's current LOS standard. Therefore, the proposed project's contribution to a potential cumulative impact is less than cumulatively considerable, thus less than cumulatively significant.

Level of Service Standards

- b) **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

In 1996 California Assembly Bill 2419 was passed, which allowed counties to "opt out" of the California Congestion Management Program, if a majority of local governments elected to exempt

themselves from California's Congestion Management Plans. On September 25, 1997, the Fresno Council of Governments (COG) Policy Board rescinded the Fresno County Congestion Management Program at the request of the local member agencies.

Project Impacts

Alternative 1

No impact. As addressed above, the Fresno COG Policy Board rescinded the Fresno County Congestion Management Program in 1997. Therefore, because there is no applicable congestion management program, the implementation of Alternative 1 will have no impact on a congestion management program.

Alternative 2

No impact. The determination of no impact to a congestion management program for Alternative 2 would be the same as described above for Alternative 1.

Cumulative Impacts

No impact. Cumulative development includes development projects within the Downtown area, including the DNCP and FCSP. As identified above, there is no applicable congestion management program within Fresno County, therefore, there would be no cumulative impact on a congestion management program.

Air Traffic Patterns

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

The nearest airport or airstrip to the Fulton Mall site is the Fresno Chandler Executive Airport, which is just over one mile west of the project site. According to the Fresno-Chandler Downtown Airport Environs Plan, which is located within the Fresno-Chandler Downtown Airport Land Use Policy Plan, the project site is located outside of the Traffic Pattern Zone for the airport (Fresno County Airport Land Use Commission 2000).

Project Impacts

Alternative 1

No impact. Since the nearest airport or airstrip to the Fulton Mall site is outside the Traffic Pattern Zone for the nearest airport, land uses within the project site would not interfere with air traffic patterns. Additionally, while the implementation of Alternative 1 would result in new roadway segments within Fulton Mall and result in a redistribution of traffic in the project area, it would not interfere with, and would not impact, air traffic patterns associated with the Fresno Chandler Executive Airport.

Alternative 2

No impact. The determination of no impact on air traffic patterns under Alternative 2 would be the same as described above for Alternative 1.

Cumulative Impacts

No impact. Cumulative development in the project vicinity includes development within the City of Fresno Downtown area. The cumulative development includes development in accordance with the DNCP and FCSP as well as developments that are currently proposed in the vicinity of Fulton Mall. Portions of the DNCP are located adjacent to the Fresno Chandler Executive Airport. Development in these areas would be guided by the policies within the 2025 Fresno General Plan Safety Element (City of Fresno 2002). Policy I-7-b states that future development is required to be in compliance with Subpart C of the Federal Aviation Regulations Part 77 (U.S. Government Printing Office, 2013). Subpart C includes the “Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities.” The 2025 Fresno General Plan is anticipated to be updated in the near future. Under the General Plan Update, there is draft Policy NS-5-a that states development is required to comply with Part 77 of the Federal Aviation Administration Regulations for airport approach and departure zones. Future cumulative development is anticipated to result in no cumulative impact related to air traffic patterns. Since the proposed project (Alternatives 1 and 2) will also result in no impacts to air traffic patterns, the implementation of Alternatives 1 and 2 would result in no cumulative impacts to air traffic safety.

Hazards

- d) **Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?**

Currently, Fulton Mall is bisected by Tulare Street and Fresno Street and is bound by Inyo Street, Van Ness Avenue, Tuolumne Street and Broadway/H Street. Pedestrian signals exist at Tulare Street and Fresno Street to allow pedestrian to travel from one portion of the Mall to another.

Project Impacts

Alternative 1

Less than significant impact. Alternative 1 includes reopening Fulton Mall with two-way streets, with one lane of vehicular traffic in each direction alongside bicycle, pedestrian, and potentially other travel modes. This alternative also includes a parallel parking lane on both sides of the street. Alternative 1 would introduce vehicular traffic within Fulton Mall and vehicles would interact with pedestrians and bicyclists in an area where no vehicular traffic occurs. Alternative 1 includes the addition of traffic signals at Tulare Street and Fresno Street as well as 4-way signals at Inyo Street and Tuolumne Street. The implementation of Alternative 1 could potentially increase traffic hazards in the Fulton Mall because this alternative would add a vehicular component to the Mall. However, since the streets proposed under this alternative are similar to the existing streets throughout Downtown Fresno, no substantial increase in traffic hazards would occur. Therefore, potential impacts would be less than significant.

Alternative 2

Less than significant impact. Alternative 2 also includes reconnecting the street grid similar to Alternative 1, but would include rebuilding distinctive elements of the Mall in five to six specific locations, known as vignettes. The vignettes would have one travel lane in each direction and would

slightly curve throughout the vignettes to avoid existing landscape features. The vignettes could have one parallel parking lane on one side of the street, and thus areas outside of the roadway surface would be increased for pedestrians in the vignette areas compared to Alternative 1. In addition, due to the design of a curve through the vignette area, the speed limit would be 25 miles per hour compared to 30 miles per hour outside of the vignette area. The development of Alternative 2 could potentially increase traffic hazards within Fulton Mall; however, the streets that are outside the vignette areas are similar to the existing streets throughout Downtown Fresno. The reduced speed limit through the vignette areas would minimize traffic hazards. The implementation of Alternative 2 would not substantially increase traffic hazards. Therefore, potential traffic hazard impacts associated with Alternative 2 would be less than significant.

Cumulative Impacts

Less than significant impact. A substantial amount of cumulative development in Downtown Fresno is anticipated over the next 20 years. The increase in development may result in conditions that could result in increases in traffic hazards. This increase could be considered cumulatively significant. With the development of Alternatives 1 and 2, potential traffic hazard impacts are expected to be less than significant. The contribution of potential traffic hazards would be less than cumulatively considerable because the roadway design for Alternatives 1 and a majority of Alternative 2 would be similar to existing streets throughout Downtown Fresno. In the remaining areas of Alternative 2, such as the vignettes, speed limits will be reduced and minimize potential traffic hazards. The implementation of Alternatives 1 and 2 would result in traffic safety impacts that are considered less than cumulatively considerable, thus less than cumulatively significant.

Emergency Access

e) Result in inadequate emergency access?

Existing city streets in the vicinity of Fulton Mall currently provide emergency service to existing land uses. For the uses within Fulton Mall, Federal Alley and Home Run Alley/Congo Alley parallel Fulton Mall and provide adequate access for police and fire personnel.

Project Impacts

Alternative 1

Less than significant impact. Construction activities associated with Alternative 1 could impede emergency services; however, construction would occur in one-block segments where different construction activities could be occurring in different blocks. The alleys that currently provide emergency access will be available to provide emergency access during construction. Therefore, short-term impacts on emergency services would be less than significant. During long-term conditions, the addition of roadways within Fulton Mall will provide long-term beneficial impacts to emergency access. Emergency vehicles will be able to use the alleys adjacent to Fulton Mall or the new roadways within Fulton Mall to access existing land uses. As addressed in Checklist Question 16 a) above, Alternative 1 will result in increases and decreases at intersections in the project vicinity. Although increases at intersections will occur, an acceptable level of service at intersections in the vicinity of Fulton Mall would be maintained with the addition of Alternative 1 to existing conditions.

Maintaining an acceptable level of service would result in a less than significant impact to emergency access in the Fulton Mall vicinity.

Alternative 2

Less than significant impact. The determination of less than significant emergency access impacts from the implementation of the proposed project under Alternative 2 would be the same as described above for Alternative 1.

Cumulative Impacts

Less than significant with mitigation. Development of cumulative projects, such as the DNCP and FCSP as well as other currently proposed projects in Downtown Fresno, would increase traffic volumes in Downtown Fresno. This increase in cumulative traffic volumes in the vicinity of Fulton Mall could impact emergency access.

As discussed in Checklist Question 16 a) above, the implementation of Alternatives 1 and 2 and the cumulative projects would result in significant impacts to four intersections in the year 2035. As discussed, the implementation of Alternatives 1 and 2 would substantially contribute to the exceedance of the City's LOS standard of LOS D or better at one intersection, Tuolumne Street/Broadway Street, during cumulative conditions. Therefore, Alternatives 1 and 2 would result in a significant cumulative traffic impact that could also result in a significant cumulative emergency access impact.

To reduce the contribution of Alternative 1 and 2 to the significant cumulative impact at the Tuolumne Street/Broadway Street intersection, the following mitigation measure is required.

MM TRANS-1 Prior to the Tuolumne Street/Broadway Street intersection degrading to worse than LOS D, the City of Fresno shall modify the existing signal to allow the split phase operations on northbound and southbound Broadway Street. If the City of Fresno adopts a revision to the current LOS standard of LOS D and allows LOS F for Downtown Fresno intersections prior to the intersection degrading to worse than LOS D, then the recommended improvement would not be required.

As described in Checklist Question 16 a), the implementation of the recommended improvement would reduce the delay at the intersection to 33 seconds and the intersection would operate at LOS C that complies with the City's current LOS standard. Maintaining intersections at the City's LOS standard would reduce the project's (Alternatives 1 and 2) potential emergency access impact to less than cumulatively considerable, thus less than cumulatively significant.

Conflict with Alternative Transportation

- f) **Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?**

Less than significant impact. The 2025 Fresno General Plan and the City of Fresno Bicycle, Pedestrian, and Trails Master Plan includes various plans and policies regarding public transit, bicycle, and pedestrian facilities. Following are the plans and policies.

City of Fresno 2025 General Plan

- **Policy E-1-j:** Provide areas for pedestrian and other non-motorized travel that enhance the safety, utilization, and efficiency of the street system.
- **Policy E-1-l:** All commercial and office development should be linked with pedestrian, bicycle, and transit facilities.
- **Policy E-1-n:** Safe access and mobility for the physically impaired must be implemented in the design of all pedestrian facilities.
- **Policy E-13-a:** Provide bikeways in proximity to major traffic generators such as commercial centers, schools, recreational areas, and major public facilities.
- **Policy E-20-d:** Safe vehicular, bicycle, and pedestrian access shall be provided and maintained. Access for the disabled shall be incorporated into the project designs as required.

City of Fresno Bicycle, Pedestrian and Trails Master Plan

The currently approved Downtown Bicycle Facilities plan identifies Fulton Mall as a pedestrian mall where bikes are allowed; however, the plan does not designate any existing Class 1, 2, or 3 bicycle facilities within Fulton Mall.

The existing Multimodal Connections Plan identify transit lines along Van Ness Avenue, H Street, Inyo Street, Fresno Street, and Tuolumne Street and no existing transit routes in Fulton Mall since vehicles are prohibited within Fulton Mall.

- **Policy E-13-a-1:** Provide bikeways connecting to and in proximity to major traffic generators such as commercial centers, schools (K-12, junior college, and universities), recreational areas/parks, health service facilities, and major public facilities to meet daily needs.
- **Policy E-13-a-7:** Require that bicycle detection be installed at all new traffic signals in Fresno. Promote the retrofitting of existing traffic signals to include bicycle detection and the re-timing of signals to make them more bicycle-friendly.
- **Policy E-13-b-1:** Require major traffic-generating uses (such as major shopping centers, office complexes, industrial parks, schools, and public service facilities) to design on-site parking (indoor or outdoor) and circulation areas to facilitate bicycle travel.
- **Policy E-13-b-2:** Promote the installation of bicycle locking racks and bicycle parking facilities at public buildings, transit facilities, public and private parking lots, and recreational facilities. Establish and adopt standards for the implementation of bicycle parking.

Project Impacts

Alternative 1

No impact. Implementation of Alternative 1 would result in a temporary closure of a bike pathway within Fulton Mall during construction activities. This temporary closure would not impact bicyclists because bicyclists could access other existing bicycle facilities that are located within the surrounding street network.

According to the approved Downtown Bicycle Facilities plan, Fulton Mall allows bicycles. Under Alternative 1, bicycles will be allowed on the new streets within Fulton Mall. In addition, the *City of Fresno Bicycle, Pedestrian and Trails Master Plan* identifies multimodal connections and Alternative 1 would not impede the existing transit connections in the vicinity of Fulton Mall.

Alternative 1 would be consistent with the applicable policies regarding public transit, bicycle, and pedestrian facilities that are identified in the 2025 Fresno General Plan because the new streets within Fulton Mall will allow bicycle travel which would be consistent with Policies E-1-j, E-1-l, and E-13-a. Alternative 1 also includes American Disability Act (ADA) ramps at each intersection for safe travel by disabled persons. The provisions of the ramps are required and would be consistent with Policies E-1-n and E-20-d.

Alternative 1 would also be consistent with the applicable policies regarding bicycle facilities in the City of Fresno Bicycle, Pedestrian and Trails Master Plan. The provision of new streets that will allow bicycle travel will contribute to bicycle connections between existing bicycle facilities and be consistent with Policies E-13-a-1 and E-13-b-1. In addition, the project includes 20-foot sidewalks that will provide adequate space for bicycle parking facilities, which would be consistent with Policy E-13-b-2. Furthermore, Alternative 1 includes new and modified traffic signals at intersections within directly adjacent to Fulton Mall. These new and modified signals would provide for pedestrian and bike detection and be consistent with Policy E-13-a-7.

Overall, the implementation of Alternative 1 would be consistent with the existing plans and policies that are currently provided for public transit, bicycle, or pedestrian facilities. Alternative 1 would not impact public transit, bicycle, and pedestrian facilities.

Alternative 2

No impact. The determination of no impact on public transit, bicycle, or pedestrian facilities under Alternative 1 would be the same as described above for Alternative 1.

Cumulative Impacts

No impact. Development of the proposed project under Alternative 1 and 2 with the future cumulative development that would occur under the DNCP and FCSP as well as other downtown projects would substantially increase the use of roadways, public transit, bikeways, and pedestrian facilities. Cumulative development is not expected to result in inconsistencies with the City's plans and policies related to public transit, bikeways, and pedestrian facilities, and therefore, no cumulative impact is expected. In addition, as stated above, the implementation of Alternative 1 and 2 would result in no impacts on public transit, bicycle, and pedestrian facilities and therefore,

Alternatives 1 and 2 would not contribute to cumulative impacts. Thus, the project would result in no cumulative impacts on public transit, bicycle, and pedestrian facilities.

3.17 - Utilities and Service Systems

A technical report on utilities in the Downtown Fresno area was prepared. This report is Fulton Corridor Specific Plan and Community Plan EIR Technical Report prepared by Sherwood Design Engineers in February 2013 and is provided in Appendix K.1 of this Initial Study. In addition, memorandum letters were prepared by the City of Fresno to supplement the information in the Report identified above. These memorandum letters include "Water Supply and Delivery Infrastructure Within The Downtown Plans Area" prepared by Brock Buche and "Response to Questions Related to DNCP and FCSP Environmental Studies" prepared by Stephen Hogg and provided in Appendix K.2 and K.3, respectively, of this Initial Study. The following information was obtained from the Report and memorandum letters.

The utilities in the Fulton Mall vicinity include water, sewer, drainage, natural gas, electricity, and telecommunication systems (i.e., cable and telephone). The water, sewer, and drainage facilities are owned by the City of Fresno while the natural gas and electricity is owned by Pacific, Gas & Electric, and telecommunication systems in the Fulton Mall Project Study Area are not known.

Water distribution and transmission facilities are currently located within Federal Alley east of Fulton Mall and within Home Run Alley and Congo Alley west of Fulton Mall, respectively, between Inyo Street and Tuolumne Street. These facilities range from 6-inch to 12-inches in diameter. Additional water distribution lines also ranging in diameter from 6-inch to 12-inches are located within Inyo Street, Kern Mall and Street, Tulare Street, Mariposa Mall, Fresno Street, and Tuolumne Street. Each of the existing water distribution and transmission facilities identified above are currently adequate to serve the existing uses (Sherwood Design Engineers 2012, see Appendix K.1 of this Initial Study).

Public and private sewer distribution facilities are located within the Fulton Mall vicinity. Public sewer facilities include up to 30-inch lines within Merced Mall between Van Ness Avenue and H Street, Kern Mall and Street from Van Ness Avenue to Home Run Alley, and Home Run Alley between Kern Mall and Inyo Street. Private sewer lines are located within Federal Alley, Home Run Alley, and Congo Alley except for the portion of Home Run Alley south of Kern Mall. Each of the existing sewer facilities identified above is currently adequate to serve the existing uses. No sewer lift stations are located within the rights-of-way of Fulton Mall (Sherwood Design Engineers 2012 see Appendix K.1 of this Initial Study). The sewer facilities, while adequately sized to serve existing uses, are of very advanced age and in poor condition. The City of Fresno Department of Public Utilities has plans to rebuild these facilities with local funds. The sewer replacement project is anticipated to occur simultaneously with the implementation of the Fulton Mall Reconstruction Project.

Storm drain facilities are located within the Fulton Mall vicinity. A storm drain is located under Fulton Mall between Inyo Street and Tuolumne Street. Addition storm drains are located within Merced Mall between Van Ness Boulevard and H Street, Fresno Street between Van Ness Boulevard and H Street, Mariposa Mall between the Federal Alley and H Street, Tulare Street between Home Run Alley and H Street, Kern Mall between Home Run Alley and Federal Alley, and along Home Run

Alley between Kern Mall and Tulare Street. Each of the existing drainage distribution facilities identified above is currently adequate to serve the existing uses (Sherwood Design Engineers 2012 see Appendix K.1 of this Initial Study).

Natural gas, electricity, and telecommunication systems are located in the Fulton Mall vicinity. The specific locations of these facilities are not known at this time; however, it is known that some of these facilities are located within Fulton Mall.

Wastewater Treatment

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?

As a condition of a Clean Water Grant issued by the Federal government, the City of Fresno was designated the Regional Sewer Agency for the Fresno-Clovis Metropolitan Area (FCMA) in 1966. The City operates the Regional Wastewater Reclamation Facility (RWRF) under a Joint Powers Agreement with Clovis and the County of Fresno. The 3,000-acre RWRF was originally constructed in 1947, and is located inside the City limits but within a non-contiguous area situated approximately 3.5 miles southwest of the Chandler Executive Airport. Over the past 40 years, the RWRF has been expanded and rehabilitated several times, most recently in 2010 when process units were added to the facility to address high organic concentrations within incoming wastewater. The treatment plant includes a number of redundant facilities that allow for regular maintenance and provide backup capacity in the event of equipment failure. The RWRF currently provides secondary treatment and has a rated capacity of 80 million gallons per day, with equipment redundancy to accommodate maintenance schedules or equipment failures. Effluent disposal occurs primarily through a combination of infiltration beds located at the RWRF and agricultural irrigation (Sherwood Design Engineers 2011, see Appendix K.1 of this Initial Study). Based on information in the report prepared by Sherwood Design Engineers, current treatment at RWRF is less than 75 percent of the current capacity.

Project Impacts

Alternative 1

No impact. Under this alternative, no wastewater would be directly generated, and there would be no direct impacts on wastewater treatment capacity or wastewater treatment requirements. Based on information in the Fulton Mall Urban Decay Study (2012), the reopening of Fulton Street and adding on-street parking under Alternative 1 would induce growth through the reoccupation of existing office and retail vacant space within the vicinity of Fulton Mall through the year 2035. According to CEQA Guidelines Section 15126.2(d), “[i]t must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.” The anticipated growth inducement and its potential effects are addressed as part of cumulative impacts because the future growth that would occur from the reoccupation of existing office and retail vacant space is considered to occur as part of future projects. The potential impacts associated with the anticipated growth are addressed below under cumulative impacts.

Alternative 2

No impact. The determination of no impact on wastewater treatment capacity or wastewater treatment requirements as discussed above for Alternative 1 would be the same for Alternative 2. In addition, Alternative 2 would also result in a similar inducement of growth through the reoccupation of existing vacant office and retail space. The potential impacts associated with the anticipated growth are addressed below under cumulative impacts.

Cumulative Impacts

No impact. Implementation of cumulative development will result in increases in the generation of wastewater in Downtown Fresno. Part of this cumulative increase is the projected increase from the reoccupation of existing office and retail vacant space in the vicinity of Fulton Mall as well as throughout Downtown Fresno. With cumulative development through 2035 throughout Downtown Fresno, a greater amount of vacant office and retail space is projected to be reoccupied within the vicinity of Fulton Mall with the implementation of Alternative 1 or 2 compared to without the implementation of Alternative 1 or 2. This potential increase in the reoccupation of vacant office and retail space would be part of future growth and the implementation of future cumulative projects throughout the City. The anticipated increase in the reoccupation with Alternative 1 in the year 2035 would be approximately 188,254 square feet of office use and approximately 80,000 square feet of retail use more than without the addition of streets and parking within Fulton Mall. The anticipated increase in the reoccupation with Alternative 2 in the year 2035 would be approximately 188,254 square feet of office and approximately 51,300 square feet of retail use more than without the addition of streets and parking within Fulton Mall.

Cumulative development within the City through the year 2035 is anticipated to generate more wastewater than the current capacity of the existing RWRP (Sherwood Report 2013). According to the Sherwood Report, cumulative growth through 2035 is anticipated to generate approximately 87 million gallons per day (mgd) which is greater than the current treatment capacity of 80 mgd. Since treatment capacities are projected to be greater than the current treatment capacity, cumulative development throughout the City through 2035 could result in the exceedance of wastewater treatment requirements.

Part of the future cumulative increase in wastewater generation includes the wastewater generation from cumulative growth that is anticipated to be induced by the development of Alternative 1 or 2. As stated above, Alternative 1 would result in the inducement of the reoccupation of approximately 188,254 square feet of office use and approximately 80,000 square feet of retail use. The potential reoccupation of space under Alternative 1 would increase existing wastewater flows to the RWRP. For the purpose of this evaluation, wastewater flows from the reoccupation of currently vacant space is based on a worst-case assumption that employees generate the same amount of wastewater as residents. Under this assumption, a wastewater generation factor of 110 gallons per capita per day was used for employees, and the factor was obtained from the Sherwood Report. Employees for an office use and retail use are based on a national average employment density for office uses of 291 square feet per employee and based on 400 square feet per person for retail employment. The employment densities were obtained from the Community Impact Assessment provided in Appendix H of this Initial Study (pages 44 and 45). Based on the employment densities and the cumulative growth from reoccupying vacant space, the increase in office use would generate

approximately 647 employees and the increase in retail use would generate approximately 200 employees for a total of 847 employees. Therefore, based on the additional 847 employees at a wastewater generation factor of 110 gallons per capita per day, there would be approximately 0.093 mgd generated. This increase in wastewater generation from the portion of cumulative growth that would be induced as a result of implementing Alternative 1 would contribute to the cumulative exceedance of the current wastewater treatment capacity and could result in the cumulative exceedance of wastewater treatment requirements. Since Alternative 2 would result in a slightly less inducement of the reoccupation of vacant office and retail space, the portion of cumulative growth associated with Alternative 2 would result in less generation of wastewater compared to Alternative 1; however, wastewater generation from the induce growth associated with Alternative 2 would still contribute to significant cumulative impacts on the existing treatment capacity at RWRF and could result in the cumulative exceedance of wastewater treatment requirements. Growth that will occur from the reoccupation of existing vacant space and from new developments will be associated with future cumulative projects. The implementation of these cumulative projects are anticipated to result in significant cumulative impacts on the current wastewater treatment capacity and could result in significant cumulative impacts associated with wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB).

Although cumulative impacts may be significant, the implementation of Alternative 1 or 2 would not directly generate wastewater, and therefore, Alternative 1 or 2 would not contribute to the potential significant cumulative impacts projected with the implementation of future growth anticipated through the year 2035. Therefore, the implementation of Alternative 1 or 2 would result in no cumulative impacts to existing wastewater treatment capacities or potential exceedances of wastewater treatment requirements regulated by the RWQCB.

Water or Wastewater Treatment Facilities

- b) **Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Project Impacts

Alternative 1

No impact. Under this alternative, no wastewater would be directly generated. Therefore, the implementation of Alternative 1 would result in no impacts on existing wastewater treatment facilities.

As discussed in CEQA Checklist Question 3.17 a) above, Alternative 1 would result in the inducement of growth through the reoccupation of existing office and retail vacant space within the vicinity of Fulton Mall through the year 2035. This potential growth is part of cumulative projects, and the potential cumulative impacts are addressed under cumulative impacts in CEQA Checklist Question 3.17 a), above.

This alternative 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 fewer fountains to maintain. The number of trees to irrigate under Alternative 1 is the same number as the existing trees. Due to a reduction in water requirements under Alternative 1 compared to existing conditions, the existing water lines that are located in and adjacent to Fulton Mall will be adequate to convey water to the proposed landscaping and fountains. No new water lines will be required as part of Alternative 1. Therefore, Alternative 1 would result in no impacts to existing water facilities.

As described above in CEQA Checklist Question 3.17 a),, Alternative 1 is projected 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 are addressed under cumulative impacts, below.

Alternative 2

No impact. The determination of no impact as discussed for Alternative 1 is the same for Alternative 2.

Cumulative Impacts

No impact. As discussed in CEQA Checklist Question 17 a), Alternative 1 or 2 would result in no cumulative impacts on wastewater facilities.

Implementation of cumulative development will result in increases in the demand for water in Downtown Fresno. Part of this cumulative increase is the projected increase from the reoccupation of existing office and retail vacant space in the vicinity of Fulton Mall as well as throughout Downtown Fresno. With cumulative development through 2035 throughout Downtown Fresno, a greater amount of vacant office and retail space is projected to be reoccupied within the vicinity of Fulton Mall with the implementation of Alternative 1 or 2 compared to without the implementation of Alternative 1 or 2. This potential increase in the reoccupation of vacant office and retail space would be part of future growth and the implementation of future cumulative projects throughout Downtown Fresno. The anticipated increase in the reoccupation with Alternative 1 in the year 2035 would be approximately 188,254 square feet of office use and approximately 80,000 square feet of retail use more than without the addition of streets and parking within Fulton Mall. The anticipated increase in the reoccupation with Alternative 2 in the year 2035 would be approximately 188,254 square feet of office and approximately 51,300 square feet of retail use more than without the addition of streets and parking within Fulton Mall.

Based on a review of the supplemental letter memorandum prepared by Brock Buche (see Appendix K.2 of this Initial Study), cumulative development in Downtown Fresno could result in a significant impact on existing water facilities. As stated in the supplemental letter memorandum, a new 3 million gallon water storage tank and a new regional transmission main would be required to serve future development in Downtown Fresno. In addition, cumulative development in Downtown Fresno would need to replace some 6-inch diameter water lines with 8-inch diameter water lines to improve hydraulic conditions and meet demands and fire service levels. The water storage tank is planned for a property located on H Street, southeast of Ventura Avenue. The regional transmission main would convey water from Well Site 172 and other wells in the vicinity to turnouts in the downtown area, including locations near Fulton Mall.

Part of the future cumulative increase in water demand includes the water demand from cumulative growth that is anticipated to be induced by the development of Alternative 1 or 2. According to the letter memorandum from Brock Buche, the growth that occurs from the reoccupation of current vacant office and retail space within the vicinity of Fulton Mall will also result in a significant impact on existing water facilities, thus also requiring the new 3 million gallon water storage tank and new regional transmission main discussed above. In addition, some 6-inch diameter water lines may need to be replaced with 8-inch diameter water lines to improve hydraulic conditions to meet demands and fire service levels. As discussed in the letter memorandum, the addition of the water supply facilities identified above will be adequate to support the re-occupancy of the buildings along Fulton Mall.

Although cumulative impacts on water facilities may be significant, the implementation of Alternative 1 or 2 would not directly increase the existing demand for water; therefore, Alternative 1 or 2 would not 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 Alternative 1 or 2 would result in no cumulative impacts on existing water facilities.

Stormwater Drainage Facilities

c) **Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?**

Storm drain facilities are located within the Fulton Mall vicinity. A storm drain is located under Fulton Mall between Inyo Street and Tuolumne Street. Additional storm drains are located within Merced Mall between Van Ness Boulevard and H Street, Fresno Street between Van Ness Boulevard and H Street, Mariposa Mall between Federal Alley and H Street, Tulare Street between Home Run Alley and H Street, Kern Mall between Home Run Alley and Federal Alley, and along Home Run Alley between Kern Mall and Tulare Street. Each of the existing drainage distribution facilities identified above are currently adequate to serve the existing uses (Sherwood Design Engineers 2012, see Appendix K.1 in this Initial Study).

The pedestrian mall is currently served by 95 storm drain inlets that collected surface flows from the project area. Adjacent streets such as Fresno and Tulare Streets also have their own storm drain facilities that convey flows from the roadway. Both the onsite and adjacent storm drain facilities presently connect with the existing storm drain facilities located throughout Fulton Mall vicinity. These existing storm drain facilities are connected to one of several larger east-west and northeast-southwest trending trunk lines, which eventually connect with a series of existing drainage basins located along S. West Street in the southwestern portion of the City of Fresno. As previously stated, the existing subsurface drainage distribution facilities identified above are currently adequate to serve the existing uses found in the project area.

Project Impacts

Alternative 1

No impact. Since Alternative 1 would result in generally the same amount of impervious surfaces within Fulton Mall compared to existing conditions, there would not be an increase in stormwater

flow from Fulton Mall. Although Alternative 1 would not result in an increase in stormwater flow, Alternative 1 will modify the location of the existing storm drain inlets. The existing storm drain inlets that are located within the future street (i.e., between the proposed curbs and gutters of each street) will be relocated to the curb face because the future streets will be designed to include a crown in the middle of the street so that surface water will flow to the curb face.

The project will also include the reconstruction of the sidewalks adjacent to the future streets. Therefore, there may be relocation of additional existing storm drain inlets. The inlets may remain in the sidewalks or the sidewalk may be graded so that surface water flows to the street and eventually to the storm drain inlets at the curb face.

Although the implementation of Alternative 1 will modify the location of the stormwater inlets throughout Fulton Mall, the existing subsurface drainage distribution facilities will continue to be adequate to convey storm water from the Fulton Mall vicinity after the implementation of Alternative 1.

Alternative 2

No impact. The determination of no impacts to existing storm drain distribution facilities as discussed above for Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

No impact. The implementation of Alternative 1 or 2 would not result in the construction of new storm water drainage distribution facilities or expansion of existing facilities. Therefore, Alternative 1 or 2 would result in no cumulative impacts to existing storm water drainage facilities.

Water Supplies

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Water supplies to the Fulton Mall vicinity are limited by the existing water distribution facilities in the project vicinity. These facilities are currently located within Federal Alley east of Fulton Mall and within Home Run Alley and Congo Alley west of Fulton Mall, respectively, between Inyo Street and Tuolumne Street. These facilities range from 6-inch to 12-inches in diameter. Additional water distribution lines also ranging in diameter from 6-inch to 12-inches are located within Inyo Street, Kern Mall and Street, Tulare Street, Mariposa Mall, Fresno Street, and Tuolumne Street.

Based on a review of the City of Fresno Urban Water Management Plan (2010), the City's water supply is provided by groundwater, treated surface water, recycled water, and conservation efforts. The City currently has existing water entitlements through a contract with the Fresno Irrigation District for water from the Kings River and a contract with the U.S. bureau of Reclamation for water from the San Joaquin River. Based on Figure 4-3 of the Urban Water Management Plan, future water supplies will increase primarily due to increases in the treated surface water, recycled water and addition conservation efforts while decreasing reliance on groundwater supplies. The supplies

identified by the City of Fresno are estimated to meet the City's demand from future growth beyond the next 20 years.

Project Impacts

Alternative 1

No impact. The implementation of Alternative 1 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 fewer fountains to maintain. The number of trees to irrigate under Alternative 1 is the same number as the existing trees. With a reduce demand for water, the implementation of Alternative 1 will result in no impacts on water supplies from existing entitlements and resources.

As discussed in CEQA Checklist Question 3.17 b), Alternative 1 is projected to induce growth by the reoccupation of existing vacant office and retail space within the vicinity of Fulton Mall. This potential growth is part of cumulative projects, and the potential cumulative impacts are addressed under cumulative impacts, below.

Alternative 2

No impact. The determination of no impact as discussed in Alternative 1 above would be the same for Alternative 2.

Cumulative Impacts

No impact. As discussed in CEQA Checklist Question 3.17 b), the implementation of cumulative development will result in increases in the demand for water in Downtown Fresno. Part of this cumulative increase is the projected increase from the reoccupation of existing office and retail vacant space in the vicinity of Fulton Mall as well as throughout Downtown Fresno. Based on a review of the City's Urban Water Management Plan, existing water entitlements and projected water supplies are estimated to meet the City's demand from the development of cumulative projects as well as from the reoccupation of existing vacant space beyond the next 20 years. Therefore, cumulative projects will result in no impacts on water supplies from existing entitlements and resources. Since the implementation of Alternative 1 or 2 would not increase the demand for water, Alternative 1 or 2 would result in no cumulative impacts on water supplies from existing entitlements and resources.

Wastewater Treatment Capacity

- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Project Impacts

Alternative 1

No impact. As discussed in CEQA Checklist Question 3.17 a) above, Alternative 1 would not generate wastewater, and therefore, Alternative 1 would result in no impact on existing wastewater treatment capacity.

Alternative 2

No impact. The determination of no impact as discussed in Alternative 1 above would be the same for Alternative 2.

Cumulative Impacts

No impact. As discussed in CEQA Checklist Question 17 a), Alternative 1 or 2 would result in no cumulative impacts on wastewater facilities.

Landfill Capacity

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?

Project Impacts

Alternative 1

Construction Phase

Less than significant impact. During the short-term construction phase, demolition activities will result in material that will need to be hauled offsite. The material could be transported to a recycling center or the existing American landfill located west of the City of Fresno. The amount of demolition material is not expected to result in a substantial amount of material that would substantially affect the existing landfill capacity. Therefore, impacts to the existing landfill would be less than significant.

Operations Phase

Less than significant impact. During the long-term operations phase, minor amounts of refuse may be generated during maintenance activities. This minor amount of solid waste would result in a less than significant impact on existing landfills.

Alternative 2

Less than significant impact. The determination of less than significant impact on landfills discussed under Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than significant impact. The contribution of potential solid waste during construction and operational activities associated with Alternative 1 or 2 would not be substantial and would be considered less than cumulatively considerable. Cumulative impacts would be less than significant.

Compliance with Solid Waste Regulations and Statutes

g) Comply with federal, state, and local statutes and regulations related to solid waste?

Project Impacts

Alternative 1

Less than significant impact. Development under this alternative is not anticipated to conflict with federal, state, and local statutes and regulations related to solid waste because development is anticipated to comply with applicable City of Fresno 2025 General Plan goals and policies and comply with the City of Fresno Municipal Code requirements and diversion requirements regarding solid waste disposal. Therefore a less than significant impact is anticipated.

Alternative 2

Less than significant impact. The determination of less than significant impact on solid waste regulations and statutes described in Alternative 1 would be the same for Alternative 2.

Cumulative Impacts

Less than cumulative impact. The proposed project would not contribute to conflicts with solid waste regulations and statutes and would result in less than cumulatively considerable impacts. Therefore, project impacts would be less than significant.

3.18 - Mandatory Findings of Significance

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?

Potentially significant impact. Development of Alternative 1 or 2 would result in potential direct impacts to nesting birds and indirect impacts to roosting bat species. These potential impacts would be considered significant prior to mitigation. Mitigation measures are recommended to reduce these potential significant impacts to less than significant. In addition, the proposed project would remove the pedestrian mall of Fulton Mall which is a historical resource. This removal would cause a significant unmitigatable impact to a resource listed on the California Register of Historic Resources.

b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Potentially significant impact. Implementation of Alternative 1 or 2 would result in cumulative impacts associated with aesthetics, biological resources, cultural resources, hazards and hazardous materials, hydrology and water quality, land use, and traffic as discussed in CEQA Checklist Questions 3.1.1 through 3.1.17. Mitigation measures are recommended to reduce potential significant impacts to less than significant. However, cumulative impacts associated with aesthetics and historical resources would remain significant and unavoidable.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Potentially significant impact. Development of Alternative 1 or 2 may cause substantial adverse effects on humans due to the potential significant and unavoidable impacts that are expected to occur related to the removal of the existing trees within Fulton Mall as well as removal of the pedestrian mall, a historic resource.

SECTION 4: REFERENCES

- California Department of Conservation. 2013. California Important Farmland Finder. Website: <http://maps.conservation.ca.gov/ciff/ciff.html>. Accessed on September 29, 2013.
- Central Valley Regional Water Quality Control Board. 2013. Case Closure, Underground Storage Tank Release, Greyhound Bus Depot, 1033 Broadway, Fresno, Fresno County, RB Case 5T10000457. May 14.
- City of Fresno. 2013. City of Fresno General Plan Map Atlas (Williamson Act Property in the Fresno area). Website: <http://www.fresno.gov/NR/rdonlyres/243E6033-9A3A-46A5-971B-E5FC7A2775EA/0/MapAtlasFinalVersionSept12011.pdf>. Accessed on September 29, 2013.
- City of Fresno. 2013. City of Fresno Zoning Map. Website: <http://www.fresno.gov/Government/DepartmentDirectory/InformationServices/GIS/Layers.htm>. Accessed on September 29, 2013.
- City of Fresno. 2002. 2025 Fresno General Plan. Website: <http://www.fresno.gov/Government/DepartmentDirectory/DARM/AdvancedPlanning/2025FresnoGeneralPlan.htm>.
- City of Fresno. 2002. 2025 Fresno General Plan. Website: <http://www.fresno.gov/Government/DepartmentDirectory/DARM/AdvancedPlanning/2025FresnoGeneralPlan.htm>
- Department of Transportation. 2013. Fulton Mall Reconstruction Supplemental Assessment to Fulton Corridor Phase I ESA, Fresno County, California. May 29.
- Fehr & Peers. 2010. City of Fresno Bicycle, Pedestrian, & Trails Master Plan. Website: <http://www.fresno.gov/NR/rdonlyres/5DBFAA2D-5352-47D2-84BA-3A9BEDC99351/0/FresnoBMP.pdf>.
- Fehr & Peers. 2013. Memorandum: Fulton Mall Supplemental Traffic Analysis - 2025 General Plan. September 6.
- Fehr & Peers. 2013. Final Transportation Impact Report, Fulton Mall Reconstruction Project. July 12.
- FirstCarbon Solutions | Michael Brandman Associates. 2013. Fulton Mall Reconstruction Project. Community Impact Assessment. Fulton Mall, City of Fresno, Fresno County, California. Federal Project # TCSPL-5060(263). September 5.
- FirstCarbon Solutions | Michael Brandman Associates. 2013. Fulton Mall Reconstruction Project. Paleontological Resource Assessment. Fulton Mall, City of Fresno, Fresno County, California. Federal Project # TCSPL-5060(263). September 5.
- FirstCarbon Solutions | Michael Brandman Associates. 2013. Technical Memorandum: Sole-Source Aquifer - Water Quality Assessment. July 9.

References

- FirstCarbon Solutions | Michael Brandman Associates. Fulton Mall Reconstruction Project Noise Study. Fulton Mall, City of Fresno, Fresno County, California. Federal Project # TCSPL-5060(263). September 5.
- FirstCarbon Solutions. 2013. Natural Environment Study (Minimal Impacts). Fulton Mall, City of Fresno. Fresno County, California. Federal Project # TCSPL-5060(263). July.
- FirstCarbon Solutions. 2013. Fulton Mall Reconstruction Project Visual Impact Assessment. Fulton Mall, City of Fresno. Fresno County Airport Land Use Commission. Revised February 2000. Fresno-Chandler Downtown Airport Land Use Policy Plan, Fresno-Chandler Downtown Airport Environs Plan. Website: http://www.fresnocog.org/sites/default/files/publications/ALUC/Chandler_CLUP_2000_revision.pdf.
- Fresno County, California. Federal Project # TCSPL-5060(263). September 4.
- Michael Brandman Associates. 2013. Air Quality Analysis Report, Fulton Mall Reconstruction Project. Federal Transportation Improvement Program. August.
- U.S. Government Printing Office. 2013. Federal Aviation Administration, Department of Transportation, Part 77, Subpart C—Standards for Determining Obstructions to Air Navigation or Navigational Aids or Facilities. Website: http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=a29127578d704f800914e6e83954cebe&tpl=/ecfrbrowse/Title14/14cfr77_main_02.tpl.