

**Appendix 1:**  
**Notice of Preparation/Initial Study and Responses**



**1.1 - Notice of Preparation/Initial Study (NOP/IS)  
for Fulton Mall Reconstruction Project, October 2013**



Please see the October 2013  
Notice of Preparation and Initial  
Study already on file separately.



**1.2 - Comments on Fulton Mall Reconstruction Project  
NOP-IS, October 2013**



**DEPARTMENT OF TRANSPORTATION****DISTRICT 6**

1352 W. OLIVE AVENUE  
FRESNO, CALIFORNIA 93721  
PHONE (559) 444-2493  
FAX (559) 445-5875  
TTY 711  
www.dot.ca.gov



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November 13, 2013

2131-IGR/CEQA  
6-FRE-99-020.885  
Fulton Mall Reconstruction TIS

Ms. Wilma Quan  
Urban Planning Specialist  
City of Fresno  
2600 Fresno Street  
Fresno, California 93721

Dear Ms. Quan:

We have completed our review of the proposed reconstruction of the existing pedestrian Fulton Mall located between Tuolumne and Inyo Streets in the City of Fresno. The purpose of the reconstruction is to improve parking and vehicle access to the local businesses along Fulton Street. The project would convert the pedestrian mall into street right-of-way. Caltrans has the following comments:

- The Fulton Mall Reconstruction project may benefit from providing Shared Lane Marking (SLM) also known as sharrows as described in the *California Manual on Uniformed Traffic Devices, 2012 Edition*. The benefits of the SLM are as follows:
  - Assist bicyclists with lateral positioning in a shared lane with on-street parallel parking in order to reduce the chance of a bicyclist's impacting the open door of a parked vehicle;
  - Assist bicyclists with lateral positioning in lanes that are too narrow for a motor vehicle and a bicycle to travel side by side within the same traffic lane;
  - Alert road users of the lateral location bicyclists are likely to occupy within the traveled way;
  - Encourage safe passing of bicyclists by motorists; and
  - Reduce the incidence of wrong-way bicycling.
- As tenant improvements are approved, pedestrian traffic along with vehicle traffic may increase within the project area. The City of Fresno may consider diagonal crossing at the intersections of Fulton at Fresno Street and Fulton at Tulare Street. Diagonal crossing with exclusive pedestrian signal phases, diagonal crossings are allowed as well as conventional crossings. Daytime pedestrian activity may be heavy in the downtown area due to the concentration of businesses and services. The primary concern may be the high number of conflicts between pedestrians and vehicles at the intersections, especially during holiday seasons. Large pedestrian flows may block crosswalks to turning traffic during the entire green signal phase.
- Any significant change in the land use within the facility along within the Fulton Mall development that would significantly increase the Project traffic in the future and impact State Route (SR) 41, SR 99, and or SR 180 interchanges would need to be addressed.

*"Caltrans improves mobility across California"*

Ms. Wilma Quan  
November 13, 2013  
Page 2

If you have any further questions, please contact David Padilla, Transportation Planner, Planning and Local Assistance at (559) 444-2493.

Sincerely,



DAVID PADILLA  
Transportation Planner



## RESOURCE MANAGEMENT AGENCY

Community and Economic Development  
Department of Planning and Building

Norman L. Allinder, AICP  
Director

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

November 14, 2013

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

Re: Fulton Mall Reconstruction Project  
Notice of Preparation

Dear Mr. Balch,

On November 5, 2013 the Madera County Board of Supervisors directed staff to participate in all active regional planning projects being undertaken by the City of Fresno. I am therefore submitting this letter on the recently published Notice of Preparation for the Fulton Mall Reconstruction Project, which will have significant impacts upon the citizens of Madera County, and the region as a whole.

In accordance with the California Environmental Quality Act (CEQA) Section 15206 this project is considered to be of regional significance and the City of Fresno must therefore address the following regional impacts:

- **AIR QUALITY** – This project must analyze the construction and operational impacts associated with air quality, and the further exacerbation of the City of Fresno's jobs-housing imbalance this project will create with the City of Fresno importing traffic into the region to serve the over concentration of commercial and industrial land uses, while failing to provide for adequate housing for those individuals working in the community. This is a significant regional issue that will only become worse with the proposed project. The City should require the project to secure a Voluntary Air Emission Reduction Agreement (VERA) with the San Joaquin Air Pollution Control District. This is an achievable verifiable mitigation measure for air quality impacts, and therefore must be considered and adopted as a part of the project.
- **PROJECT ALTERNATIVES** – In addition to the two alternatives identified in the Initial Study the Environmental Impact Report should analyze the following project alternatives:
  - No project
  - Removal of all commercial/office land use in Fulton Mall, and placing strictly residential land use.
- **TRANSPORTATION** - The transportation section of the NOP and initial study fail to address regional impacts to transportation. Madera County recommends a

Regional Traffic Impact Study be prepared to analyze impacts to regional transportation corridors such as:

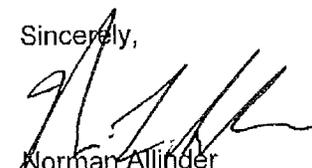
- o Avenue 9
- o Avenue 12
- o State Route 41
- o State Route 99
- o State Route 145

The project intends to improve vehicle access to local businesses. The majority of consumerism for the region takes place in the City of Fresno; improved access will only lead to additional traffic from neighboring cities and counties such as Madera County. The EIR must include mitigation measures such a regional transportation mitigation fee to address the impacts the project will have upon Madera County roadways.

- WATER – This project must analyze the regional impact of construction and build-out of water consumption associated with the project. The underlying aquifers throughout the San Joaquin Valley are in a state of overdraft, and placing a massive development project within nine miles from Madera County will have an impact upon the Madera Subbasin and must be addressed within the Environmental Impact Report for the project. This project should also prepare a Water Supply Assessment in accordance with Senate Bill 610. The City of Fresno, like Madera County should look at requiring all new development required to prepare a Water Supply Assessment to create a 1:1 water balance, which would require the development to secure surface water rights prior to construction to address the severe overdraft of the basin.

Madera County looks forward to participating in this process. Please forward all studies and information regarding impacts to this office as well as the Madera County Transportation Commission, and the City of Madera for review.

Sincerely,



Norman Allinder  
Planning Director

CC: Madera County Board of Supervisors  
Mayor Ashley Swearengin  
Fresno City Council  
Eric Fleming, County Administrative Officer  
Doug Nelson, County Counsel



**FRESNO METROPOLITAN FLOOD CONTROL DISTRICT**

File 170.21  
310. "FF"  
550.30 "FF"

November 12, 2013

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

Dear Mr. Balch

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

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

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

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

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

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**Mr. Elliott Balch**  
**City of Fresno**  
**November 12, 2013**  
**Page 2 of 2**

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

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

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

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

Very truly yours,



**Gary Chapman**  
**Engineering Technician III**

GC/lrl



November 14, 2013

Elliot Balch  
City of Fresno  
Downtown Revitalization Manager  
City Manager's Office  
2600 Fresno Street 2<sup>nd</sup> Floor  
Fresno, CA 93721

**Project: Notice of Preparation of an EIR for the Fulton Mall Reconstruction Project**

**District CEQA Reference No: 20130909**

Dear Elliot Balch:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the project referenced above proposing to reconstruct the Fulton Mall as a complete street by reintroducing vehicle traffic lanes to the pedestrian mall. The District offers the following comments:

1. Based on information provided to the District, project specific emissions of criteria pollutants are not expected to exceed District significance thresholds of 10 tons/year NOX, 10 ton/year ROG, and 15 tons/year PM10. Therefore, the District concludes that project specific criteria pollutant emissions would have no significant adverse impact on air quality.
2. Based on information provided to the District, the proposed project would/may equal or exceed 9,000 square feet of space. Therefore, the District concludes that the proposed project is subject to District Rule 9510 (Indirect Source Review).

District Rule 9510 is intended to mitigate a project's impact on air quality through project design elements or by payment of applicable off-site mitigation fees. Any applicant subject to District Rule 9510 is required to submit an Air Impact Assessment (AIA) application to the District no later than applying for final discretionary approval, and to pay any applicable off-site mitigation fees before issuance of the first building permit. If approval of the subject project constitutes the last discretionary approval by your agency, the District recommends that demonstration of compliance with District Rule 9510, including payment of all

**Seyed Sadredin**  
Executive Director/Air Pollution Control Officer

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**Northern Region**  
4800 Enterprise Way  
Modesto, CA 95356-8718  
Tel: (209) 557-6400 FAX: (209) 557-6475

**Central Region (Main Office)**  
1990 E. Gettysburg Avenue  
Fresno, CA 93726-0244  
Tel: (559) 230-6000 FAX: (559) 230-6061

**Southern Region**  
34946 Flyover Court  
Bakersfield, CA 93308-9725  
Tel: 661-392-5500 FAX: 661-392-5585

applicable fees before issuance of the first building permit, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

3. The proposed project may be subject to District Rules and Regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), Rule 4601 (Architectural Coatings), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants). The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance Office at (559) 230-5888. Current District rules can be found online at: [www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

If you have any questions or require further information, please call Ms. Debbie Johnson, at (559) 230-5817.

Sincerely,

David Warner  
Director of Permit Services

*Debbie Johnson*  
*for*  
Arnaud Marjollet  
Permit Services Manager

DW: dj

Cc: File

To: Elliot Balch  
From: Downtown Fresno Coalition  
Re: November 5, 2013-- Scoping Meeting for Fulton Mall Reconstruction Project

My name is Hal Tokmakian, and I am a member of the Downtown Fresno Coalition.

Our detailed comments for the scoping topic for the Fulton Mall Reconstruction Project (Project) will be submitted in writing to you and all other responsible agencies and organizations before the November 15, 2013, deadline.

But, there are three comments we will bring to your and others' attention now that we feel are pertinent to the meeting at hand. Each of these comments leads to the conclusion that the Notice of Preparation (NOP) underlying this meeting is fatally flawed and this process should be halted.

1. The publicly advertised NOP states that the notice and this scoping meeting are conducted as part of the California Environmental Quality Act (CEQA) process. However, the Fulton Mall Reconstruction Project is mostly funded by federal dollars. The National Environmental Policy Act (NEPA) provides that any project funded by federal money is subject to evaluation for environmental impacts according to that Act. That information was omitted from the public notice and we submit that this scoping should be halted and re-noticed as being part of the NEPA process.

2. This NOP for the Fulton Mall Reconstruction Project describes the project as having two alternatives 1) reconnect the grid on traditional streets, and 2) reconnect the grid with "vignettes." This presents a second reason why the NOP and this meeting should be terminated now.

The City of Fresno on about August 12, 2013, signed an agreement with Royston, Hanamoto, Alley & Abey (RHAA) for landscape services, designs, plans, and working drawings, etc. for the Fulton Mall Reconstruction Project. The City required this contractor to develop three (3) alternatives.

- 1) Reconnect the grid with a traditional street.
- 2) Reconnect the grid with "vignettes."
- 3) Restore and complete the Fresno Fulton Mall as a pedestrian mall.

The schematic design phase of RHAA's contract has being ongoing since last month, October, 2013, with a schedule of steering committee meetings (at which Ashley Swearingin appeared, and City staff attended) and workshops with the general public and special interest groups, etc. (also attended by City staff).

At every one of these gatherings discussion and consideration was specifically sought about all of the *three* alternatives. Additionally, it was specifically represented to attendees that all three alternatives were being examined on an equal basis, that no decision had been made about which alternative to pursue, and

that the City Council will receive a report from the consultants that will include an evaluation of all three alternatives.

Do you see the problem now between the NOP and the public process? Were the people of Fresno being duped at public meetings to consider three alternatives when, while the meetings were still ongoing, the City quietly removed one alternative from the environmental process? Will the City Council be similarly deceived?

3. A third reason why the NOP is irreparably flawed is this:

The two alternatives described in the NOP are inconsistent with the existing General Plan of Fresno and with the Central Area Community Plan. Both the GP and the CACP maintain the Fresno Fulton Mall as a pedestrian area. City and State planning law requires that all projects be consistent with the general plan and relevant specific plans *before* they proceed. On this basis the project described in the NOP is unlawful and cannot proceed.

The DFC will submit additional detailed comments on issues of concern prior to November 15, 2013, the deadline for written comment published by the City.



November 4, 2013

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

Re: Fulton Mall Scoping Meeting

Dear Elliott,

The "Scoping conference" for the Fulton Mall project is at hand. We are informed that "option 3," calling for the restoration of the mall without loss of its unique features as a public park and art object, has been omitted from the scope of review. We hope that we are incorrectly informed.

We recall that this process started with a citizens' advisory committee chaired by Sally Caglia. That committee preferred, you may recall, the restoration of the Fulton Mall. At the request of the City's agents, they also acknowledged that opening side streets to traffic was an option. At the further request of City agents, they were further required to add that ripping out the Fulton Mall in favor of automobiles was still another option. In our view, respect for the opinion of the public, requires study and consideration of all three options before one is discarded out of hand.

Heritage Fresno advocates for the preservation of Fresno's historic structures, districts and objects. The Fulton Mall, created by the renowned Garrick Eckbo, is a qualifying structure, object and district. Absent objection by the City of Fresno, this cherished and valuable urban park, itself an object of public art, would be listed on the National Register of Historic Places.

We regret that the current executive department of the City of Fresno seems determined, even in the face of manifest and widespread popular opposition, to "redesign" Mr. Eckbo's unique, irreplaceable work only in such a way that motorized vehicular traffic is reintroduced. We see this as a giant step backward. It does not just "rearrange the furniture," so to speak. It destroys a work of art by a known artist. Such a "redesign" is, in our view, a fundamentally inconsistent new use which necessarily obliterates Mr. Eckbo's artistic creation "*which yet survive, stamped on these lifeless things.*" If this is accomplished, Fulton "Street" will no longer qualify for listing on any register. It will just be a street, while a public art treasure, now part of our heritage, is lost to our nation.

In the face of a manifestly relentless executive determination, our last hope for the triumph of principle over expediency is the operation of California's Environmental Quality Act. We remain confident that you will be true to the public and restore study of the restoration option to the scope of review. We hope that the act will not be abused in order to accomplish an end not embraced within its purpose. We trust, therefore, that the City will adhere to the Act's spirit as well as its terms. Please act openly, with ample opportunity for all alternatives and mitigations to come forward. Allow, if you will, a study that is both dispassionate and candid in service to complete objectivity for the public good.

In this regard, and consistently with our mission, please advise us in ways that we might assist you in advancing the general public good.

Very truly yours,

  
Charles R. Barrett  
Heritage Fresno

cc: Downtown Coalition  
Fresno Arts Council  
Tehipite Chapter, Sierra Club  
Harold Tokmakian



2930 N. West Ave. Fresno, CA 93705-3901

CITY OF FRESNO  
Mr. Elliott Balch  
Downtown Revitalization Manager  
City of Fresno  
City Managers Office  
2600 Fresno Street, 2nd Floor  
Fresno CA 93721

## **PLAN TO PRESERVE & IMPROVE THE FULTON MALL**

**Presented by a Subcommittee of the Fresno Fulton Mall Reconstruction Steering Committee on October 23, 2013**

Below is an outline of individual improvements which would enhance the existing Fulton Mall. None of these suggested improvements would result in the destruction of any of the important features of the Fulton Mall, and would in fact be in keeping with the vision of a unified whole which was conceived by Garrett Eckbo and executed under his direction. The Fulton Mall (designed by Mr. Eckbo) is an important "work of art" in and of itself, which happens to be composed of individual works of art in the form of topographical line drawings, sculptures, murals, fountains and water features.

The objective of this plan is to have the Fulton Mall finally obtain it's rightful recognition as being one of the largest and most important collections of outdoor public art in the country. This will allow the Fulton Mall to become a prime tourist destination, which will in turn attract specialty shops and eateries to the area to meet the needs to the incoming tourists. Further, this is in keeping with the preservation of Fresno history, the maintenance of our sense of identity, and the desire to facilitate the revitalization of the downtown area generally.

Stan Bitters

### **DESIRED IMPROVEMENTS**

1. Replace the concrete floor and duplicate the topographical design (restoration).
2. Install significant outdoor lighting (stadium style) all along the Fulton Mall, making the quantity / quality of light such that one could not differentiate day from night.
3. Build new restroom facilities near the center of the Fulton Mall (and perhaps elsewhere).
4. Build an Information Center near the center of the Fulton Mall.
5. Install directional signage to inform visitors of what is located on the Fulton Mall and where it is located.

6. Introduce an Electric Tram system to convey visitors the length of the Fulton Mall, with a supporting docent program which would be competent to provide information about the sculptures and related art, buildings, businesses, and history of both the Fulton Mall and Fresno in general.
7. Add more fountains and sculptures to the Fulton Mall.
8. Add locations where there can be small shops - perhaps "tunnels" which would break through the wall of some building on the Fulton Mall and provide access to the rear alleyway where there could be additional small shops.
9. Encourage improves to storefronts so that the stores become more "outdoor visitor" friendly.
10. Create a budget to promote the Fulton Mall in the form of advertising to be placed in nationally recognized and nationally distributed magazines. This should be done in conjunction with regular print articles about the Fulton Mall and the events which take place in the Mall.
11. Refurbish existing sculptures, fountains and water-features.
12. Establish a maintenance program for the Fulton Mall.
13. Place 24 hour security in the Fulton Mall to provide a greater sense of local safety.
14. Design and install a shade structure (perhaps incorporating a fabric type material) over the raised platform in the "free speech area."
15. Establish a City Department (or private entity) which would organize and conduct "Mall Entertainment," such as music events, puppet shows, mimes, theatrical performances, art exhibits, some sporting competitions, etc. . .
16. More . . .

**Mike Houlihan - Fulton Mall**

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**From:** janet moore <janetkmoore@gmail.com>  
**To:** Elliott Balch <Elliott.Balch@fresno.gov>  
**Date:** 11/10/2013 9:15 AM  
**Subject:** Fulton Mall

---

Please, no cars or parking meters on the Mall. Use the money to renovate the facades of the beautiful old buildings. Incidentally, why allow the Granville Medical Complex locate in the foothills? Why not bring it downtown? Think of all the young people, teachers utilizing apartments, grocery stores, news shop, pubs, boutiques, etc. We must stop using cars.

Janet Moore  
720 E. Cambridge  
Fresno 93704  
226-1960

**Mike Houlihan - RE: Fulton Mall Scoping Meeting**

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**From:** bcdyer <bcdyer@att.net>  
**To:** Elliott Balch <Elliott.Balch@fresno.gov>  
**Date:** 11/4/2013 3:10 PM  
**Subject:** RE: Fulton Mall Scoping Meeting  
**CC:** 'Downtown Fresno Coalition' <downtownfc@sbcglobal.net>, 'Dianna' <1000friends@sbcglobal.net>, 'Linda Zachritz' <lzachritz@sbcglobal.net>

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Date: Monday November 4, 2013

To: Elliott Balch, Downtown Revitalization Manager

Subject: Fulton Mall Scoping Meeting

The initial study required under CEQA for the current analyses of Fulton Mall must address potential effects on the environment from each of the three alternatives eligible for study under the TIGER Grant. If study of restoration of the Fulton mall is not eligible, deletion of the restoration alternative will also, of course end the mall's historical status.

Robert E. Dyer, Retired Principal Planner/Architect  
559/583-7144

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**From:** Downtown Fresno Coalition [mailto:downtownfc@sbcglobal.net]  
**Sent:** Tuesday, October 22, 2013 9:16 AM  
**To:** Dianna; Linda Zachritz; Doug Richert  
**Subject:** RE: Fulton Mall Scoping Meeting

Dear Downtown Fresno Coalition Members

The City is holding a legally required "scoping meeting" regarding the Fulton Mall on November 5, 2013, at 5:30 p.m. at City Hall council chambers.  
This scoping meeting is a first step in the CEQA/environmental report process.

*They have deleted alternative three, restoration of the mall, from the definition of the project.*

It is important that as many of you as possible attend, if only long enough to register your objection to this tactic and your support for restoration of the mall. We understand that there have been many recent meetings regarding the mall, but it may be essential that citizens object at this meeting, or in writing, in order to protect your, and our, right to later take issue with the City's tactics. If you prefer to make your comments in writing direct them to:

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

Elliott.Balch@fresno.gov

## Mike Houlihan - Notice of Preparation of EIR for Fulton Mall Reconstruction Project

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**From:** Jeff Becker <jbecker@fcoe.org>  
**To:** Elliott Balch <Elliott.Balch@fresno.gov>  
**Date:** 10/31/2013 11:48 AM  
**Subject:** Notice of Preparation of EIR for Fulton Mall Reconstruction Project  
**CC:** Jan Biggs <JBiggs@fcoe.org>

---

Hi Elliott,

I reviewed the Initial Study prepared by FirstCarbon Solutions dated October 15<sup>th</sup> for the Fulton Mall Reconstruction Project and offer a couple of clarifications. First, the Fresno County Office of Education buildings located on Van Ness between Mariposa and Fresno are shown on *Exhibit 3 – Existing Land Use* as commercial office space and may be more appropriately shown as government offices. Second, on page 171 under *Schools*, the study identifies the Fresno County Office of Education as the Fresno County Special Education Local Plan School (public). It is important to note that the Fresno County Office of Education downtown offices house administrative staff, including but not limited to special education staff, but no students are served at this location.

Finally, my office submitted a comment letter dated April 27, 2012 regarding the EIR for the Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code. These comments are applicable to the Fulton Mall Reconstruction Project as well.

If you have any questions, please let me know.

Thanks,

Jeff Becker  
Director of Facilities & Operations  
Fresno County Office of Education  
1111 Van Ness Ave.  
Fresno CA, 93721  
(559) 497-3721  
jbecker@fcoe.org

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## Mike Houlihan - City of Fresno, Fulton Mall Reconstruction Project

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**From:** "Moua, Bounma" <b2m3@pge.com>  
**To:** Elliott Balch <Elliott.Balch@fresno.gov>  
**Date:** 10/28/2013 12:09 PM  
**Subject:** City of Fresno, Fulton Mall Reconstruction Project  
**Attachments:** City of Fresno, Fulton Mall Reconstruction.pdf

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Elliott,

Thank you for notifying Pacific Gas and Electric (PG&E) of the proposed plans to improve the Fulton Mall area. At this moment, we have no comments regarding the proposed project. Please send us some plans when available. We would like to make certain our existing underground facilities will not be disturbed, if there are to be any new pavement.

Thank you.

### Bounma Moua

Land Agent  
Pacific Gas & Electric Company  
Phone (559) 263-5688  
Internal 821-5688  
Fax (559) 263-5720

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PG&E is committed to protecting our customers' privacy.  
To learn more, please visit <http://www.pge.com/about/company/privacy/customer/>

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**Mike Houlihan - Fwd: Fulton Green Proposal -- 1**

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**From:** Steve Weil <mweil0777@aol.com>  
**To:** Elliott Balch <Elliott.Balch@fresno.gov>  
**Date:** 10/28/2013 9:15 AM  
**Subject:** Fwd: Fulton Green Proposal -- 1  
**CC:** Karana Hattersley-Drayton <Karana.Hattersley-Drayton@fresno.gov>  
**Attachments:** Fulton\_Green[1].pdf

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Elliott:

RE: Fulton Scoping Process

Please include the attachment forwarded below, which is in graphic and text format, as part of my written comments.

Steve Weil

Sent from my iPad

Begin forwarded message:

**From:** Steve Weil <mweil0777@aol.com>  
**Date:** October 17, 2013, 10:58:17 AM PDT  
**To:** [karana.hattersley-drayton@fresno.gov](mailto:karana.hattersley-drayton@fresno.gov)  
**Subject:** **Fwd: Fulton Green Proposal**

Karana:

Attachment: FYI

Questions or comments are welcome.

Steve Weil

Sent from my iPad

Begin forwarded message:

**From:** Martin Weil <mweil0777@aol.com>  
**Date:** April 29, 2012, 4:17:53 PM PDT  
**To:**  
**Subject:** **Fulton Green Proposal**

# Fulton Mall: Main Street or Copenhagen-style Housing Green?

Proposal for adaptive reuse as a neighborhood green instead of a street.



Courtyard Housing  
Copenhagen,  
Denmark



Courtyard Housing  
Seattle area,  
WA



Chandlers  
Yard  
Baltimore,  
MD



Jackson  
Heights  
Queens, NY



Courtyard Housing Blocks (Copenhagen, Denmark) reinterpreted utilizing Fulton Mall. In support of "Fulton Mall Option 3" -- Restoration -- adding Community Gardens. Emphasis: Multistory Housing, Neighborhood-oriented retail and services.

Mike Houlihan - Fulton Green Proposal -- 2

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**From:** Steven Weil <swelhorizon@gmail.com>  
**To:** Elliott Baich <Elliott.Baich@fresno.gov>  
**Date:** 10/28/2013 9:09 AM  
**Subject:** Fulton Green Proposal -- 2  
**CC:** Karana Hattersley-Drayton <Karana.Hattersley-Drayton@fresno.gov>

Elliott:

RE: Fulton Scoping Process

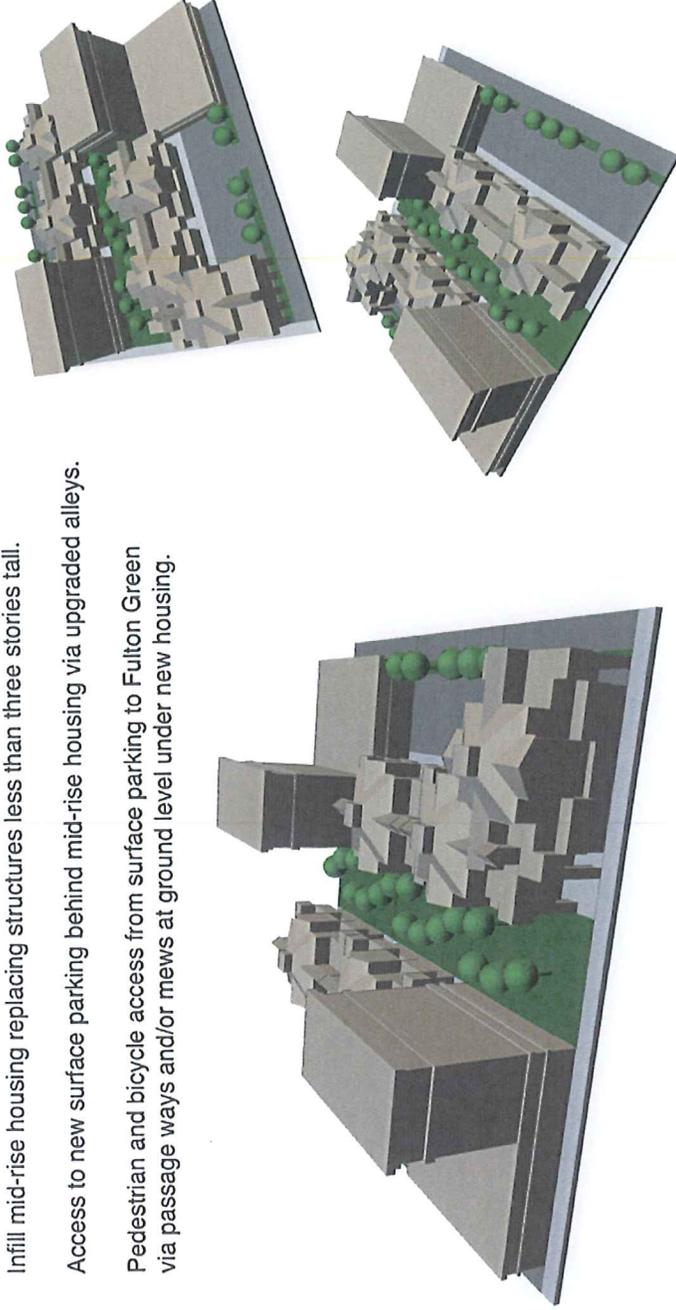
My written comments, in text and graphic form, are below. A second email will follow shortly.

Steve Weil

Fulton Green Proposal: In support of original "Option 3" -- Preservation  
ADAPTIVE REUSE OF FULTON MALL AS A COMMUNITY GREEN

Urban Development Concept:

- Preservation of iconic historic towers.
- Infill mid-rise housing replacing structures less than three stories tall.
- Access to new surface parking behind mid-rise housing via upgraded alleys.
- Pedestrian and bicycle access from surface parking to Fulton Green via passage ways and/or mews at ground level under new housing.



Sent from my iPad

**From:** Steven Weil <sweilhorizon@gmail.com>  
**To:** Elliott Balch <Elliott.Balch@fresno.gov>  
**CC:** Karana Hattersley-Drayton <Karana.Hattersley-Drayton@fresno.gov>  
**Date:** 11/6/2013 7:16 AM  
**Subject:** Fulton Scoping Process comments

Elliott:

To be completely clear, my two prior recent emails to you on this subject, which included attachments with graphics and 3-D depictions, were intended as comments by me on BOTH the current Notice of Preparation and the subsequent Draft EIR, for which I may submit additional comments upon its release.

My comments to date depict an urban design concept that directly addresses the deficiencies of the current situation with respect to vehicular access and surface parking in an innovative way that allows for preservation and adaptive reuse of the Fulton Mall as a "community green". As such, my submittal provides the only urban design solution to date that directly addresses the articulated shortcomings of the mall corridor with respect to retail commerce and at the same time protects the mall as an historic resource found eligible for the National Register.

Since none of the currently contemplated alternatives identified in the Notice of Preparation accomplish all of the above, the circulation, parking and urban design alternative I have described here and in my previous two comments by email should be included in the EIR and any corresponding NEPA document.

Please include this email as a part of my comments on the Notice of Preparation.

Steve Weil

Sent from my iPad

November 15, 2013  
Elliott Balch  
Downtown Revitalization Manager  
City of Fresno, City Manager's Office  
2600 Fresno Street, 2nd Floor  
Fresno, CA †93721

RE: EIR for Fulton Mall Reconstruction Project

Dear Mr. Balch:

Before offering our comments on the scope of the Draft EIR for the Fulton Mall Reconstruction Project, we wish to state for the record that this process is fundamentally flawed for the following reasons:

1. The publicly advertised NOP states that this proposed EIR is being conducted as part of the California Environmental Quality Act (CEQA) process. However, the Fulton Mall Reconstruction Project is mostly funded by federal dollars. The National Environmental Policy Act (NEPA) provides that any project funded by federal money is subject to evaluation for environmental impacts according to that Act. That information was omitted from the public notice and we submit that this scoping should be halted and re-noticed as being part of the NEPA process.
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The City of Fresno on about August 12, 2013, signed an agreement with Royston, Hanamoto, Alley & Abey (RHAA) for landscape services, designs, plans, and working drawings, etc. for the Fulton Mall Reconstruction Project. The City required this contractor to develop three (3) alternatives.

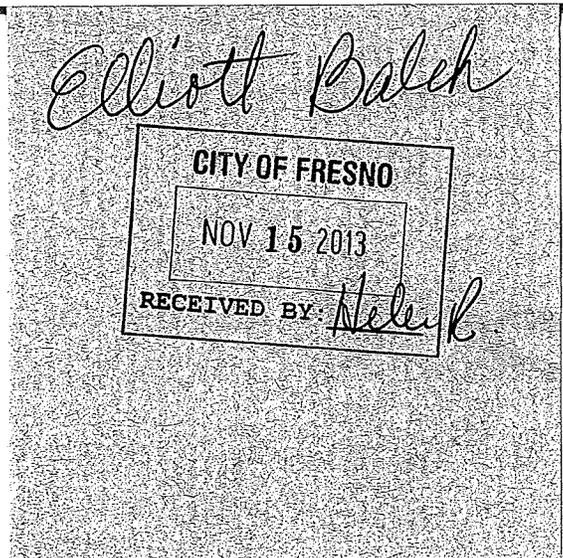
Reconnect the grid with a traditional street.

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Restore and complete the Fresno Fulton Mall as a pedestrian mall.

The schematic design phase of RHAA s contract has being ongoing since last month, October, 2013, with a schedule of steering committee meetings (at which Mayor Swearingin appeared and City staff attended) and workshops open to the general public and also attended by City staff. At every one of these gatherings discussion and consideration was specifically sought about all of the three alternatives. Additionally, it was specifically represented to attendees that all three alternatives were being examined on an equal basis, that no decision had been made about which alternative to pursue, and that the City Council will receive a report from the consultants that will include an evaluation of all three alternatives.

These facts suggest that the people of Fresno were being duped at public meetings at which they were invited to consider three alternatives regarding the Fulton Mall while at the same time the City quietly removed one alternative from the environmental process.



3. A third reason why the NOP is irreparably flawed is that the two alternatives described in the NOP are inconsistent with the existing General Plan of Fresno and with the Central Area Community Plan. Both the General Plan and the Central Area Community Plan maintain the Fresno Fulton Mall as a pedestrian area. City and State planning law requires that all projects be consistent with the general plan and relevant specific plans before they proceed. On this basis the project described in the NOP is unlawful and cannot proceed.

4. Finally, the NOP is flawed because separating the proposed alternatives for the Fulton Mall from the Fulton Corridor Specific Plan is a clear case of segmentation.

Following are comments on the scope of the Draft EIR for the Fulton Mall Reconstruction Project:

#### A. Historic and Cultural Significance

A.1. The EIR must consider the significance of the Fulton Mall as a historical resource eminently worthy of preservation. The Mall was found eligible for the National Register of Historic Places and is listed in the California Register of Historical Resources. To quote the National Park Service announcement, the Mall is important as a work of master landscape architect, Garrett Eckbo, whose career as both teacher and practitioner helped transform the field of post-war landscape architecture.

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A.3. The EIR must consider the historic contribution of local personalities to the creation of a Downtown Mall Art Selection Committee, chaired by O.J. Woodward II, and the public display of modern art that grew out of that committee's patronage.

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A.6. The EIR must consider the cultural significance of the Fulton Mall as one of the last remaining and best preserved examples of a modernist landscape architecture design for a

pedestrian mall in the United States, specifically including, but not limited to, the effect of purposefully destroying one of the last intact modernist pedestrian malls in the United States.

A.7. The EIR must address the cultural significance of the Fulton Mall as a representation of a unique, localized architecture and artistic expression by the incorporation of the work of local artists, methods of construction and materials.

A.8. The EIR must consider the significance of the Fulton Mall as a cultural representation of the Central Valley ecosystems. The EIR should consider that in the Mall's design special care was pursued to ensure a cultural connection to the Fresno region: the Mall's pavement is an illustration of the area's topography, the concrete is stained an adobe color to suggest the valley's soil, and is crossed at frequent intervals by undulating ribbons of aggregate to convey a sense of the texture and gradations of the valley floor, the water features contain ceramic sculptures that suggest the irrigation standpipes commonly found in valley fields and orchards.

A.9. The EIR must consider the effects of the proposed projects on social justice issues, specifically including, but not limited to, the displacement of current tenants (as opposed to property owners), of disabled patrons of Fulton Mall tenants, of the numerous elderly residents in the area, and the homeless population currently residing in or around downtown Fresno.

A.10. The EIR must consider the cultural significance of the pedestrian-friendly gathering places provided by the Fulton Mall for numerous ethnicities and socio-economic classes in Fresno throughout the year (Market on Kern, Thursday Night Live, Cinco de Mayo, Over the Edge, Fiestas Patrias, Chile Festival, El Grito, Christmas Parade, among others).

## B. Aesthetic Significance

B.1. The EIR must re-examine the assessment of the First Carbon Solutions report which in its section on Aesthetics dwells inappropriately on the consequences of the City of Fresno's neglect of the Fulton Mall [4]; these are aspects that can be corrected in a manner other than demolitions.

B.2. The EIR must compose an accurate definition of 20th-Century Modernism and appraise the aesthetic significance of the Fulton Mall as the work of a 20th-Century Modernist landscape architecture master (Garrett Eckbo) and as a rare example of his work that has survived with a high degree of design integrity [5].

B.3. The EIR must recognize and explore its design relevance given that the Mall is already listed on the California Register of Historical Resources, was found eligible for the National Register [6], and is potentially significant as a National Historic Landmark.

B.4. The EIR must consider the aesthetic significance of Eckbo's design of the Fulton Mall as it captures and represents the Central Valley and Fresno in particular. Eckbo himself explained his design for the Fulton Mall by highlighting the importance of agriculture in the San Joaquin Valley: "The plentitude of quiet and moving waters, and of shade and greenery from trees and arbors, symbolizes the bursting vitality of irrigated agriculture in the hot interior valley of the arid west [7]. The EIR must pay attention to the many aspects of this representation, for example,

the color palette of earth tones, the topographical gradations, the supreme importance of water as it flows through the landscape, the play of light and shadow in a torrid climate.

B.5. The EIR must consider the aesthetic significance of the Fulton Mall as a contiguously designed whole. The EIR must consider how the exact placement of every feature in the Fulton Mall was determined by Garrett Eckbo: the art, the landscaping, the water features, the seating structures, and the pavement. The EIR must recognize that the works of art on the Fulton Mall do not comprise a collection of individually-commissioned pieces of art that can be freely relocated. The EIR should study the design unity, aesthetic contributions, placement and configurations of all the 80-ft wide stained concrete right-of-ways, all the multiple ribbon design patterns of 8 Ω -inches wide concrete aggregate crossing all Mall right-of-ways and intersections, the 80 seating areas (18 of which with benches with brightly colored mosaic backs), the 2 tot lots; the 19 water features, among them pools, fountains and flowing streams; and the 26 sculpted ceramic pipes that are part of the water features [8].

B.6. The EIR must consider the aesthetics of the relationships between the individual art pieces on the Fulton Mall and the Mall itself. As part of Eckbo, Dean, Austin and Williams design for the Fulton Mall, pieces of art were placed in specific landscape environments that include pools, seating areas, and fountains and should be considered as design highlights to the overall landscape plan. For example, a piece of art such as the Bruno Groth's Rite of the Crane must be viewed in the context of the environment it was designed for and its specific role in the overall design of the Mall. In this particular example, a simulated wetlands hardscape environment was created by Eckbo, Dean, Austin and Williams as freeform pools in the Merced Mall to display the crane sculpture among reeds and grasses, appropriate for the valley where the marshlands still protect them today [9]. The original landscape plan includes specifications for wetlands vegetation [10]. The EIR must study how moving the Rite of the Crane sculpture out of its fountain to another area in the Mall will be detrimental to the design aesthetics and its original design context, the illustration of a crane in its natural environment. The same approach should be considered for the flowing water hardscape features that highlight The Visit (Clement Renzi), the various pools and fountains that highlight the clay standpipes and that represent agricultural irrigation sources (Stan Bitters), and the flowing water hardscape features that highlights the Obos sculpture (George Tsutakawa) at the southern end of the Mall.

B.7. The EIR must consider the aesthetics of the local design language within the Art and Architectural modernist movement of the 1950s and 1960s in the United States and how those will be affected under the various Fulton Mall options.

B.8. The EIR must consider the aesthetics and the contribution of the local artistic movements currently represented on the Mall. Local Fresno artists with a genuine design language, namely Jean Ray Laury, Stan Bitters, and Joyce Aiken came together to create a local artistic expression in numerous locations throughout the Mall: mosaic panel seating areas (Laury, Aiken and Bitters), fired clay standpipes in numerous fountains, and large hardscape settings such as Dancing Waters (Bitters) which includes a setting where local Hans Sumpf clay tile was used.

B.9. The EIR must consider the aesthetic effects of displacing pieces of art designed by local artists that are an integral part of the hardscape environments they were created for. Given that the majority of art pieces that can be effectively displaced without damage were created by artists that are not local, the EIR must study (for all the Mall options) what is the effect on the

proportional representation of local Art and Artists in the scenarios when art pieces are displaced from their original locations.

### C. Transportation/Traffic Aspects

C.1. The EIR must consider how creating other modes of transportation will not necessitate opening the Fulton Mall to traffic. Specifically, reviving the tram service that was originally provided when the Fulton Mall was built would be a more environmentally friendly way to encourage visits to the Mall.

C.2. The EIR must include detailed analysis of the circulation rationale for returning automobiles to the Fulton Mall in light of the fact that Fulton dead-ends within a few blocks to the south.

C.3. The EIR must expand its scope to evaluate methods to improve access to the city core without opening Fulton Mall to cars.

C.4. The EIR must consider the re-opening of Broadway from Tuolumne to Tulare Streets in order to provide frontage for additional business and access to parking structures.

C.5. The EIR must evaluate improvement of the south side of Tuolumne between H St and Van Ness to remove the existing frontage road and provide a strong pedestrian link between the Fulton Mall and the Cultural Arts District.

C.6. The EIR must consider how to develop the alleys parallel to Fulton Mall as follows: (a) link them to Fulton Mall by removing some buildings and creating paseos/galleries/passageways to the Mall; (b) encourage development of frontages along these walkways to include small shops, display windows, cafes, etc.; (c) create pocket parking spaces in the alleys.

C.7. The EIR must consider the creation of a parking district to eliminate the need for parking meters on streets and parking charges in garages and lots must be based on long-term and short-term turnover needs.

### D. Environmental and Health Considerations

D.1. The EIR must consider the adverse environmental and health effects of introducing gasoline-driven vehicles to the Fulton Mall. The EIR must consider how the production of pollutants and greenhouse gases will worsen the air quality of a city already known for its unhealthy air [11]. The EIR must take into account the concentration of soot, dust, noise levels, and other pollutants in the existing Mall as compared to a motorized street; it must also study the effect of auto traffic pollution of the Mall buildings.

D.2.† The EIR must consider the environmental air quality effects associated with demolition and/or construction for all the Fulton Mall options.

D.3. The EIR must address environmental and health effects of noise pollution associated with the different Fulton Mall options. re-examine the conclusion of First Carbon Solutions Initial Study that there would be Less Than Significant Impact.

D.4. The EIR must consider how either alternative in the Fulton Mall Restoration Project will produce more heat in the environment because of the loss of trees, wisteria-covered pergolas, and water features. The EIR must also consider the deleterious effect of removing mature trees, wisteria-covered pergolas, and shaded seating areas and replacing them with juvenile trees and large expanses of pavement, in effect replacing an urban park with a heat island. The EIR must consider how the loss of these environmental cooling sources will affect the Fulton Mall's usefulness as a gathering place for the public throughout the year, and in particular during the hottest season of the year.

D.5. The EIR must measure and evaluate how much shaded surface versus unshaded surface will be the result of each alternative, in effect creating a heat island in the six blocks currently occupied by the Fulton Mall. The EIR must compare the difference in the amount of heat and glare created on Fulton with automobiles and without automobiles.††††

D.6. The EIR must consider the effects of potential environmental ground and ground water source contamination by placement of a street with automobile traffic and parking and the necessary introduction of gasoline, motor oil, radiator fluid, and petrochemicals, on the gathering place for numerous ethnicities and socio-economic classes in Fresno.

D.7. The EIR must consider how slow-moving vehicles release a higher volume of pollutants than faster moving vehicles and what effect this will have on pedestrians and outdoor seating areas.

D.8. The EIR must consider how sunlight striking parked vehicles creates both heat and glare, and what effect this will have on pedestrians and outdoor seating areas.

D.9. The EIR must consider the safety risks to all pedestrians, including large numbers of families with young children, and office workers, many government employees, associated with changing a pedestrian protected area into a pedestrian risk area, and how informing the public of these risks may result in a reduction of foot traffic.

D.10. The EIR must take into account the effects of all the Fulton Mall options on public health such as, but not exclusively on obesity levels, stress, and lung diseases.

D.11. The EIR must evaluate the environmental and biological impact of the project on existing wildlife currently inhabiting the Project area, including but not limited to squirrels, kangaroo rats, and birds.

#### E. Land Use/Planning Aspects

E.1. The EIR must address Fresno's history of public policy-making that allowed the decentralization that caused the decay of the downtown. It will not be sufficient to mention that the construction of large shopping centers drew businesses and shoppers away from the downtown. The decisions by elected officials that allowed this construction must be thoroughly examined as well as who benefitted from them.

E.2. The EIR must consider the effects of the potential failure to build a high speed rail station, as currently proposed for Mariposa street, approximately one block west of the Fulton Mall.

E.3. The EIR must consider the fact that in the vicinity of Fulton Mall are three housing facilities whose residents depend on having the Mall as a passive use park.

E.4. The EIR must acknowledge and thoroughly analyze the finding of The Trust for Public Land in its 2013 ParkScore Index that For the second consecutive year, Fresno, California, was the lowest-rated city park system. † The analysis must include, but not be limited to, the effect of paving of a functional urban park to install a roadway, the effect of removing a park setting from an area of high concentrated poverty, largely minority and disabled community of users and business owners, as opposed to building owners.† The analysis must demonstrate how the proposed project will advance public health in terms of the following information from Adrian Benepe of The Trust for Public Land, You can t have a great city without great parks [ . . . ] Parks bring neighbors together and help create a sense of community.† They give kids and adults a place to play, walk, around, and just relax and experience nature.† That s why we believe that cities with great park systems tend to be healthier and have lower rates of obesity [12].

#### F. Economic Considerations

F.1. The EIR must consider the economic effects on the value of buildings and land currently existing on and immediately adjacent to the Fulton Mall.

F.2. The EIR must consider the economic effects on the value of buildings and land held by landlords living and/or residing in outside of the City of Fresno.

F.3. The EIR must consider the economic effects on the value of buildings and land held by landlords and tenants who have underinvested in their respective properties on the Fulton Mall.

#### G. Other Considerations

G.1. The EIR must consider the appropriate use of all sources of public funds for all Fulton Mall alternatives including preservation of the Mall.

G.2. The EIR must consider the effect on the public s trust and faith in the City of Fresno in light of the City s support of a plan to spend millions of public funds to improve private property.

G.3. The EIR must consider the effect of the City of Fresno s honesty in defending multiple lawsuits wherein the City states that the Fulton Mall is public property (see, e.g., Rosendahl v. City of Fresno, Fresno County Superior Court Case number 11CECG01124), while also testifying before state and national agencies that the Fulton Mall is private property.

Sincerely yours,

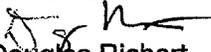
Harold Tokmakian, AICP

Linda Zachritz

Ray McKnight

Miguel Santos  
89 Belcher St., Holbrook, MA 02343

Eldon Daetweiler  
251 W. Los Altos Ave., Fresno, CA 93704

  
Douglas Richert  
1458 W Chennault Ave., Fresno, CA. 93711

Erich Schmidt  
7417 N Bain Ave, Fresno CA 93722

References:

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- [2] Evon L. 1965. AIA Presents Award for Fresno s Mall s . Fresno Bee, Oct, V84, N15482, pp. 1-A, 12-A.
- [3] Anonymous. 1968. Pedestrian Mall System gets Another Top Award . Fresno Bee, Oct 15, pp. 1-C, 5-C.
- [4] First Carbon Solutions. 2013. Initial†Study†Fulton†Mall†Reconstruction†Project†City†of†Fresno,†Fresno†County,†California . <http://www.fresno.gov/NR/rdonlyres/E25FC8C3-FC25-4751-B374-F597E9B3DD9F/28241/FultonMallIS10152013.pdf>
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- [8] McKnight R. Zachritz L., and Tokmakian, H. 2008. Fulton Mall Application for Registration in the National Register of Historic Places , United States Department of the Interior, National Park Service. [http://www.ohp.parks.ca.gov/pages/1067/files/nr%20application\\_070108.pdf](http://www.ohp.parks.ca.gov/pages/1067/files/nr%20application_070108.pdf)

[9] PBID Partners of Downtown Fresno. Fulton Mall Public Art - Rite of the Crane by Bruno Groth . Fulton Mall Public Art. <http://www.downtownfresno.org/rite-of-the-crane-bruno-groth.html>

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[11] American Lung Association in California. 2013. American Lung Association Releases 2013 Report on Air Quality , Press Release. <http://www.lung.org/associations/states/california/assets/pdfs/sota-2013/sota-2013-press-release-english.pdf>

[12] Anonymous, 2013. The Trust for Public Land Releases 2013 ParkScoreÆ Index Trust for Public Land press release, 6/5/2013. <http://www.tpl.org/media-room/trust-public-land-releases-2013-parkscore%C2%AE-index>

# DOWNTOWN FRESNO COALITION

4781 E. Gettysburg Avenue • Fresno, California 93726 • Phone 559-291-2261 • Fax 559 291-4991

November 15, 2013

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

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6. The EIR must consider the cultural significance of the Fulton Mall as one of the last remaining and best preserved examples of a modernist landscape architecture design for a pedestrian mall in the United States, specifically including, but not limited to, the effect of purposefully destroying one of the last intact modernist pedestrian malls in the United States.

7. The EIR must address the cultural significance of the Fulton Mall as a representation of a unique, localized architecture and artistic expression by the incorporation of the work of local artists, methods of construction and materials.

8. The EIR must consider the significance of the Fulton Mall as a cultural representation of the Central Valley ecosystems. The EIR should consider that in the Mall's design special care was pursued to ensure a cultural connection to the Fresno region: the Mall's pavement is an illustration of the area's topography, the concrete is stained an adobe color to suggest the valley's soil, and is crossed at frequent intervals by undulating ribbons of aggregate to convey a sense of the texture and gradations of the valley floor, the water features contain ceramic sculptures that suggest the irrigation standpipes commonly found in valley fields and orchards.

9. The EIR must consider the effects of the proposed projects on social justice issues, specifically including, but not limited to, the displacement of current tenants (as opposed to property owners), of disabled patrons of Fulton Mall tenants, of the numerous elderly residents in the area, and the homeless population currently residing in or around downtown Fresno.

10. The EIR must consider the cultural significance of the pedestrian-friendly gathering places provided by the Fulton Mall for numerous ethnicities and socio-economic classes in Fresno throughout the year (Market on Kern, Thursday Night Live, Cinco de Mayo, Over the Edge, Fiestas Patrias, Chile Festival, El Grito, Christmas Parade, among others).

### **Aesthetics- 20th -Century Modernism**

1. The EIR must re-examine the assessment of the First Carbon Solutions report which in its section on Aesthetics dwells inappropriately on the consequences of the City of Fresno's neglect of the Fulton Mall; these are aspects that can be corrected in a manner other than demolition.

2. The EIR must compose an accurate definition of 20th-Century Modernism and appraise the aesthetic significance of the Fulton Mall as the work of a 20th-Century Modernist landscape architecture master (Garrett Eckbo) and as a rare example of his work that has survived with a high degree of design integrity.

3. The EIR must consider the aesthetic significance of the design of the Fulton Mall as representational of the Fresno

4. The EIR must consider the aesthetic significance of Eckbo's design of the Fulton Mall as it captures and represents the Central Valley and Fresno in particular. Eckbo himself explained his design for the Fulton Mall by highlighting the importance of agriculture in the San Joaquin Valley: "The plentitude of quiet and moving waters, and of shade and greenery from trees and arbors, symbolizes the bursting vitality of irrigated agriculture in the hot interior valley of the arid west." The EIR must pay attention to the many aspects of this representation, for example, the color palette of earth tones, the topographical gradations, the supreme importance of water as it flows through the landscape, the play of light and shadow in a torrid climate.

5. The EIR must consider the aesthetic significance of the Fulton Mall as a contiguously designed whole. The EIR must consider how the exact placement of every feature in the Fulton Mall was determined by Garrett Eckbo: the art, the landscaping, the water features, the seating structures, and the pavement. The EIR must recognize that the works of art on the Fulton Mall do not comprise a collection of individually-commissioned pieces of art that can be freely relocated. The EIR should study the design unity, aesthetic contributions, placement and configurations of all the 80-ft wide stained concrete right-of-ways, all the multiple ribbon design patterns of 8 ½ -inches wide concrete aggregate crossing all Mall right-of-ways and intersections, the 80 seating areas (18 of which with benches with brightly colored mosaic backs), the 2 tot lots; the 19 water features, among them pools, fountains and flowing streams; and the 26 sculpted ceramic pipes that are part of the water features.

6. The EIR must consider the aesthetics of the relationships between the individual art pieces on the Fulton Mall and the Mall itself. As part of Eckbo, Dean, Austin and William's design for the Fulton Mall, pieces of art were placed in specific landscape environments that include pools, seating areas, and fountains and should be considered as design highlights to the overall landscape plan. For example, a piece of art such as the Bruno Groth's "Rite of the Crane" must be viewed in the context of the environment it was designed for and its specific role in the overall design of the Mall. In this particular example, a simulated wetlands hardscape environment was created by Eckbo, Dean, Austin and Williams as freeform pools in the Merced Mall to display the crane sculpture among reeds and grasses, appropriate for the valley where the marshlands still protect them today. The original landscape plan includes specifications for wetlands vegetation. The EIR must study how moving the "Rite of the Crane" sculpture out of its fountain to another area in the Mall will be detrimental to the design aesthetics and its original design context, the illustration of a crane in its natural environment. The same approach should

be considered for the flowing water hardscape features that highlight “The Visit” (Clement Renzi), the various pools and fountains that highlight the clay standpipes and that represent agricultural irrigation sources (Stan Bitters), and the flowing water hardscape features that highlights the “Obos” sculpture (George Tsutakawa) at the southern end of the Mall.

7. The EIR must consider the aesthetics of the local design language within the Art and Architectural modernist movement of the 1950s and 1960s in the United States and how those will be affected under the various Fulton Mall options.

8. The EIR must consider the aesthetics and the contribution of the local artistic movements currently represented on the Mall. Local Fresno artists with a genuine design language, namely Jean Ray Laury, Stan Bitters, and Joyce Aiken came together to create a local artistic expression in numerous locations throughout the Mall: mosaic panel seating areas (Laury, Aiken and Bitters), fired clay standpipes in numerous fountains, and large hardscape settings such as “Dancing Waters” (Bitters) which includes a setting where local Hans Sumpf clay tile was used.

9. The EIR must consider the aesthetic effects of displacing pieces of art designed by local artists that are an integral part of the hardscape environments they were created for. Given that the majority of art pieces that can be effectively displaced without damage were created by artists that are not local, the EIR must study (for all the Mall options) what is the effect on the proportional representation of local Art and Artists in the scenarios when art pieces are displaced from their original locations.

### **Transportation/Circulation**

1. The EIR must consider how creating other modes of transportation will not necessitate opening the Fulton Mall to traffic. Specifically, reviving the tram service that was originally provided when the Fulton Mall was built would be a more environmentally friendly way to encourage visits to the Mall.

2. The EIR must include detailed analysis of the circulation rationale for returning automobiles to the Fulton Mall in light of the fact that Fulton dead ends to the south within a few blocks.

3. The EIR must expand its scope to evaluate methods to improve access to the city core without opening Fulton Mall to cars.

4. The EIR must consider the re-opening of Broadway from Tuolumne to Tulare Streets in order to provide frontage for additional business and access to parking structures.

5. The EIR must evaluate improvement of the south side of Tuolumne between H and Van Ness to remove the existing frontage road and provide a strong pedestrian link between the Fulton Mall and the Cultural Arts District.

6. The EIR must consider how to develop the alleys parallel to Fulton Mall as follows: (a) link them to Fulton Mall by removing some buildings and creating paseos/gallerias/passageways to the Mall; (b) encourage development of frontages along these walkways to include small shops, display windows, cafes, etc.; (c) create pocket parking spaces in the alleys.

7. The EIR must consider the creation of a parking district to eliminate the need for parking meters on streets and parking charges in garages and lots must be based on long term and short term turnover needs.

### **Environmental and Health Considerations**

1. The EIR must consider the adverse environmental and health effects of introducing gasoline-driven vehicles to the Fulton Mall. The EIR must consider how the production of pollutants and greenhouse gases will worsen the air quality of a city already known for its unhealthy air. The EIR must take into account the concentration of soot, dust, noise levels, and other pollutants in the existing Mall as compared to a motorized street; it must also study the effect of auto traffic pollution of the Mall buildings.

2. The EIR must consider the environmental air quality effects associated with demolition and/or construction for all the Fulton Mall options.

3. The EIR must address environmental and health effects of noise pollution associated with the different Fulton Mall options. re-examine the conclusion of First Carbon Solutions' "Initial Study" that there would be "Less Than Significant Impact."

4. The EIR must consider how either alternative in the Fulton Mall Restoration Project will produce more heat in the environment because of the loss of trees, wisteria-covered pergolas, and water features. The EIR must also consider the deleterious effect of removing mature trees, wisteria-covered pergolas, and shaded seating areas and replacing them with large expanses of pavement, in effect replacing an urban park with a heat island. The EIR must consider how the loss of these environmental cooling sources will affect the Fulton Mall's usefulness as a gathering place for the public throughout the year, and in particular during the hottest season of the year.

5. The EIR must measure and evaluate how much shaded surface versus unshaded surface will be the result of each alternative, in effect creating a heat island in the downtown. The EIR must compare the difference in the amount of heat and glare created on Fulton with automobiles and without automobiles.

6. The EIR must consider how slow-moving vehicles release a higher volume of pollutants than faster moving vehicles and what effect this will have on pedestrians and outdoor seating areas.

7. The EIR must consider how sunlight striking parked vehicles creates both heat and glare, and what effect this will have on pedestrians and outdoor seating areas.

8. The EIR must consider the safety risks to all pedestrians, including large numbers of families with young children, and office workers, many government employees, associated with changing a pedestrian protected area into a pedestrian risk area, and how informing the public of these risks may result in a reduction of foot traffic.

9. The report must evaluate with the environmental and biological effects of the project on wildlife currently inhabiting the Project area, including but not limited to squirrels, kangaroo rats, and birds.

### **Land Use**

1. The EIR must address Fresno's history of public policy-making that allowed the decentralization that caused the decay of the downtown. It will not be sufficient to mention that the construction of large shopping centers drew businesses and shoppers away from the downtown. The decisions by elected officials that allowed this construction must be thoroughly examined as well as who benefitted from them.

2. The EIR must consider the effects of the potential failure to build a high speed rail station, as currently proposed for Mariposa street, approximately one block west of the Fulton Mall.

### **Open Space**

1. The EIR must consider the fact that in the vicinity of Fulton Mall are three housing facilities whose residents depend on having the Mall as a passive use park.

2. The EIR must acknowledge and thoroughly analyze the finding of The Trust for Public Land in its 2013 "ParkScore Index" that "For the second consecutive year, Fresno, California, was the lowest-rated city park system." The analysis must include, but not be limited to, the effect of paving of a functional urban park to install a roadway, the effect of removing a park setting from an area of high concentrated poverty, largely minority and disabled community of users and business owners, as opposed to building owners. The analysis must demonstrate how the proposed project will advance public health in terms of the following information from Adrian Benepe of The Trust for Public Land, "You can't have a great city without great parks . . . Parks bring neighbors together and help create a sense of community. They give kids and adults a place to play, walk, around, and just relax and experience nature. That's why we believe that cities with great park systems tend to be healthier and have lower rates of obesity." (Trust for Public Land press release, 6/5/2013.)

### **Other Considerations**

1. The EIR must consider the appropriate use of all sources of public fund for all Fulton Mall alternatives including preservation of the Mall.

2. The EIR must consider the effect on the public's trust and faith in the City of Fresno in light of the City's support of a plan to spend millions of public funds to improve private property.

3. The EIR must consider the accuracy and consistency of the City of Fresno's claim that the Fulton Mall is private property while on other occasions stating that the Mall is the City's property.

Sincerely yours,

Harold Tokmakian, AICP

Linda Zachritz

Ray McKnight

Douglas Richert

Miguel Santos

Eldon Daetweiler

Eric Schmitt

Ryan L. Eddings

From: george bursik [mailto:gbursik@gmail.com]

Sent: Friday, November 15, 2013 1:06 PM

To: Elliott Balch

Subject: Notice of preparation of an environmental impact report for the City of Fresno Fulton Mall

Mr. Elliot Balch, Downtown Revitalization Manager  
2600 Fresno Street  
Fresno,CA93721

Dear Mr. Balch,

Thank you for this opportunity to respond to your notice regarding plans for the destruction of the treasured, historic Fulton Mall.

One of the reasons indicated for this proposition is to "lower crime and improve safety for the 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."

As a former resident of downtown for 15 years, I had frequent occasion to visit the Mall, often with grandchildren, and had at no time feared for my safety or that of the grandchildren. Allowing car traffic will only invite car thieves, potentially increasing crime. Also, it increases the probability of accidents, jeopardizing the safety of pedestrians. A "slow moving, cautiously driven" car is often an indication that the driver is texting, thus further reducing safety. Cars would also increase pollution, noise, and other factors known to raise a persons level of anxiety and likelihood of committing a crime.

For these and numerous other reasons, I respectfully urge that the City abandon this misguided plan in favor of a comprehensive plan to restore, revitalize and improve the Mall in its present form. The people of Fresno deserve no less.

George Bursik  
113 West Minarets  
Pinedale 93650.

## **Comments on the Scope of the Environmental Impact Statement for the Fulton Corridor Mall Reconstruction Project**

My comments regarding the proposed scope of the Environmental Impact Statement on the project of placing a road on the Fulton Mall Corridor will be about the following topics:

- Traffic impacts on downtown streets as compared to alternatives that do not include parking on the Mall;
- Recreational, aesthetic, historical, cultural, artistic, and spiritual values impacted by altering the core design of the current pedestrian mall;
- The economic impact of returning cars to the corridor versus that of the various alternatives;
- The impact of altering the current design of the mall upon future economically viable growth patterns in the properties adjacent to the mall;
- And, lastly, I propose another scenario for the Fulton Corridor that I wish to see considered as an alternative to the current plan to build a road down the corridor.

### **Traffic Impacts on Downtown Streets as Compared to Alternatives That Do Not Include Parking on the Mall**

I expect the EIR to fully investigate the impact of having a street down the Fulton Corridor upon the traffic patterns of other downtown streets in the vicinity. There is much traffic that currently crosses the corridor smoothly and fast, only having to stop occasionally when Mall pedestrians are given the green light to walk across these cross streets. The proposed revisions of plans for a straight road (Alternative 1) and for a curved road (Alternative 2) have incorporated wide sidewalks and made an attempt to preserve some sculptures and water features at the behest of popular sentiment as was expressed in the community planning meetings.

Of necessity, this entails that the two-way street be fairly narrow, without bicycle lanes, and with traffic moving about the same speed as a bicycle would on a residential street. My concern is that a street with limited parking and slow traffic will have automobiles backed up on the cross streets waiting to enter the Fulton Street by either right or left turns, thereby congesting the currently speedy cross streets by taking up room in turn lanes and perhaps even in lanes otherwise dedicated to moving traffic along to the other side of downtown. Traffic should be allowed to move smoothly both to get to the high-speed rail station and to a revitalized Chinatown district.

Once on Fulton Street itself, these cars will then be creeping along hoping for a parking place close by their destination, much as happens today in large shopping center parking lots where a significant percentage of drivers circle about repeatedly in the hope of getting a space close by a particular store. An investigation of the impact of this slow-moving traffic congesting both the proposed Fulton Street and its cross streets should include the increased time spent by drivers in cars, the additional noise and air pollution to the city and especially to those living and working in venues alongside the corridor, new safety hazards to pedestrians, and the inconvenience and aesthetic detriment imposed upon those walking in the corridor and wanting to cross from one side to the other.

These impacts should be compared to the outcomes of similar variables when the mall is left intact as a pedestrian corridor, as well as with the alternative of a road which does not allow any parking at all, but only limited standing time by occupied cars in loading zones.

**Recreational, Aesthetic, Historical, Cultural, Artistic, and Spiritual Values  
Impacted by Altering the Core Design of the Current Pedestrian Mall**

The EIR should thoroughly document the impact of destroying the integrity of the Eckbo landscape design in order to bring back a street with cars to the Fulton Corridor. Any alternative that includes cars, as opposed to relatively small public transit vehicles that could navigate along a pedestrian mallway, will have to destroy elements of Garrett Eckbo's comprehensive artistic and world-renowned masterpiece. As currently laid out, the sculptures in combination with the water elements express artistic interpretations and reflections of our Central Valley's physical and agricultural landscape. As such, there is not merely an aesthetic and artistic aspect to Eckbo's design, but a spiritual one, as well. The current design serves as an historical, cultural, and artistic focal point of, not only the city, but the entire San Joaquin Valley and all of those residents who derive their livelihood in some way from the agricultural enterprises that make this region so important to the nation.

Furthermore, the current pedestrian mall is one of the few downtown urban parks available within walking distance of several apartment buildings occupied by a large population of retired senior citizens who live downtown. Many of these seniors do not own cars. They derive much of their healthful exercise by walking in the downtown area. The impact of removing an urban park from a city that already ranks last in the nation for per capita parkland will be significant upon the health, well-being, and general quality of life of the senior citizens who visit the corridor on a frequent basis.

Also, these recreational, aesthetic, historical, cultural, artistic, and spiritual values, which would be significantly and negatively impacted by having a road built down the Fulton Corridor, will be significantly and positively enhanced by following the alternative of restoring the Fulton Mall according to the original Garrett Eckbo design. By replacing the walkways with new artistic paving, and polishing up all of the aesthetic elements that remain from the original plan, we will be celebrating those values that stand to be lost if the Fulton Road plan is adopted by the City of Fresno.

**The Economic Impact of Returning Cars to the Corridor  
Versus that of the Various Alternatives**

I believe it is a false assumption that bringing cars into the Fulton Corridor will be the determining factor in improving the economy of downtown Fresno. A wider investigation into studies on the success and failure of pedestrian malls in the United States needs to be conducted as part of the scope of this EIR. There are indeed many successful pedestrian malls across the country today, and the keys to their success are likely due to manifold parameters, including the nature of neighboring streets and businesses, nearby destinations, aesthetic qualities in the landscape and urban fabric, past and present urban growth and development policies of local city and county administrations, and how the citizenry feel about their own downtown.

The EIR must consider the potential for a successful revitalization of downtown if the alternative of restoring a vibrant pedestrian mall is accomplished by following a different set of urban growth and improvement policies than just bringing cars back into the Fulton Corridor. The Fulton Corridor is narrower than other parallel streets, and the buildings alongside it are denser. This is all the more reason to examine its development potential using a different set of parameters than are applied to nearby streets like Van Ness, and to seriously consider the economic potential of retaining the complete pedestrian character of the corridor.

The Fulton Corridor is not likely to draw in consumers from the north part of the city if all they are going to get on Fulton Street is a repetition of the retail environment of shopping centers in the suburbs. There is not presently a competitive market for retail property in the City of Fresno, as demonstrated by the many shopping malls in the north of the city that have large portions of their retail properties still unfilled. Fulton Mall may originally have been built partly to emulate the suburban shopping mall experience, but today its value as a pedestrian mall lies in following a different model for economic growth.

#### **The Impact of Altering the Current Design of the Mall upon Future Economically Viable Growth Patterns in the Properties Adjacent to the Mall**

For a restored Fulton Mall (or even a Fulton Street with cars) to succeed economically, it will have to have destinations that are unique within the city sphere, establishments that exist nowhere else between the San Francisco and Los Angeles metropolises. With such destinations, visitors will be drawn from throughout the whole of Fresno and the Valley community. The EIR should consider the possibility of the Fulton Corridor hosting establishments such as a museum of San Joaquin Valley history, a museum of Hispanic culture, or a children's museum. It can become an arts and entertainment complex, or a center for celebrating international culture and food. With agriculture being of central importance to the industry of Fresno, the downtown corridor is a perfect place to build an agricultural technology hub, perhaps tied in with having Fresno's growing computer tech community relocating to the Mall. A college can be built downtown on property near or alongside the Fulton Corridor. All of these alternatives for downtown development must be considered in the EIR, and the report should consider whether such prominent and promising development will stand to benefit more from having a street down the Fulton Corridor or leaving it as a pedestrian mall. Personally, I would rather see children enthusiastically exit a museum onto a wide pedestrian mall with fascinating sculptures than have to warily come out onto a sidewalk beside a street heavy with automobiles.

With the high-speed rail station located less than two blocks from the Fulton Corridor, there is an ideal opportunity to present a fresh face of Fresno to visitors on their way to the national parks of the Sierra Nevada via bus tours or car rentals. If they stay in a hotel on the Fulton Mall instead of one by the airport, they could come out of the building into the vibrant night life of a lighted Fulton Mall with restaurants, clubs, music venues, and art galleries. They will ultimately leave Fresno with a positive sense of the city, encouraging others to stay downtown when they come to visit our nearby mountain parks. Again, the alternative of keeping the pedestrian mall (Option 3) is more conducive to the economic success of such a scenario than putting in a street for cars (Options 1 & 2).

Unique destinations such as suggested above do not require a location where one can drive by in an automobile in order to advertise themselves. People are drawn to these venues for their own sake, not because they happen upon them by accident, which seems to be the proposed model for success for future business investments in Fulton Corridor properties, where owners openly state that they are relying on a street being built. Also, when people come to a museum or an entertainment center or a tech hub (none of which are exclusive of one another), they will then patronize the smaller enterprises that spring up to cater to their more prosaic needs like lunch or a power meeting over dinner. All of the downtown will be revitalized if the Mall is made a success by encouraging the right kind of development.

**An Additional Proposed Scenario for the Fulton Corridor to Be Considered in the EIR  
as an Alternative to the Current Plan for a Road down the Corridor**

Finally, I wish to propose an additional scenario for the Fulton Mall, to be considered in the EIR as an alternative to the current plan of building a road down the corridor. This alternative recognizes the property alongside the Fulton Mall, between Fresno and Tulare Streets and on the southwest side between the Mall and the high-speed rail station, as having the ideal potential to host construction of one of perhaps the first vertically integrated, publicly accessible, complete mixed-use high-rise urban environments in the United States. This would be a modern megastructure intimately connecting and helping to preserve the three historically and aesthetically valuable high-rise structures remaining in that stretch of the Fulton Mall. This three-dimensional urban streetscape will house apartments and condominiums along with all of the businesses needed to service those residents, as well as having room for all of the unique destinations suggested for the Mall in the paragraphs above. All of the spaces in the structure, which will include spacious interior plazas and a sky park on the top, will be as accessible to the public as any sidewalk on a city street.

I append an article I wrote in the October-December issue of *Tehipite Topics*, the newsletter of the local Tehipite Chapter of the Sierra Club, which goes into more detail describing this scenario. What I refer to as the Fulton Green Project would have to be built with private investment, not public funds, but such a project could be arranged in such a way that all of the property owners along this side of the Mall can have equity in the project and share in the profits of its success, a success that would rebound to all of the surrounding downtown area.

There is such a huge potential for economic success in these valuable properties alongside the Fulton Corridor that the EIR must consider this kind of alternative in its predictions for the future vitality of downtown Fresno, which benefit from the Fulton Corridor being improved according to its original design. I believe that a proper analysis will conclude that the economic success of the downtown stands to benefit more by leaving the Fulton Corridor as a purely walkable mall without cars than by opening it up to automobiles as under the current plan being proposed with this EIR.

—Robert Turner, November 15, 2013

# The Fulton Green Project: Introducing a Broader Vision for the Future of Fresno

by Robert Turner

The future of Fresno's historic Fulton Mall hangs in the balance. Whether it remains as a car-free corridor, a welcoming place to pedestrians, strollers, and bicycles, or is returned to its former habit as drivable street with curbs and parking meters, will soon be decided by the City Council. It is hoped that they will choose to take guidance from the will of the citizens of this city, most of whom, I have come to believe, value urban parks and pedestrian ways, and treasure the artwork that adorns and is the Fulton Mall.

The voices arrayed against the Mall and in favor of cars are well-organized and currently hold the reins of power. On the other hand, they share a lack of vision of what downtown Fresno is capable of becoming. By opening up our imaginations to embrace bold new ideas, we can see the enormous potential held by the most valuable locations in the center of the city, especially those alongside the Mall. Connect with this vision and you too will have a confident optimism in the future of Fresno to become an economic and technological powerhouse of the state.

First of all, let us get straight that returning cars to Fulton is not the economic driver needed to revitalize the Mall and downtown. What Fulton Mall needs to be successful is a destination that takes advantage of its unique pedestrian character — a destination that will synergistically provide the impetus that lets the pedestrian corridor finally live up to its full potential. My proposal is to keep the Mall free of cars, while building alongside it a fabulous multi-level, multiuse megastructure that will be that needed destination. What I call the "Fulton Green" Project will bring people to the Mall not just from throughout the city, but from across the state, while also putting Fresno on the national map as a leader in modern urban planning. I will return to that idea later in this essay, but first we must examine the argument that our Fulton Mall is a failure that has driven our downtown, like other downtowns with pedestrian malls across the country, to decay.

Critics are correct in stating that many, if not most, of the pedestrian malls in the United States have failed to create the lively and economically viable environments that were promised when they were first built. Because of this, our mayor and many downtown business leaders believe cars will restore the economic prospects of the former main street of our city. However, if cars are the solution, then why are the streets on either side of the Mall, where cars now are allowed to drive and park, not more vital than the Mall is today? Some of these streets, like Broadway to the northwest and Fulton Street southeast of Chukchansi Park, are virtually dead, with boarded-up abandoned buildings, despite the presence of drivers and parking on these blocks.

That cars can cure the depression of downtown is a false hope. People flock to Fashion Fair and River Park, not because they can drive down the center of the malls to check out the shops. No, they bring their cars in close to the edge and park for free, then walk in and enjoy the walkable centers, ambling by storefronts that open only to the inside of the complex. Rather than wiping out the valuable architectural resource that is the Fulton Mall, a better step in the right direction would be to turn all of downtown's multistory parking garages into free parking lots in order to balance out the competition between the downtown and the suburban shopping malls. Remove all of the parking meters on the city's streets and restrict parking by time instead — one hour, two hours, or four hours. Right now, people can leave their car in a spot all day if they return to put more coins in the meter, not particularly helpful to the businesses close by.

But focusing on parking and access by cars is missing the point altogether. The push to turn the Mall into a street is retrogressive and counter to the trends evident in many successful cities across the country, but especially in Europe, where residents have long valued their walkable centers. As Fresno moves toward encouraging infill development, and the transformation of corridors along bus rapid transit routes into high-density walkable communities, it just seems counterproductive to spend millions on a project that is meant to encourage more people to drive into the center of the city.

One can cite numerous examples in this country of successful malls that are an asset to their city. Several are associated with nearby college campuses, such as Ithaca Commons near Cornell University, Ped Mall in downtown Iowa City, State Street in Madison, Wisconsin, Church Street Marketplace in Burlington, Vermont, and Pearl Street in Boulder, Colorado. Charlottesville, Virginia's Main Street Mall is anchored at one end by the Pavilion, an outdoor amphitheater that holds 3,500 people for concerts and city events. That mall has an active nightlife that draws thousands of college students in the evening.

As described by landscape architect Andy Meessmann, "The space may become a giant open air bar, with food vendors and live music that filters out of venues. After a night of indulgence and entertainment, the streets are swept and the space is once again bustling with daytime normalcy." He goes on to say, "For countless towns, the pedestrian mall has been converted back to automobile use and labeled a planning and design blunder. However, their success in the American college town is unmatched. In virtually every college town, somewhere at the edge of campus and downtown, there is a transition away from the school environment that often goes unnoticed. The best college towns can create, capture, and enhance this experience in the form of a pedestrian mall." Other successful pedestrian malls in the U.S. include Miami Beach's Lincoln Road Mall, Boston's Faneuil Hall Marketplace, Santa Monica's Third Street Promenade, San Diego's Horton Plaza, the Fremont Street Experience in Las Vegas, the River Walk in San Antonio, and Oklahoma City's East California Avenue, alongside the Bricktown Canal. Then there are the hybrid transit malls like Denver's 16th Street, Minneapolis' Nicollet Mall, and Memphis' Main Street transit corridors. In our own neighbor city Clovis, farmers markets, antique fairs, and sporting events like bike races and the annual pole vaulting competition turn Old Town's Pollasky Street and several of the side streets into a highly successful pedestrian-only venue on a frequent basis throughout the year.

The key to the success of every outdoor pedestrian mall is that they have destination points that draw people to the area throughout the day and into the night. For the college town it is the campus nearby. For others it is an arena or theater complex, an ice skating rink, a riverfront, or a promenade along a canal. Nearby shops and restaurants open in the daytime, while night clubs and bistros draw people in at night. By itself a pedestrian mall can never be a successful destination if the area is blighted to begin with.

The Fulton Mall never fully succeeded because the downtown was already dying when it was built. The construction of McDonald's on Blackstone near Shields and of Manchester Center signaled the shift of commerce away from downtown toward the new neighborhoods in the north of the city. Today Fresno's Fulton Mall has Chukchansi Park nearby, but that space is alive only during the occasional games and rare concerts. The area currently lacks a popular destination that is active at all hours on every day. Adding cars to the Fulton Mall will just make it another typical street in a still blighted downtown. Adding a unique and magnetic development will make the Mall something truly exceptional.

When I first walked the Fulton Mall a little over a year-and-a-half ago, I was immediately struck by the beauty of the historic buildings still left standing along the way, skyscrapers erected between 1914 and 1925, a time when beaux arts reigned supreme in American architecture and buildings were elaborately decorated on their front-facing walls with ornate glazed architectural terra cotta. Peering through the windows, it was apparent that a couple of these beautiful old buildings had reached a sad, nearly condemnable condition; yet, still, I had hope, as I studied them that early spring day, that the city will be able to keep them intact until economic conditions improve enough to allow for their restoration and re-occupation. (I was pleased when I read a month later that the historic 1914 Helm Building was purchased by Sevak & Serko Khatchadourian, developers from Beverly Hills who also own the Pacific Southwest Building across the Mall. But I also was saddened that, like Mayor Swearingin, they too support the restoration of vehicular traffic to the Fulton corridor.)

Looking at the sides of each building where the structure faces away from the main streetscape, one sees only a plain painted brick wall with windows, as if the builders expected someday another equally tall structure would be erected directly alongside their building, a new structure with its own decorated façade to form a flush continuity of style along the north-facing street wall. This never happened (or buildings were built and later torn down). These historic skyscrapers, too beautiful to demolish today, expressed to me not just a nostalgic look at a bygone time of different, in some ways more extravagant, aesthetic standards, but also the melancholy of lost promise and an uncompleted optimism and grandeur.

Then the thought naturally came, why not complete that promise and fulfill that vision of a tall wall of connected buildings along Fulton Street, but not as a completed line of ersatz beaux arts façades (which we can never afford today, in any case), but with an equally tall modernistic structure to fill in the gaps. Attach the structure to each brick side wall of the three historic buildings, then build up to that height and you have a single two-block-long architectural front on the southwest side of the most important stretch of the old main street, Fulton between Fresno and Tulare. That structure will be centered on Mariposa Street, bisected by the central axis that runs through the Courthouse and City Hall. This two-block-long megacomplex, connecting the old Bank of Italy Building on the Tulare Street corner to the Mattei Building (Guarantee Savings) on Fresno Street, and wrapping itself around the Helm Building in the middle, will not be just another skyscraping office building, hotel, or condominium complex. It will not be so simple as to serve only a single use. Nor will it be dense inside and limited in its access to just those who live, work, or have business there. No, what shall be built in this space is something worthy of the enormous potential of the location, an open multi-use public space serving as a platform for shops, apartments, offices, restaurants, and entertainment establishments, all arranged in a airy three-dimensional shopping, work, and living complex, like a shopping center with businesses and apartments in the mix, upended into the third dimension to produce what I like to call a "vertical streetscape," and crowned with a public city park on top, a veritable island in the sky where anyone can go to admire the view and children can fly kites in the windy aerie.

A structure like this calls to mind Paolo Soleri's arcologies or Richard Register's ecological urban neighborhoods — automobile-free, three-dimensional urban fabrics that increase the density of land use while at the same time expanding the architectural space to make the downtown urban scene more spacious and airy due to the elimination of streets, curbs, parking, and everything else associated with cars. A large amount of city may be contained on a very small acreage, but by utilizing the vertical space wisely, there is a sense of openness and space rather than the heaviness and density of a typical office building. And — very important for the success of such a complex — like with any shopping center mall, ordinary citizens are free to come and go without the security checkpoints ubiquitous in most of today's skyscrapers.

A vertical car-free streetscape, which I envision for this two-block stretch of Fulton between Fresno and Tulare will become the heart of downtown Fresno, occupying the central crossing place of the city's two main axes. Such an interconnected and integrated complex will be a destination worthy of the extraordinary potential of this prime location, which is the most economically promising real estate in the city, being just a block away from the future high-speed rail station, also situated on the Mariposa Street axis. Not only will this megastructure provide a working, shopping, and living environment for people who want to live a car-free lifestyle in the heart of downtown, but it will also draw users from across the city to its shops, restaurants, and night clubs. They will come at all hours of the day and night, so long as there is an adequate mix of purposes for the commercial space.

Because people live in the structure, there will be all of the services necessary for neighborhood life, such as a grocery store, bank or credit union, laundry, barber, health club, perhaps a branch of the county library, and other such prosaic establishments. But with people coming from the entire metropolitan area, and even beyond, this is also be the best place to locate a unique shop or business that relies on customers and clients drawn from an area wider than just a neighborhood or city district. This vertical streetscape will have a diversity of commerce unequalled by any other shopping center in the city, or even the whole Valley.

Beyond that, visitors will come not just for the stores, services, and entertainment, but to experience the space itself. The sky park alone, with its unparalleled views, is a unique draw. But the structure can also be designed to bring in visitors who want to see revolutionary architecture, with large interior plazas along the lines of the interior space of the Hyatt Regency in San Francisco, and promenades at multiple levels, festooned with hanging indoor plants. As urban design Fulton Green will have no equal in this country, setting a new standard for big cities to emulate. Such a structure will put Fresno's downtown on the national map.

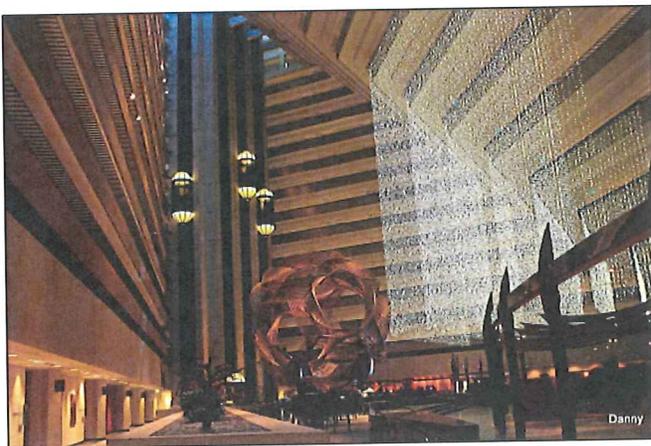
It will also put the *there* there in downtown Fresno. Now people will have a reason to go to the Mall. The pedestrian axes of Fulton and Mariposa will be full of life, people, and activity throughout the day. The car-free environment of the Mall will complement and enhance the same car-free character of the Fulton Green megastructure. People will reside in this space, as well as on nearby streets like Broadway, where new complexes similar to downtown's recently built Granville townhouses, will allow residents to enjoy life without having to own a car. For those who require more than trains to transport them around the state, one of the parking lots beside the megastructure can be set up to house a car rental business providing for residents who otherwise have no need to own a car, and for visitors to Fresno who arrive by high-speed rail.

Keeping with Soleri and Register's tradition of ecological architecture, the megastructure will utilize the latest in green building and maintenance technology, something made easier when designing a large complex in an integrated manner. This is why I call the project "Fulton Green."

It is my hope that people will be inspired and thrilled by this vision for Fresno to want to contribute by elaborating on the ideas here presented. Let's build some momentum for an ecological megastructure joining, preserving, and enhancing the three beautiful buildings on the south side of Fulton Mall, while saving the historic Mall itself from the blight of cars. Time is short. The ultimate fate of our Fulton Mall may well be determined by City Hall before March of 2014.

As I am neither an architect nor an urban planner by profession, nor much of an artist either, my part in this effort at crowdsourcing will be to facilitate an architectural competition to create a more fleshed-out face for the Fulton Green Project. In this city and up and down the state are new students and skilled professionals in the fields of green architecture, environmentally friendly landscaping, and sustainable urban design, as well as many talented and capable artists, who can work out aspects of this idea in greater detail and render realistic imagery that will move so many more people than can be done with just the written word. Sometime in early 2015 I will begin to gather the resources and sponsors to hold such a competition. A year-and-a-half ago I arrived in Fresno for the first time. Being without a car of my own, I quickly found the Fulton Mall. That first walk down the Mall inspired this vision. I saw the seeds of grandeur and the enormous potential of this place. And the more I learned about what makes Fresno special — one of the largest cities in California, agricultural center, gateway for tourists, future hub on the high-speed rail system, growing tech community, and a dedicated population that loves and believes in its city — the more this vision seemed not just reasonable, but inevitable. Fresno will indeed have a lively and vital downtown, filled with residents who live and work and play within walking distances. These downtown residents will treasure their pedestrian mall park. Certainly Fulton Green would work if it opened up onto a street, but such a complex begs to have a pedestrian plaza as its main entrance. The synergy that will develop from the combination of the Green and a restored and still car-free urban mall can be enough by itself to launch a new era of growth in Fresno's downtown. Whoever builds such a complex will both kick-start and be in a position to capitalize on the inevitable downtown renaissance that is the destiny of our city.

It is because of the extraordinary potential of this two-block stretch between Fresno and Tulare that I want to keep the layout of the Fulton Mall as it is today, to preserve this option for the future, when a developer will come along who has the vision and guts to do something amazing and help make Fresno the great city it can be.



**IN DESIGNING LARGE INTERIOR PUBLIC PLAZAS THE POSSIBILITIES ARE ENDLESS. THIS IS THE FAMOUS HYATT REGENCY HOTEL IN SAN FRANCISCO, OPENED IN 1973.**



**ANY LARGE INTERIOR PUBLIC SPACE WILL BE ADORNED WITH ART, ENHANCING THE TRANSITION FROM INSIDE TO THE ART OUTSIDE ON THE MALL.**

**1.3 - Comments from Fulton Mall Reconstruction Project  
Scoping Meeting, November 5, 2013**



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CITY OF FRESNO

FULTON MALL RECONSTRUCTION PROJECT

EIR SCOPING MEETING

\* \* \* \* \*

EIR SCOPING MEETING

1  
2  
3           ELLIOTT BALCH: Good morning, ladies and gentlemen.  
4 The clock on the wall says it's 5:35 p.m. So let's get  
5 started.

6           Again, good evening. My name is Elliott Balch.  
7 I'm the Downtown Revitalization Manager for the City of  
8 Fresno. First, on the City's behalf, I want to thank you  
9 for attending tonight's Scoping Meeting for the  
10 Environmental Impact Report, or EIR, relating to the Fulton  
11 Mall Reconstruction Project. This evening we'll sometimes  
12 refer to this as the "Mall Project" or simply the  
13 "Project."

14           In a moment we'll hear an overview of the process  
15 -- of the purposes and context of tonight's meeting from  
16 Mike Houlihan of First Carbon Solutions/Michael Brandman  
17 Associates, whose firm is preparing the EIR and belated  
18 documentation for the mall project. If you'd -- if you'd  
19 like to speak after that, please get a pink speaker card  
20 from the back, fill it out, and bring it forward right  
21 here. You can do that now, if you like, and we'll call the  
22 speakers up a little later in the order received.

23           First I'd like to provide some history about how  
24 the Project and the environmental review for the Project  
25 have come to take the form that they have.

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1           The Project was originally identified to be  
2 assessed in a Notice of Preparation issued by the City in  
3 April 2012. That original Notice of Preparation stated  
4 that the City intended to prepare an EIR to assess the  
5 impacts from the adoption of the proposed Downtown  
6 Neighborhoods Community Plan, the proposed Fulton Corridor  
7 Specific Plan, and a Downtown Development Code, known  
8 collectively, all three, as the Downtown Plans.

9           The Mall Project was to be assessed in connection  
10 with the review of the Fulton Corridor Specific Plan,  
11 because the Specific Plan identified revitalizing the  
12 Fulton Mall as a top priority. For Community Advisory  
13 Committee for the Specific Plan recommended three options  
14 out of ten considered to be further analyzed in the  
15 environmental documentation, and these were:

16           Option 1, Reconnect the Grid on Traditional  
17 Streets. In basic terms, this is a street -- two-way  
18 through Fulton and its cross streets, with street parking  
19 on both sides of the street, and existing artwork  
20 incorporated into other areas of the landscape. This is  
21 Alternative 1 identified in the Initial Study circulating  
22 now with the current Notice of Preparation of the EIR for  
23 the Project.

24           Option 2 was Reconnect the Grid with Vignettes.  
25 Here again is a two-way street with existing artwork

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 incorporated, but the street curves its way through the  
2 landscape, and there are some areas with street parking but  
3 other areas where the retention of features, such as  
4 fountains, at full scale, precludes street parking. This  
5 is Alternative 2 identified in the current Notice of  
6 Preparation and Initial Study.

7 And the 3rd option, No. 3, was Restoration and  
8 Completion of the Mall. Like the others, this option would  
9 also generally demolish and rebuild the existing landscape,  
10 but as a pedestrian mall, in much the same configuration as  
11 today, albeit with a variety of upgrades for safety and  
12 functionality. This option is not proposed as part of the  
13 Project for purposes of the current EIR, as it will not  
14 qualify for TIGER grant funds, which we'll describe in a  
15 minute. It is the City's intent to consider this option as  
16 an alternative to the Project in the forthcoming EIR.

17 Getting back to the original approach with the  
18 Specific Plan. The purpose for the additional study of the  
19 Mall Project in the -- in the EIR for the Downtown Plans,  
20 was to allow the Council to select one of those three  
21 options for the Mall Project when the Specific Plan was  
22 adopted.

23 The City has determined to prepare an EIR for the  
24 Mall Project now, independent of the Specific Plan or the  
25 Downtown Plans because the City has been awarded Federal

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 grant funds -- Federal grants for Project, which require  
2 environmental review to be completed by March 20, '14, and  
3 it is unlikely, or at least uncertain, that the Downtown  
4 Plans and the EIR to review those plans will be brought to  
5 the Council before the Federal grant timelines run.

6 In August 2012, the Federal Highway  
7 Administration, or FHWA, announced the award of \$1 million  
8 from the Transportation, Community, and System Preservation  
9 Program to the City for preconstruction expenses for the  
10 Mall Project, and in September 2013, the U.S. Department of  
11 Transportation announced that Fresno had been awarded  
12 nearly \$16 million in Transportation Investments Generating  
13 Economic Recovery, or TIGER, funding for Project  
14 construction expenses.

15 As a result of receiving the grant awards, the  
16 City is required to prepare a National Environmental Policy  
17 Act document for the Project and otherwise treat the  
18 Project as a Federal undertaking by the Federal Highway  
19 Administration. Caltrans, the designated lead agency for  
20 this Federal review, is currently preparing the federally  
21 mandated documents for the Project. This is a separate  
22 process, which is not the subject of tonight's meeting.

23 The TIGER grant requires that obligation of the  
24 construction funds must occur no later than September 30th,  
25 2014. This means that Caltrans and the Federal Highway

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 Administration must have approved the Project with the  
2 fully completed engineering drawings ready for bid,  
3 finalized after the adoption or certification of Federal  
4 and State environmental reviews. To meet this deadline,  
5 the EIR for the Project will need to be certified by 2013.

6 You heard me say that the -- the design process  
7 as well as the environmental process must be complete to  
8 meet the Federal deadline. There is a separate design  
9 process that has been happening recently, at much the same  
10 time as this environmental process, which many of you here  
11 tonight have also been involved in. The options I  
12 described earlier have been defined and refined as design  
13 work has progressed and will continue to evolve through the  
14 design and environmental processes for the Project.

15 The City is currently considering bringing the  
16 Downtown Plans to the City Council for adoption after the  
17 General Plan update, which is also being prepared in draft  
18 form now. Given the many complicated issues, the Downtown  
19 Plans and the updated General Plan must address in  
20 preparation for adoption, the City determined that it would  
21 be unrealistic to expect the combined Downtown Plans,  
22 environmental review to be completed in time to meet TIGER  
23 deadlines. It is in light of the TIGER grant, therefore,  
24 that the City is preparing this new EIR, which addresses  
25 the Project on its own, and is also focused on the Project

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 as being conditioned on the allowed purposes of the TIGER  
2 grant funds.

3 This brings us to tonight and this Scoping  
4 Meeting, which is an integral part of the preparation of  
5 the EIR for the Project. I will now turn it over to Mike  
6 Houlihan of First Carbon Solutions/Michael Brandman  
7 Associates to describe more of that context as well as the  
8 kinds of input we are seeking from you tonight. Mike.

9 MIKE HOULIHAN: Thank you, Elliott.

10 Again, I'm Mike Houlihan with First Carbon  
11 Solutions/Michael Brandman Associates. We're preparing the  
12 environmental document for the Fulton Mall Reconstruction  
13 Project.

14 First of all, I wanted to go over kind of the  
15 outline of our Scoping Meeting that we're -- we are holding  
16 tonight. First I want to go over the purpose of the  
17 Scoping Meeting and then a general description of the  
18 environmental setting of Fulton Mall, the Proposed Project,  
19 the overview of the environmental issues that we are  
20 addressing -- again, these are the preliminary  
21 environmental issues -- and then preliminary list of  
22 alternatives to be considered, and then last we'll talk  
23 about the -- the next steps after tonight's meeting.

24 First, the purpose of the Scoping Meeting, again,  
25 it's to provide the public and agencies an opportunity for

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 input into what issues to be addressed in the EIR. As many  
2 of you know, we have submitted -- the City has distributed  
3 and made available for review an initial study as part of  
4 Notice of Preparation. And in that initial study, there  
5 was a fair -- a fairly amount of detail of the potential  
6 environmental issues associated with the two options of the  
7 Proposed Project.

8 The -- the purpose of tonight's meeting is not to  
9 debate the merits of the two options of the project. It's  
10 to understand the environmental issues that are of concern  
11 of the public individuals, as well as any of the agencies  
12 that are here.

13 First, the environmental study, the location, I  
14 think everyone understands where the location is, but in  
15 terms of Fulton Mall, it includes Fulton itself, along with  
16 Kern -- along with Kern, Mariposa, and Merced. Those  
17 areas -- those malls are part of Fulton Mall. Then, as far  
18 as the physical characteristics, there is various elements  
19 within Fulton Mall, from your pattern pavement that was  
20 part of the original design, numerous trees that are  
21 located there, shrubs and flowers, as well as the planters,  
22 seating areas and benches, sculptures -- a variety of  
23 sculptures that are there, and water features, and also two  
24 top lots that are located within mall.

25 Each of those features are a different level

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 of -- of condition, current condition. Some of the  
2 sculptures -- or I should say the water fountains -- have  
3 not been working, have -- because of electrical problems or  
4 other types of issues associated with them, mainly stemming  
5 from maintenance and so forth, cracks and so forth. So  
6 in -- in trying to understand the -- the conditions of the  
7 current Fulton Mall, that condition is the baseline of what  
8 we are evaluating the var -- the -- the options, the  
9 Project options on.

10 The surrounding land uses, areas that are  
11 directly or nearby Fulton Mall, this exhibit illustrates,  
12 for example, in the purple area is a regional commercial,  
13 and then the -- the red area is identified up here as  
14 general heavy commercial. But in the area from Van Ness,  
15 Tuolumne, Broadway, and "H" Street and Inyo, in that square  
16 area, which was the original super block, in that area  
17 there is an accounting of the amount of square feet, and  
18 it's shown up here. Again, this is a replica of what is in  
19 the initial study, but this is within that super block,  
20 what -- how much development is currently located there.  
21 And, again, with the reconstruction of Fulton Mall, it is  
22 not to result in any new land use development. It's only  
23 related to the Proposed Mall itself.

24 The Proposed Project, there's two options. As  
25 Elliott had explained, we have an Alternative 1 that we

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 identified in the Initial Study, and that was to reconnect  
2 the grid on the traditional streets, and, again, with that  
3 is a two-way, two-lane street down Fulton as well as on  
4 Kern and Mariposa and Merced.

5 The Alternative 2 is a -- is a little bit  
6 different. It still has the two-way, two-lane street, but  
7 there are certain vignettes or areas where additional  
8 features will be restored and retained. And I believe  
9 there's six locations -- or around six or so.

10 Okay. With the Proposed Project, the two  
11 options, there are required approvals, and listed here, the  
12 required approvals include General Plan Circulation  
13 Element. Plans and Specifications, those are the detailed  
14 plans of how and where the different features are going to  
15 be located and also the specific location of where the  
16 streets will be located.

17 Construction Funding, the Central Area Community  
18 Plan Amendment, that amendment is related to Fulton Mall  
19 itself and the references related to Fulton Mall.

20 Conditional Use Permit. With the different  
21 options, there is a proposal, as part of the Project, to  
22 relocate the existing top lots to an area that is west or  
23 south of Mariposa and along Convo Alley. And the City  
24 currently doesn't own that property, but there's a -- a  
25 proposal for a property acquisition. It's currently an

1 open piece of land.

2 And the last, there's a Fresno Municipal Code  
3 Amendment, again, that's related to Fresno Mall and the  
4 discussion of Fresno Mall.

5 One -- one other item I wanted to let everyone  
6 understand, in addition to the City providing the Scoping  
7 Meeting to provide an opportunity for the public to provide  
8 comments on the scope of the environmental document, they  
9 would normally have done this, but there is a requirement  
10 in the California Environmental Quality Act, specifically  
11 for a project like this. And the reason why it's required  
12 is because there is a General Plan Amendment, any project  
13 that has a General Plan Amendment has to have a Scoping  
14 Meeting so that there could be input from the public and  
15 from agencies, if the agencies want to provide input into  
16 that process.

17 Now, for the overview of the environmental  
18 issues, in the issue study, there are various levels of --  
19 of environmental issues and determinations that -- is  
20 preliminary determinations that have been made. First, we  
21 are -- I'm going to go through and identify the -- the  
22 issues that were addressed. These are general issues, and  
23 there are specific issues within the general categories.  
24 And then there are issues found to be significant in the  
25 Notice of Preparation in the Initial Study, and then there

1 are issues found that were less significant after  
2 mitigation. And then last, there are issues that were  
3 determined to be significant and then after our brief  
4 evaluation, we believe that it's going to be unavoidable.  
5 So I'm going to go through those issues.

6 First, this list of issues -- and the reason why  
7 I have "Cultural Resources" twice and "Aesthetics" twice is  
8 because there is a -- a difference between short-term for  
9 aesthetics -- short-term effects, as opposed to long-term  
10 effects. These long-term effects occur beyond ten years  
11 from now. The short-term effects are within the first five  
12 to ten years.

13 For "Cultural Resources," there's a number of  
14 types of cultural resources, and that's why I've divided  
15 that out between "Archaeology" and "Paleontological" and  
16 "Human Remains." Those are issues related to cultural  
17 resources. And then also separating out the -- the  
18 "Historical Resources." As many of you know, Fulton Mall  
19 itself is a historic resource.

20 Okay. And then the remaining of the issues are  
21 listed up here. These are all issues that we have looked  
22 at and -- and provided our preliminary environ -- our  
23 evaluation within the Initial Study. Again, the Initial  
24 Study is out for public review right now.

25 Okay. The issues that we found that were

1 significant. We -- we identified short-term aesthetics,  
2 the long-term aesthetics, the biological resources, the --  
3 the cultural resources, hazardous and hazardous materials,  
4 hydrology and water quality -- and that's primarily  
5 water-quality issues related to construction, land use and  
6 planning, primarily with the consistency of the proposed  
7 options within the existing plans, and then transportation  
8 and traffic. That, as many of you would understand, is  
9 with the Project. We're not generating any more traffic  
10 land uses; therefore, we're redistributing traffic, but  
11 with that redistribution is adding to a cumulative level of  
12 increase in traffic.

13           Okay. Issues that were found to be less than  
14 significant after incorporations of mitigation measures.  
15 Here's the list. We've identified in the Initial Study  
16 mitigation measures that are required to be implemented in  
17 order to reduce the potential significant effects for each  
18 one of these issues.

19           And, last, the -- the two areas that we  
20 determined from our initial review, that there weren't  
21 mitigation measures to be able to reduce the effect, unless  
22 you end up changing the option to a different alternative.  
23 Our aesthetics, short-term, specifically related to the  
24 removal of the trees. You have a substantial change in  
25 that Fulton Mall if you end up removing the trees.

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1           And, last, with cultural resources, if you place  
2 a two-lane, two-way street within Fulton Mall, it would no  
3 longer be able to qualify for the existing designation by  
4 the -- the State Historical Resource.

5           Okay. The preliminary list of alternatives that  
6 are being considered. The no-project no-development is one  
7 that is required by the California Environmental Quality  
8 Act. And then all of these other issues or other  
9 alternatives are alternatives that has -- that have gone  
10 through discussion over the last year or year and a half or  
11 more. Or more. And each one of these have gone through  
12 some discussion and trying to understand what the -- the  
13 different features or components of these -- these proposed  
14 or alternative projects.

15           The Restoration and Completion, that is the  
16 Option 3 that Elliott had mentioned. The Restoration with  
17 Open Cross Streets, that's opening up the -- the Kern,  
18 Mariposa, and Merced to two-way, two-lane traffic.

19           The Restoration and Completion with Economic  
20 Subsidies, this is more of an increase in funding by the  
21 City to provide -- and also to restore and complete the  
22 Fulton Mall. The -- open the outer blocks and cross  
23 streets, those are the Kern and Merced opening these up to  
24 two-lane, two-way traffic on Fulton and on these streets  
25 while keeping the inner blocks or retaining Fulton Mall as

1 a pedestrian mall.

2 The -- keeping the south and center three blocks  
3 and the three blocks closed. That's the -- the center  
4 three blocks and the -- and the south.

5 Keep the center two blocks closed. Again, those  
6 are the two that are going to be open on the outer ends.

7 And reconnect the grid one-way street as placing  
8 a one-way street within Fulton Mall. Also, a one-way  
9 street within the cross streets too.

10 UNIDENTIFIED MALE SPEAKER: I'm sorry. You said this  
11 is going to be in the Kern work to be done?

12 MIKE HOULIHAN: This is -- these are the alternatives  
13 that we will consider while going through an alternative  
14 discussion. So we want a reasonable range of alternatives,  
15 and these are ones that we will draw upon to determine that  
16 reasonable range.

17 And then there's three more.

18 Keeping the six blocks of the mall open -- or --  
19 of the mall and open the cross streets with two-way,  
20 two-lane traffic.

21 And then two-way vehicle traffic through the  
22 mall, and the Fulton Mall -- Fulton will be open.

23 And then last is shifting the roadway east or  
24 west. That one is a little bit less credible, but it's at  
25 the intersections allowing the Fulton Street to actually

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 curve and, therefore, actually requiring some of the  
2 structures to be removed -- the existing structures.  
3 Again, it's to retain the components of Fulton Mall -- some  
4 of the -- more of the components of Fulton Mall.

5 So those are the -- the preliminary list of  
6 alternatives that we are considering.

7 And then last regarding the next steps, where do  
8 we go from here? As you've seen, we've prepared the  
9 Initial Study, and we -- we've sent it out for public  
10 review so that we can get comments from you so that we can  
11 end up adding additional information or trying to respond  
12 to your -- your concerns.

13 Now, we are -- the next step will be preparing  
14 the draft EIR. And once we have that draft EIR completed,  
15 we will send it out for public review so everyone can see  
16 what that draft EIR will -- what the information is within  
17 the draft EIR.

18 We will receive comments. Similar to receiving  
19 comments on the Initial Study, we'll receive it on the  
20 draft EIR at that time, and that has a 45-day public review  
21 period. We'll respond to the comments provided, and then  
22 we'll prepare a Response to Comments document, so that you  
23 can see where your comments are responded to.

24 And then last, that's where you end up talking  
25 about the merits of the project at public hearings -- at

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 the public hearings, both at the Planning Commission and  
2 City Council. So what -- what we want to do now is with  
3 the basic understanding of the issues that have been  
4 addressed in the Initial Study, the ones I've identified  
5 above, if there are any specific issues that you see that  
6 you would like to be addressed in the EIR, those are the  
7 issues we want your input on to the scope of the  
8 environmental evaluation. So, again, it is not to -- to  
9 come up and talk about the merits of the -- the two Project  
10 alternatives that -- or two options that are being  
11 evaluated. It's to understand the -- the environmental  
12 evaluation and if there are other issues that should be  
13 addressed.

14 So I think what we'll do is -- you'll go through  
15 the cards?

16 ELLIOTT BALCH: Yeah.

17 MIKE HOULIHAN: Okay.

18 ELLIOTT BALCH: Yep. So we're going to invite the  
19 speakers up to the lectern in the order we receive the  
20 cards. And, again, if -- if you'd like to speak, there are  
21 pink speaking cards at the back, and we'd invite you to  
22 drop one off here. To ensure everyone has a chance to  
23 share the -- at least the gist of their comments, we'll ask  
24 you to limit your remarks to three minutes. But after  
25 that, if everyone's had their first shot, we'll open it up

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 to come back for seconds. And you can also provide -- I  
2 should mention you can also provide comments in writing,  
3 and we have forms for that in the back as well. So those  
4 comments are due no later than November 15th.

5 So, again -- I'm sorry -- not again, but one more  
6 note, which is that all comments that are made are being  
7 recorded at this meeting and will be considered in the  
8 preparation of the EIR. So if you have a comment and you  
9 hear someone say essentially the same thing, just, please,  
10 know that the comment's already been received on the  
11 record.

12 So with that -- oh, and when you do come up,  
13 please begin by stating your name so that we can match your  
14 comment to your card in our record. And you'll have,  
15 again, three minutes.

16 Our first will be Robert Turner, followed by  
17 Jason -- is it Piecuch?

18 JASON PIECUCH: Piecuch.

19 ELLIOTT BALCH: Yeah.

20 ROBERT TURNER: Hello. My name is Robert Turner. I'm  
21 a member of the local Tehipite Chapter of the Sierra Club.  
22 I'm also a member of the Downtown Fresno Coalition. I live  
23 in Clovis at 1724 Minnewawa.

24 I want to state that I hope that the EIR  
25 addresses long-term traffic patterns after the construction

1 is done, because I believe that the -- the size of the  
2 street being small and having limited amount of parking is  
3 going to mean that there will be a lot of traffic on the  
4 street looking for parking that won't find it and will  
5 being circulating around, pretty much like in a shopping  
6 center parking lot when people can't find their parking.  
7 And I want that to be addressed, the -- the impact of the  
8 increase in traffic and the large number of people trying  
9 to make left turns and right turns into the -- into the  
10 Fulton Street will, I believe, slow down traffic on the  
11 cross streets. So I think there will be significant  
12 traffic impacts.

13 Also, because the point of the street, I think,  
14 is to bring more people downtown in their cars to see the  
15 street -- there might be some difference of opinion on  
16 this -- but I think there needs to be addressing pollution  
17 noise -- especially air pollution, and if the traffic is  
18 slowed down, then that could be significant impact.

19 The safety of pedestrians with the increase of  
20 mall traffic, compared to the current baseline where  
21 pedestrians are entirely safe on the street from cars.

22 And the safety of the artwork is important. Cars  
23 can -- can crash into the art and damage them pretty --  
24 pretty severely.

25 Also, the current baseline -- the baseline is the

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 current condition of the mall, I -- but I guess in the  
2 alternative, the restoration of the mall is -- is -- that's  
3 considered -- one of the alternatives that will be  
4 considered, right?

5 So I think it's important to look at what -- what  
6 we will -- to compare the -- the current -- the conditions  
7 of the mall when it's restored to the condition it will be  
8 in if it has cars on the street.

9 And I also believe that keeping the mall has an  
10 equal, if not greater, potential for being a driver in the  
11 increase of an economic development. So the future  
12 development options of the alternative are very important.  
13 It's not a given that keeping the pedestrian mall, even if  
14 it's restored, is necessarily going to lower the economic  
15 potential. I believe it's going to increase the economic  
16 potential for downtown to have that pedestrian mall there,  
17 greater than it would be if the street were there. So I  
18 want that future potential for economic development to be  
19 considered in the alternative that keeps the mall.

20 Thank you.

21 ELLIOTT BALCH: Mr. Piecuch and Ms. Harris.

22 JASON PIECUCH: Greetings. Greetings. My name is  
23 Jason Piecuch. I live on Fulton Street, downtown Fresno.  
24 I'm employed by the Salvation Army, Fresno Silvercrest, as  
25 a weekend and property manager.

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1           My questions for you just, Elliot, here, you're  
2 talking about the pre -- prelim this to your Option 3 or  
3 Alternative 3, an environmental impact report here, this  
4 will not be covering that. When will there be an  
5 environmental impact report for Option 3 or that  
6 alternative? Just asking that, putting that out there.

7           And my question here is the historic. I hear --  
8 I've seen historic, less than significant, significant.  
9 Taking out the mall takes away the historic value of it.  
10 So a long-term aesthetic value -- an aesthetic long-term  
11 effect, well, it was said it was less than significant  
12 aesthetic value for long-term. I personally believe it  
13 would be -- should be greater. It would be a very, very  
14 serious loss to Fresno and the region. It wouldn't be  
15 historic. It would be a street with cars on it.

16           Other than that, I'd just like to say that I  
17 appreciate what you guys are doing in opening up this  
18 hearing. Thank you very much.

19           ELLIOTT BALCH: Ms. Brunette Harris and then Doug  
20 Richert.

21           BRUNETTE HARRIS: My name is Brunette Harris.

22           And I would like to say I don't think one should  
23 even be done an EIR. If you're not including all three,  
24 you shouldn't be doing any of it, because you made the  
25 statement that those three were supposed to be considered.

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 But now you guys are only talking about two. So I don't  
2 know how you can do an environmental study on just two and  
3 eliminate the one. There's no way you can do that. It  
4 shouldn't be legally anyway. Because if you guys are  
5 having three of them that was recommended, and you're  
6 supposed to do three, and all you're talking about is two.

7 So -- so far as the environment study, as the  
8 gentleman was saying -- I mean, this is the Valley. And  
9 everybody knows that what comes down in the Valley stays in  
10 the Valley. So you're talking about all of the cars.  
11 You're talking about the emission and everything else. Now  
12 you had a plan where you were talking about -- I guess it  
13 was called the -- where you put it on hold. All of it was  
14 on hold. It's supposed to be -- the General Plan and all  
15 of that. If all of that's on hold, there's no way in the  
16 world you can pull something out. I don't -- I'm not  
17 understanding what's really going on, because if you got  
18 the General Plan and the Downtown Fulton Plan, all of that  
19 was included and all of that is supposed to be on hold, and  
20 I don't know how you can legally pull that out and say you  
21 gonna do this separate from the plan. Because it's in the  
22 plan, period, but it's on hold -- your 2035 plan. So I,  
23 mean, what you're doing, I don't know how it can be legally  
24 done. And so you're moving forward with it. I don't think  
25 you should be able to move forward with it until all of

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 those things are addressed.

2 There's supposed to be three plans. All three of  
3 them should have an environmental study. And as the  
4 gentleman say, here you got all of this emission. It's  
5 going to stay down in the Valley. There's no way for you  
6 to get it out.

7 Now, you did an EIR, talking about you wasn't  
8 going to put any more drive-throughs for the simple fact of  
9 the emission, the air pollution. But now here you're  
10 talking about putting in two-way street down on the mall.  
11 That doesn't even make any sense. So I don't know what  
12 kind of study that you guys have been doing, but obviously  
13 you're studying the wrong things. You need to go back to  
14 school.

15 ELLIOTT BALCH: Doug Richert and then Stephen -- is it  
16 Mensel?

17 STEPHEN MENSEL: Yes, it is.

18 DOUG RICHERT: Hi. My name is Doug Richert. I'd like  
19 to see the impact of exhaust on the artwork addressed into  
20 the environmental studies report, also, the impact of  
21 exhaust on people sitting on the cafe -- or sitting on --  
22 next to the curb in the planned cafe scenarios.

23 Also, I'd like to see a comparison of how much  
24 parkland will be -- I'd like to see the Fulton Mall is  
25 considered as parkland and then compared how it's gonna --

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 how much is gonna be lost to the residents of the area and  
2 then a comparison of that to other areas of the city to see  
3 if those residents are impacted by the loss of additional  
4 parkland, and also a comparison of car-free areas, an  
5 acreage study, there where you had the commercial acreage  
6 of the parking and -- or square footage -- I'm sorry. You  
7 had square footage of those various buildings. I'd like to  
8 see the Fulton Mall considered parkway on that -- or  
9 parkland and compare the loss of that in the various plans.

10 Also, with the loss of trees, that's going to  
11 raise temperatures. I'd like to see temperature  
12 comparisons of potential loss in the heating effect that  
13 will occur and a comparison addressing the potential cost  
14 for those business owners through increased usage of that.  
15 And, plus, with the automobiles and loss of trees, there  
16 should be temperature considerations taken into effect on  
17 that, on the increase and of the differing types of  
18 pavement used in the project.

19 Thank you.

20 ELLIOTT BALCH: Mr. Mensel and Hal Tokmakian.

21 STEPHEN MENSEL: I'm sorry. I didn't -- Elliot, I  
22 didn't -- I was -- I came in late and didn't hear what your  
23 title is.

24 ELLIOTT BALCH: Oh. I'm the Downtown Revitalization  
25 Manager for the City.

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1           STEPHEN MENSEL: Ah-hah. My name is Stephen Mensel,  
2           and I'm a -- I'm a resident of downtown Fresno and have  
3           been for many years, and I have actually had a business  
4           downtown for many years. I'm now retired. But I watch  
5           these things from time to time and thought I'd come down  
6           and watch this one, which most everybody who has -- I think  
7           everyone who has addressed us before you has made better  
8           points than I have. I -- I suppose I'd just like to add  
9           one more thing.

10                   I have a question about the -- the lighting. We  
11           have a light pollution problem here in Fresno, and I would  
12           like it if you addressed the change in lighting, because  
13           I -- I gather that if you have City streets, you have to  
14           have them lit in a particular way, according to our plans  
15           and our ordinances. And if there's going to be a change in  
16           the lighting and it's going to add to the light pollution,  
17           I'd like to know about that.

18                   Everything else I had to say or I wanted to say  
19           has been said and probably said better by the people that  
20           proceeded me.

21                   Thank you for your attention.

22           ELLIOTT BALCH: Mr. Tokmakian and Ms. Zachritz.

23           HAL TOKMAKIAN: I may take more than the prescribed  
24           three minutes, so I'm giving you Linda Zachritz' talk  
25           sheet. That makes it six. But I don't think I'll need it

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 all. My name is Hal Tokmakian, and I'm a member of the  
2 Downtown Fresno Coalition. I'm going to read this  
3 statement verbatim, which will be -- and add a few ad libs,  
4 of course, and give a copy of what we have written to  
5 Mr. Balch.

6 We are going to be submitting detailed comments  
7 on the various topics in time for the November 15th  
8 deadline, but there are three comments we will bring to  
9 your attention and to everyone else here that we feel are  
10 pertinent to the meeting at hand. Each of these comments  
11 leads to the conclusion that the Notice of Preparation  
12 underlying this meeting is fatally flawed, and this process  
13 should be halted.

14 No. 1, the publicly advertised Notice of  
15 Preparation states that the Notice and the Scoping Meeting  
16 are conducted as part of the California Environmental  
17 Quality Act process. However, the Fulton Mall  
18 Reconstruction Project is mostly funded by Federal dollars.  
19 That check from the Department of Transportation was handed  
20 over to the Mayor with a lot of hoopla and publicity.

21 The National Policy for Environmental Protection  
22 provides that any Federal dollars that are used in a  
23 project be subject to evaluation under this act. The in --  
24 that information was omitted from the public notices, and  
25 we submit that this scoping should be halted and renoticed

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 as part of the National Environmental Policy Act process.

2 Now, I know, as a professional planner for a long  
3 time, that this can be done to join CEQA and NEPA. I don't  
4 know why it's not done here, except because of some  
5 convoluted internal decision that perhaps has no bearing on  
6 the subject that we're trying to deal with.

7 Second, this Notice of Preparation for the Fulton  
8 Mall Reconstruction Project describes the -- describes the  
9 project as having two alternatives -- one, to connect the  
10 grid on traditional streets; and, two, to reconnect the  
11 grid with vignettes. This presents a second reason why the  
12 NOP and this meeting should be terminated now.

13 The City of Fresno on or about July or August the  
14 12th, 2013, signed an agreement with Royston, Hanamoto,  
15 Alley & Abey for landscape services, designs, plans, and  
16 working drawings for the Fulton Mall Reconstruction  
17 Project. The City required this contractor to develop  
18 three alternatives: Reconnect the grid with a traditional  
19 street, reconnect the grid with vignettes, and reconstruct  
20 and complete Fulton Mall as a pedestrian mall.

21 The schematic design phase of the consultant's  
22 contract has been ongoing since last month, October, with a  
23 schedule of steering committee meetings, incidentally,  
24 where the Mayor appeared and applauded the meeting process  
25 and the public process and also with workshops that met

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 with special interest groups and so forth. All of these  
2 were attended by City staff. At every one of these  
3 gatherings, discussion and consideration was specifically  
4 sought for all three alternatives. Additionally, it was  
5 specifically represented to the attendees that all three  
6 alternatives were being examined on an equal basis and that  
7 no decision had been made about which alternative to pursue  
8 and that the City Council will receive a report from the  
9 consultants that would include an evaluation of all three  
10 alternatives.

11 Now, do you see the problem here in this public  
12 process? Were the people of Fresno being duped at public  
13 meetings to consider three alternatives while the meetings  
14 were still ongoing and the quietly -- and the City quietly  
15 removed the one alternative of Fulton Mall? Will the City  
16 Council similarly be deceived during this process?

17 Now, a third reason why the NOP is irreparable  
18 flawed is this: The two alternatives described in the NOP  
19 are inconsistent with the existing General Plan, the 2025  
20 General Plan. And when the Central Community -- and as  
21 well with the Central Area Community Plan. Both the  
22 General Plan and the Central Area Community Plan maintained  
23 the Fulton Mall is a pedestrian area. City and State  
24 planning law requires that all projects be consistent with  
25 the existing General Plan and relevant specific plans

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 before they proceed.

2 On this basis, the project described in the NOP  
3 as -- isn't lawful and should not proceed. Now, we will  
4 submit further detailed comments on this before the  
5 November 15th deadline.

6 But, certainly, how can we prepare an  
7 environmental impact document when the General Plan does  
8 not provide for such projects? Let's get to the heart of  
9 the matter and deal with the procedure and process  
10 properly. We don't want to deal with the problem of  
11 fragmentation of this entire process in a -- in a possible  
12 later proceeding.

13 Thank you.

14 ELLIOTT BALCH: (Inaudible) and Mitch Freund. That is  
15 the last name that I have. So if others would want to  
16 speak, please bring your cards forward.

17 MITCH FREUND: Hello. I'm Mitch Freund. I work --  
18 I'm the Ambassador Director for the Downtown Fresno  
19 Partnership and also a downtown resident.

20 As a representative of the Downtown Fresno  
21 Partnership, representing the business community of  
22 downtown Fresno, the partnership feels the scope of the EIR  
23 process for the Fulton Mall Reconstruction Project has been  
24 and continues to be adequate and sufficient, and that's all  
25 I have.

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1           ELLIOTT BALCH: Thank you. And, Chuck, did you want  
2 to speak?

3           CHARLES BARRETT: Yeah. Yes. My name is -- my name  
4 is Charles Barrett. I'm with Heritage Fresno. I live  
5 at -- at 516 East Portland Avenue in Fresno, California.  
6 That's in the 93720. And I'm also the -- one of the  
7 co-chairs of Heritage Fresno, which is a preservation  
8 organization dedicated to the advocacy for the preservation  
9 of historical resources.

10                   One of which, of course, is the Fulton Mall, so  
11 we oppose the Project. But in any event, if the Project is  
12 -- if the Executive Department is determined to carry the  
13 Project forward, we'd like to note for the record that --  
14 our objection to the cover that's provided by the TIGER  
15 grant. We foresee the day when the members of the City  
16 Council will say that they have to change the Fresno Mall  
17 in order to comply with the terms of the Federal government  
18 mandate, and that was -- that was a way the thing has been  
19 set up, and I guess there's nothing we can do about it,  
20 except to advise the experts who will study the  
21 environmental impact. That, first of all, there's  
22 considerable public opposition to this project in the  
23 public -- general public and every sensing is done  
24 discloses that.

25                   But above that, we also hope that you will expand

FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 the scope of the study sufficiently to dis -- to determine  
2 if the objectives of the Executive Department can be met  
3 with use -- with the utilization of the original trams that  
4 once served the mall or busses or electric vehicles or  
5 something that can move people about and still -- without  
6 disturbing -- ruining the plan of Garrett Eckbo and without  
7 a substantial destruction of the urban forest and the  
8 structures of the mall. We hope you will at least consider  
9 that.

10 And thank you.

11 ELLIOTT BALCH: Thank you, Mr. Barrett.

12 Is there anybody else?

13 Seeing -- seeing no further comments, we will --  
14 we will adjourn the meeting. Thank you for coming.

15  
16 (End of recorded EIR Scoping Meeting.)

17 -- o0o --  
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FULTON MALL RECONSTRUCTION PROJECT EIR SCOPING MEETING

1 STATE OF CALIFORNIA )  
2 COUNTY OF FRESNO ) ss

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I, Sally Anna Frits, CSR No. 11709, a Certified Shorthand Reporter in and for the County of Fresno, State of California, do hereby certify:

That I transcribed the recorded Fulton Mall EIR Scoping Meeting to the best of my ability, which was taken down by me in shorthand and thereafter reduced to computerized transcription under my direction and supervision. I hereby certify the foregoing transcript is a full, true, and correct transcript of my shorthand notes so taken.

I make no representations as to the accuracy of the speakers and/or testimony since I was not physically present during the recording.

I further certify that I am neither counsel for nor related to any party to said action nor in any way interested in the outcome thereof.



\_\_\_\_\_  
Sally Anna Frits  
Certified Shorthand Reporter No. 11709

**1.4 - Comments on DNCP/FCSP/Fulton Mall  
NOP-IS, April 2012**





## County of Fresno

Department of Public Health  
Edward L. Moreno, M.D., M.P.H., Director-Health Officer

May 1, 2012

999999999  
LU0016360  
PE 2602

City of Fresno  
Development and Resource Management Department  
Attention: Wilma Quan, Urban Planning Specialist  
2600 Fresno Street  
Fresno, CA 93721

Dear Ms. Quan:

**PROJECT:** Notice of Preparation for a Draft EIR

Thank you for the opportunity to review and comment on the above noted project. The Fresno County Department of Public Health, Environmental Health Division has reviewed the *Notice of Preparation for a Draft Environmental Impact Report for Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code* and offers the following comments:

- Should any underground storage tank(s) be found during projects, the applicant/owner shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Certified Unified Program Agency at (559) 600-3271 for more information.
- All wells (not intended for use) and septic systems that exist or that have been abandoned within the project area shall be properly destroyed by an appropriately licensed contractor.

The following comments pertain to demolition/remodel of existing structures:

- Should any structures have an active rodent or insect infestation, the infestation should be abated prior to demolition/remodel of structures in order to prevent the spread of vectors to adjacent properties.
- In the process of demolishing/remodeling existing structures, the contractor may encounter asbestos containing construction materials and materials coated with lead based paints.
- If asbestos containing materials are encountered, contact the San Joaquin Valley Air Pollution Control District at (559) 230-6000 for more information.
- If structures were constructed prior to 1979 or if lead-based paint is suspected to have been used in structures, then prior to demolition/remodel work the contractor should contact the following agencies for current regulations and requirements:
  - California Department of Public Health, Childhood Lead Poisoning Prevention Branch, at (510) 620-5600.

City of Fresno  
Draft EIR  
May 1, 2012  
Page 2 of 2

- United States Environmental Protection Agency, Region 9, at (415) 947-8000
- State of California, Industrial Relations Department, Division of Occupational Safety and Health, Consultation Service (CAL-OSHA) at (559) 454-5302.
- Any construction materials deemed hazardous as identified in the demolition/remodel process must be characterized and disposed of in accordance with current federal, state, and local requirements.

If I can be of further assistance, please feel free to contact me at (559) 600-3271.

Sincerely,

Janet Gardner

Digitally signed by Janet Gardner  
DN: cn=Janet Gardner, o=Fresno County Health  
Department, email=jgardner@fresno.ca.gov, c=US  
Date: 2012.05.01 11:21:38 -0700

R.E.H.S., M.P.H.  
Environmental Health Specialist  
Environmental Health Division

Jg

cc. Glenn Allen, Supervising Environmental Health Specialist  
Vince Mendes, Supervising Environmental Health Specialist  
Steven Rhodes, Supervising Environmental Health Specialist

Fresno -Draft EIR Downtown

MAY 01 2012

## DOWNTOWN FRESNO COALITION

4781 E. Gettysburg Avenue • Fresno, California 93726 • Phone 559-291-2261 • Fax 559 291-4991

May 1, 2012

City of Fresno Development and Resource Management Department  
Attn: Wilma Quan, Urban Planning Specialist  
2600 Fresno Street, room 2156  
Fresno, CA 93721

RE: EIR for Downtown Neighborhoods Community Plan, Fulton Corridor  
Specific Plan, and Downtown Development Code

Dear Ms. Quan:

We are writing to express our procedural concerns in response to the Notice of Preparation of the Draft EIR for Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan (FCSP), and Downtown Development Code. We question the procedural validity of the Fulton Corridor Specific Plan process including the NOP. The purpose of a specific plan by law is to implement the adopted General Plan. The 2035 General Plan is in the process of being prepared. Therefore, we question whether the FCSP process can be legally designed to implement a nonexistent 2035 General Plan. Accordingly, please identify the General Plan that the FCSP is intended to implement.

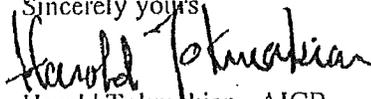
We direct your attention to the following sections from the California Government Code.  
Section 65450.

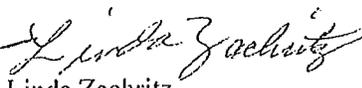
Preparation of specific plans. After the legislative body has adopted a general plan, the planning agency may, or if so directed by the legislative body, shall, prepare specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan. (Repealed and added by Stats. 1984, Ch. 1009.)

Section 65454. Consistency with the General Plan. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan. (Added by Stats. 1984, Ch. 1009)

Also, in the interest of avoiding confusion in the future, please identify, and provide contact information for, the chain of command and distribution of responsibilities for the EIR, CEQA, NEPA and section 4f processes.

Sincerely yours,

  
Harold Tokmakian, AICP

  
Linda Zachritz

cc: James Sanchez, Fresno City Attorney  
Susan Brandt-Hawley, Esq.

Steering Committee: Joyce Aiken, William M. Donleavy, Bob Dwyer, Robert Dyer, Coke Hallowell, Walter Hernandez,  
Sue McCline, Ray McKnight, James Oakes, Mabelle Selland, Harold Tokmakian, Linda Zachritz

## DOWNTOWN FRESNO COALITION

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May 1, 2012

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Attn: Wilma Quan, Urban Planning Specialist  
2600 Fresno Street, room 2156  
Fresno, CA 93721

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Specific Plan, and Downtown Development Code

Dear Ms. Quan:

We are writing to express our procedural concerns in response to the Notice of Preparation of the Draft EIR for Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan (FCSP), and Downtown Development Code. We question the procedural validity of the Fulton Corridor Specific Plan process including the NOP. The purpose of a specific plan by law is to implement the adopted General Plan. The 2035 General Plan is in the process of being prepared. Therefore, we question whether the FCSP process can be legally designed to implement a nonexistent 2035 General Plan. Accordingly, please identify the General Plan that the FCSP is intended to implement.

We direct your attention to the following sections from the California Government Code.  
Section 65450.

Preparation of specific plans. After the legislative body has adopted a general plan, the planning agency may, or if so directed by the legislative body, shall, prepare specific plans for the systematic implementation of the general plan for all or part of the area covered by the general plan. (Repealed and added by Stats. 1984, Ch. 1009.)

Section 65454. Consistency with the General Plan. No specific plan may be adopted or amended unless the proposed plan or amendment is consistent with the general plan.  
(Added by Stats. 1984, Ch. 1009)

Also, in the interest of avoiding confusion in the future, please identify, and provide contact information for, the chain of command and distribution of responsibilities for the EIR, CEQA, NEPA and section 4f processes.

Sincerely yours,

Harold Tokmakian, AICP

Linda Zachritz

cc: James Sanchez, Fresno City Attorney  
Susan Brandt-Hawley, Esq.

Steering Committee: Joyce Aiken, William M. Donleavy, Bob Dwyer, Robert Dyer, Coke Hallowell, Walter Hernandez, Sue McCline, Ray McKnight, James Oakes, Mabelle Selland, Harold Tokmakian, Linda Zachritz

MAY 01 2012  
DOWNTOWN FRESNO COALITION

4781 E. Gettysburg Avenue • Fresno, California 93726 • Phone 559-291-2261 • Fax 559 291-4991

May 1, 2012

City of Fresno Development and Resource Management Department  
Attn: Wilma Quan, Urban Planning Specialist  
2600 Fresno Street, room 2156  
Fresno, CA 93721

RE: EIR for Downtown Neighborhoods Community Plan, Fulton Corridor  
Specific Plan, and Downtown Development Code

Dear Ms. Quan:

Following are comments on the scope of the Draft EIR for the Downtown Neighborhoods Community  
Plan, Fulton Corridor Specific Plan, and Downtown Development Code Project.

1. An EIR must address Fresno's history of public policy-making that allowed the decentralization that  
caused the decay of the downtown. It will not be sufficient to mention that the construction of large  
shopping centers drew businesses and shoppers away from the downtown. The decisions by elected  
officials that allowed this construction must be thoroughly examined.

2. The Notice of Preparation discusses Fulton Mall at length on pages 11-12 but fails to give equal  
attention to the other districts mentioned on page 9. The EIR should not replicate this disproportionate  
emphasis on Fulton Mall. It needs to analyze in equal scope and depth each district and the FCSP area as  
a whole. In addition, any proposed alternative must be given the same thorough analysis given to the  
project's preferred alternative.

3. The EIR should discuss in a comprehensive manner the interrelationships between all the districts  
mentioned in the draft of the Fulton Corridor Specific Plan, including all facets of required elements for  
the FCSP. The FCSP is the principal project area for the EIR. Each of the seven "districts" are  
subordinate components.

4. The EIR must examine the effect of the Downtown Neighborhoods Community Plan on the Eaton  
Plaza Master Plan, which was adopted by the City Council.

5. The draft Fulton Corridor Specific Plan, page 1.9 par. 6, refers to implementation by the  
Redevelopment Agency. Now that the Redevelopment Agency has been abolished, the EIR must clarify  
how implementation is to be achieved. As tools to affect the Specific Plan, closely explore the following  
in detail: capital improvement programs to fund infrastructure projects. Apply special assessment  
districts for the CBD, Chinatown, Cultural Arts, etc

**The following comments pertain to "Potential Environmental Effects of the Project" on page two of  
the Notice of Preparation.**

6. **Air Quality and Greenhouse Gas Emissions--** In light of Fresno's well-known problems with  
pollution and related health concerns, the EIR should analyze in detail the effect of each alternative for the  
FCSP area, including each option for Fulton Mall, on the production of pollutants and greenhouse gases.

Wilma Quan

RE: EIR for Downtown Neighborhoods Community Plan, Fulton Corridor  
Specific Plan, and Downtown Development Code/Comments

May 1, 2012

Page 2

7. **Cultural Resources**-- Analysis of Cultural Resources must consider landscapes, buildings, art, architecture, etc. in all the districts included in the Project. It is important that the EIR study the totality of the Fulton Mall, including the art, the landscaping, the water features, the seating structures, the pavement, and the total configuration of these components.

8. **Transportation and Traffic**--The EIR should specifically deal with a wide range of modes of transportation that do not necessitate opening the Fulton Mall to traffic. (See Proposed Alternative that follows.)

9. **Utilities and Service Systems**-- The EIR must thoroughly investigate the Project's effects on infrastructure. A well-maintained and up-to-date infrastructure system designed to support future private building and investment is essential.

#### **PROPOSED ALTERNATIVE TO THE PREFERRED ALTERNATIVE**

Analyze in detail the following alternative to the preferred alternative:

1) Retain and revitalize Fulton Mall in order to restore its historical integrity as a masterpiece of 20th-century modernist landscape architecture designed by Garrett Eckbo (see the nomination document for the National Register of Historic Places)

2) Develop alleys parallel to Fulton Mall as follows: (a) link them to Fulton Mall by removing some buildings and creating paseos/palleras/passageways between Mall and alleys; (b) encourage development of walkway frontages to include small shops, display windows, cafes, etc.; (c) create parking spaces in the alleys.

3) Realign and widen Broadway as a landscaped boulevard parallel to Fulton Mall with adjacent parking structures and mixed use buildings;

4) Redesign Tuolumne as a landscaped boulevard. Integrate the existing frontage road on the south side of Tuolumne with adjacent surface parking to create mixed use building sites parallel to Tuolumne (shops on ground floor, parking above, with offices/residences on upper floors).

5) Reconcieve H Street and integrate it functionally and aesthetically into the Central Business District.

6) Design a high intensity node of cultural arts including music, theater, visual etc. at Tuolumne and Fulton Mall. Complementary studios, cafes, housing and other shops would be very appropriate.

7) Install a free trolley system to link activity nodes in the FCSP area and revive the tram service that was provided when the Fulton Mall was built.

Sincerely yours,

  
Harold Tokmakian, AICP

  
Linda Zachritz

cc: Susan Brandt-Hawley, Esq.



**San Joaquin Valley**  
AIR POLLUTION CONTROL DISTRICT



May 1, 2012

Wilma Quan  
City of Fresno  
Development and Resource Management Department  
2600 Fresno Street, Room 2156  
Fresno, CA 93721

**Project: Notice of Preparation for a Draft Environmental Impact Report for Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code**

**District CEQA Reference No: 20110483**

Dear Ms. Quan:

The San Joaquin Valley Unified Air Pollution Control District (District) has reviewed the Notice of Preparation (NOP) for the project above. The plans for the regeneration of Downtown Fresno, the Fulton Mall, and its surrounding neighborhoods in the City of Fresno themselves will not have an impact on air quality. However, future development within the area will contribute to the overall decline in air quality due to increased traffic and ongoing operational emissions. New development may require further environmental review and mitigation. The District makes the following recommendations regarding future development:

**Emissions Analysis**

- 1) The District is currently designated as extreme nonattainment for the 8-hour ozone standard, attainment for PM10 and CO, and nonattainment for PM2.5 for the federal air quality standards. At the state level, the District is designated as nonattainment for the 8-hour ozone, PM10, and PM2.5 air quality standards. The District recommends that the Air Quality section of the Environmental Impact Report (EIR) include a discussion of the following impacts:
  - a) **Criteria Pollutants:** Project related criteria pollutant emissions should be identified and quantified. The discussion should include existing and post-project emissions.
  - i) **Construction Emissions:** Construction emissions are short-term emissions and should be evaluated separate from operational emissions. The District recommends preparation of an Environmental Impact Report (EIR) if annual construction emissions cannot be reduced or mitigated to below the following

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Executive Director/Air Pollution Control Officer

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Modesto, CA 95350-0710  
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Central Region (Main Office):  
1800 E. Gettysburg Avenue  
Fresno, CA 93720-0244  
Tel: (559) 230-6000 FAX: (559) 230-6001

Southern Region  
3494B Flyover Court  
Bakersfield, CA 93308-9726  
Tel: 601-392-5500 FAX: 601-392-5505

levels of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).

- ii) **Operational Emissions:** Permitted (stationary sources) and non-permitted (mobile sources) sources should be analyzed separately. The District recommends preparation of an Environmental Impact Report (EIR) if the sum of annual permitted and non-permitted emissions cannot be reduced or mitigated to below the following levels of significance: 10 tons per year of oxides of nitrogen (NOx), 10 tons per year of reactive organic gases (ROG), or 15 tons per year particulate matter of 10 microns or less in size (PM10).
- b) **Health Impacts:** Project related health impacts should be evaluated to determine if emissions of toxic air contaminants (TAC) will pose a significant health risk to nearby sensitive receptors. TACs are defined as air pollutants that which may cause or contribute to an increase in mortality or serious illness, or which may pose a hazard to human health. The most common source of TACs can be attributed to diesel exhaust fumes that are emitted from both stationary and mobile sources. Health impacts may require a detailed health risk assessment (HRA).

Prior to conducting an HRA, an applicant may perform a prioritization on all sources of emissions to determine if it is necessary to conduct an HRA. A prioritization is a screening tool used to identify projects that may have significant health impacts. If the project has a prioritization score of 1.0 or more, the project has the potential to exceed the District's significance threshold for health impacts of 10 in a million and an HRA should be performed.

If an HRA is to be performed, it is recommended that the project proponent contact the District to review the proposed modeling approach. The project would be considered to have a significant health risk if the HRA demonstrates that project related health impacts would exceed the District's significance threshold of 10 in a million.

More information on TACs, prioritizations and HRAs can be obtained by:

- E-mailing inquiries to: [hramodeler@valleyair.org](mailto:hramodeler@valleyair.org); or
- Visiting the District's website at:  
[http://www.valleyair.org/busind/pto/Tox\\_Resources/AirQualityMonitoring.htm](http://www.valleyair.org/busind/pto/Tox_Resources/AirQualityMonitoring.htm).

- 2) In addition to the discussions on potential impacts identified above, the District recommends the EIR also include the following discussions:
  - a) A discussion of the methodology, model assumptions, inputs and results used in characterizing the project's impact on air quality. To comply with CEQA requirements for full disclosure, the District recommends that the modeling

outputs be provided as appendices to the EIR. The District further recommends that the District be provided with an electronic copy of all input and output files for all modeling.

- b) A discussion of the components and phases of the project and the associated emission projections, including ongoing emissions from each previous phase.
- c) A discussion of project design elements and mitigation measures, including characterization of the effectiveness of each mitigation measure incorporated into the project.
- d) A discussion of whether the project would result in a cumulatively considerable net increase of any criteria pollutant or precursor for which the San Joaquin Valley Air Basin is in non-attainment. More information on the District's attainment status can be found online by visiting the District's website at:  
<http://valleyair.org/aqinfo/attainment.htm>.

#### **District Rules and Regulations**

- 3) Individual projects may be subject to District rules and regulations, including: Regulation VIII (Fugitive PM10 Prohibitions), Rule 4102 (Nuisance), and Rule 4641 (Cutback, Slow Cure, and Emulsified Asphalt, Paving and Maintenance Operations). In the event an existing building will be renovated, partially demolished or removed, the project may be subject to District Rule 4002 (National Emission Standards for Hazardous Air Pollutants).
- 4) Individual projects be subject to District Rule 2010 (Permits Required) and Rule 2201 (New and Modified Stationary Source Review) and will require District permits. Prior to construction, the project proponent should submit to the District an application for an Authority to Construct (ATC). For further information or assistance, the project proponent may contact the District's Small Business Assistance (SBA) Office at (559) 230-5888.
- 5) Individual development projects would be subject to District Rule 9510 (Indirect Source Review) if upon full build-out the project would include or exceed any one of the following:
  - 50 dwelling units
  - 2,000 square feet of commercial space;
  - 25,000 square feet of light industrial space;
  - 100,000 square feet of heavy industrial space;
  - 20,000 square feet of medical office space;
  - 39,000 square feet of general office space; or
  - 9,000 square feet of educational space; or
  - 10,000 square feet of government space; or

- 20,000 square feet of recreational space; or
- 9,000 square feet of space not identified above

The District recommends that demonstration of compliance with District Rule 9510, before issuance of the first building permit for each project phase including payment of all applicable fees, be made a condition of project approval. Information about how to comply with District Rule 9510 can be found online at: <http://www.valleyair.org/ISR/ISRHome.htm>.

- 6) The above list of rules is neither exhaustive nor exclusive. To identify other District rules or regulations that apply to this project or to obtain information about District permit requirements, the applicant is strongly encouraged to contact the District's Small Business Assistance (SBA) Office at (559) 230-5888. Current District rules can be found online at the District's website at:

[www.valleyair.org/rules/1ruleslist.htm](http://www.valleyair.org/rules/1ruleslist.htm).

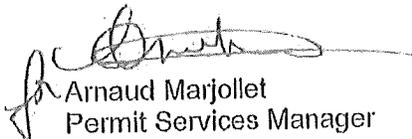
#### General

- 7) These plans are the blueprint for future growth and provide guidance for the community's development. The District is currently designated as extreme non-attainment of the federal national ambient air quality standard for ozone and non-attainment for PM2.5, and as attainment for PM10 for the federal standards. The District, however, has not achieved the state standards for PM10 and is designated as non-attainment. It is reasonable to conclude that mobile source emissions resulting from growth and development would have significant impacts on air quality. To reduce the project related impacts on air quality these plans should include design standards that reduce vehicle miles traveled (VMT). VMT can be reduced through encouragement of mixed-use development, walkable communities, etc. Recommended design elements can be found on the District's website at <http://www.valleyair.org/ISR/ISROnSiteMeasures.htm>.

If you have any questions or require further information, please call Patia Siong at (559) 230-5930.

Sincerely,

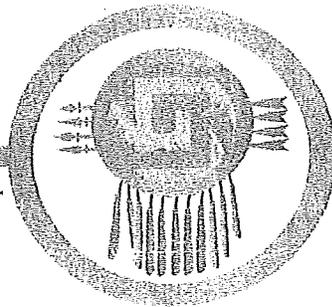
David Warner  
Director of Permit Services

  
Arnaud Marjollet  
Permit Services Manager

DW:ps

MAY 08 2012

CENTRO BINACIONAL PARA EL  
BINATIONAL CENTER FOR THE DEVELOPMENT



DESARROLLO INDÍGENA OAXAQUEÑO  
OF OAXACAN INDIGENOUS COMMUNITIES

May 8, 2012

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Wilma Quan  
Urban Planning Specialist  
City of Fresno  
2600 Fresno Street, Room 2156  
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Re: Scoping for the Downtown Neighborhoods Community Plan DEIR

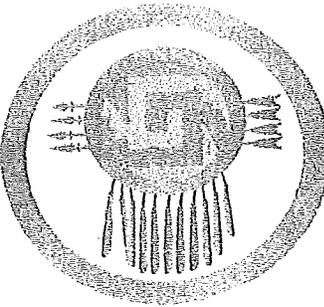
Dear Ms. Quan:

We appreciate this opportunity to comment on the scope of the DEIR for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan and the Downtown Development Code. These planning documents will affect the future of the City of Fresno for many years to come. The Binational Center for the Development of Oaxacan Indigenous Communities (CBDIO, its acronym in Spanish) supports the efforts the City has made to focus development around the principles of increasing density and smart growth.

The area covered by the two plans and the accompanying code amendment has some of the most dismal health indicators of any area in the Valley, including poor air quality and concentration of poverty. For this reason, attention should be paid to environmental indicators, including air quality and other elements to avoid further deterioration of the environmental and social conditions. Along these lines, CBDIO would like to make the following suggestions regarding the DEIR:

**Downtown Community Development Plan:**

1. As mentioned in the DNCP, Fresno is part of the 26 proposed stations for the High Speed Train (HST). Taking in consideration the well-being of surrounding communities, the questions that we pose are: What are the impacts of the HST station on the development in downtown neighborhood? And how will people residing in the surrounding areas be affected in terms of displacement, air quality, water supply, health hazards, traffic, and the effects while the construction of the station takes place?
2. What are the implications of future developmental "transformation" work in Downtown Fresno on the prospective commercial/retail services in the nearby residential and community uses? Please refer to p. 2:16 on



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policy 2.12.8 and perform a study of negative externalities of all the proposed potential locations for commercial and retail center not limited to the effects on traffic, affordable housing options, displacement, water quality, air pollution and local job opportunities that will inform the community.

3. Please address in detail policy 2.13. What negative impacts is the policy addressing? "Reduce the negative impacts of industrial, commercial, and airport uses on nearby residential and community uses" (p. 2:17).
4. How does the plan foster cultural preservation? And how does it keep people living in their current homes in the residential places they have been living for decades
5. In the code, what is the proximity among residential areas and industry areas? What are the environmental and health risks of residents living in the surrounding areas?

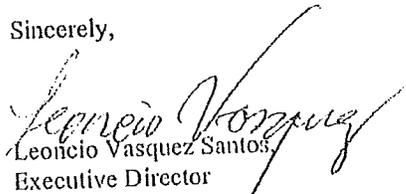
**Mitigation measures**

We request that adequate measures for areas of environmental impact be included in the DEIR and that are made public.

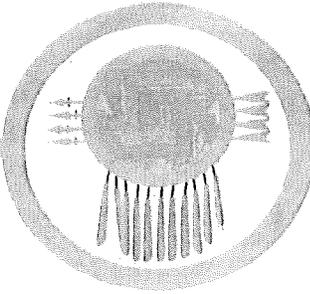
Thank you for allowing us this opportunity to suggest areas for review within the DEIR for the Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan and the Downtown Development Code Amendment. As an organization we maintain significant concern over this review process because of the future effects these plans will have on current residents and their children.

CBDIO urges the City of Fresno to consider meaningfully the suggestions above and to act accordingly, in other words, to use this window of opportunity to find the best alternative for Fresno residents and specifically those within the plan area.

Sincerely,

  
Leoncio Vasquez Santos  
Executive Director

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BINATIONAL CENTER FOR THE DEVELOPMENT



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Centro Binacional para el Desarrollo Indígena Oaxaqueño (CBDIO)  
744 N. Abby Street  
Fresno, CA 93701

Re: Scoping for the Downtown Neighborhoods Community Plan DEIR

Dear Wilma:

We appreciate this opportunity to comment on the scope of the DEIR for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan and the Downtown Development Code. These planning documents will affect the future of the City of Fresno for many years to come. The Binational Center for the Development of Oaxacan Indigenous Communities (CBDIO, its acronym in Spanish) supports the efforts the City has made to focus development around the principles of increasing density and smart growth.

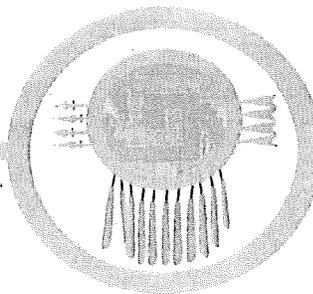
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- As mentioned in the DNCP, Fresno is part of the 26 proposed stations for the High Speed Train (HST). Taking in consideration the well-being of surrounding communities, the questions that we pose are: What are the impacts of the HST station on the development in downtown neighborhood? And how will people residing in the surrounding areas be affected in terms of displacement, air quality, water supply, health hazards, traffic, and the effects while the construction of the station takes place?

- What are the implications of future developmental "transformation" work in Downtown Fresno on the prospective commercial/retail services in the nearby residential and community uses? Please refer to p. 2:16 on policy 2.12.8 and perform a study of negative externalities of all the proposed potential locations for commercial and retail center not limited to the effects on traffic, affordable housing options, displacement, water quality, air pollution and local job opportunities that will inform the community.

CENTRO BINACIONAL PARA EL  
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- Please address in detail policy 2.13. What negative impacts is the policy addressing? "Reduce the negative impacts of industrial, commercial, and airport uses on nearby residential and community uses" (p. 2:17).

- How does the plan foster cultural preservation? And how does it keep people living in their current homes in the residential places they have living for decades

- In the code, what is the proximity among residential areas and industry areas? What are the environmental and health risks of residents living in the surrounding areas?

**Mitigation measures**

We request that adequate measures for areas of environmental impact be included in the DEIR and that are made public.

Thank you for allowing us this opportunity to suggest areas for review within the DEIR for the Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan and the Downtown Development Code Amendment. As an organization we maintain significant concern over this review process because of the future effects these plans will have on current residents and their children. It is for them that we ask for your consideration regarding all of the points raised above.

CBDIO urges the City of Fresno to consider meaningfully the suggestions above and to act accordingly, in other words, to use this window of opportunity to find the best alternative for Fresno residents and specifically those within the plan area.

Again, thank you for the opportunity to participate in the environmental scoping process for the recently proposed downtown planning documents.

Sincerely,

Sarait Martinez  
CBDIO, Community Worker



CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

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Directing Attorney

Laura D. Berumen  
Staff Attorney

Ephraim Camacho  
Norma Ventura  
Community Workers

Eloise Esmael  
Elizabeth C. Trujillo  
Legal Secretaries

**Indigenous Farmworker Project**

Irma Luna  
Community Worker

**Community Equity Initiative**

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Program Director

Ashley E. Werner  
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Veronica Garibay  
Community Edu. & Outreach Coordin.

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Olivia Fnz  
Administrative Assistant

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Directors of Litigation, Advocacy &  
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May 2, 2012

VIA ELECTRONIC DELIVERY

Wilma Quan  
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City of Fresno  
2600 Fresno Street, Room 2156  
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**RE: Comments in response to Notice of Preparation on the scope and content of the EIR for Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code**

Dear Ms. Quan:

Thank you for this opportunity to submit comments pursuant to California Environmental Quality Act ("CEQA") Section 15083 to inform the scope and content of the Environmental Impact Report (EIR) that will be prepared for the proposed Downtown Neighborhoods Community Plan ("Downtown Plan" or "Plan"), Downtown Development Code ("Downtown Code" or "Code"), and Fulton Corridor Specific Plan ("FCSP") and to propose specific mitigation measures and alternatives through which the project's significant effects may be avoided. These comments aim to assist the City of Fresno to comply with its obligations under the CEQA by considering the relationship between a high quality ecological system and the general welfare of the people that will be affected by the Plan, the Code, and the EIR (Pub. Resources Code § 21000(c)). To uphold the legislative intent expressed in CEQA, the City of Fresno must draft the EIR in a manner that gives major consideration to preventing environmental damage, while providing a decent home and satisfying living environment for the residents of the area covered by the Downtown Plan (Pub. Resources Code § 21000(g)).

**Vibrant, mixed-income neighborhoods and minimized gentrification**

The Downtown Plan establishes among its goals the achievement of vibrant, mixed-income neighborhoods and minimized gentrification (Ch. 1(b)(4)). The Plan states that this will occur by "providing a rich housing mix to accommodate and attract a wide-range of household types and income levels", among other actions. While we commend the fact that the Downtown Neighborhoods Citizens Advisory Committee (DNCAC), on December 13, 2011, approved that housing will remain affordable and that all new housing will include a certain percentage of low-income and extremely low-income housing, the City should ensure inclusion of that recommendation in the Plan and that it is also relayed in the Code.

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### Displacement of low-income residents

The planned development and revitalization of the downtown area will likely lead to increased housing prices and an elimination of affordable housing units in the downtown area. A rise in housing prices, without designating a minimum requirement of affordable housing, could lead to the displacement of low-income and very-low-income populations. Thus, an express commitment in both the Plan and Code to ensure that housing will remain affordable and all new housing will include a certain percentage of low-income and extremely low-income housing is vital to mitigate adverse effects that are social, economic, and environmental in nature. Further, a commitment to replace every affordable unit taken off the market with an affordable unit is necessary.

### Vehicle Miles Travelled, Greenhouse Gas Emissions, and Air Pollution

Without appropriate mitigation measures, the displacement of residents and their resulting relocation could potentially result in a significant increase in air pollution due to increase in Vehicle Miles Travelled (VMT) by displaced residents. For example, if a displaced resident must travel further to get to work because of the lack of affordable housing in their former downtown community, their VMT may significantly increase and therefore, the Green House Gas Emissions (GHGs) and particulate matter generated by their transportation as well. Such increases in air pollution will further deteriorate Fresno's already poor air quality and further jeopardize resident health. More importantly, these particular health impacts will disproportionately affect low-income and racial minorities that live in the downtown area.

### Compliance with California Housing Laws

Displacement of low-income residents from the area covered by the Downtown Plan due to a rise in housing prices could also result in non-compliance by the City of Fresno with California Housing Laws. California Housing Law requires cities to plan for forecasted population growth and identify potential sites suitable to house a variety of income levels. Cities must provide for sufficient low-income housing in their adopted Housing Element to meet the low-income housing share allocated to it by the California Housing and Community Development Agency. CEQA requires EIRs to discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans, including regional housing allocation plans (14 CCR § 15125(d)). Under California Housing Law, all planning documents adopted by a city must conform with the city's housing element.

To comply with CEQA, the EIR should examine the aforementioned impacts and possible ways to mitigate the adverse effects by doing the following:

- Analyze the potential displacement of low-income residents from the downtown plan area and the likely air quality impacts, taking into account the City's mandate to plan for housing forecasts and consistency between the city planning documents and the housing element (14 CCR § 15125(d) & 15126.2)
- Analyze the options for the creation of an alternative or addition to the Downtown Code that incorporates the commitment to the policy that housing will remain affordable and that all new housing will include a certain percentage of low-income and extremely low-income housing. Without a provision in the Code ensuring sufficient, high-quality, affordable housing, and a proper alignment with transportation planning, the City risks not complying with California Housing Law in the future, given the significant potential for displacement of low-income and extremely low-income downtown residents.



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- Include as a mitigation measure, the adoption by the City of an ongoing monitoring project to assess displacement as it occurs over the life of the Downtown Plan. Such a measure would allow the City to respond adequately to the changing housing needs of Fresno's low-income population and meet its housing requirements under the law.

### Air quality degradation due to lack of public transportation

Parts of the area covered by the Downtown Plan – in particular, those in Southwest Fresno – are disproportionately lacking in affordable and reliable public transportation compared to other areas of Fresno. As written, the Downtown Plan will reinforce and potentially augment these disparities through its policy of focusing transit service and investments on “high-priority” transit corridors located in the northern part of the plan area (Ch. 3.1.3 & Fig. 3-2). Population increases in the Downtown Plan area, without the corresponding development of public transportation, may lead to an increase in VMT and consequently, to increased greenhouse gas emissions and particulate matter generated by the transportation sector. As expressed above, the existing poor air quality and further degeneration of air quality, along with inadequate transit options, may result in an indirect environmental impact and disproportionately effect low-income and ethnic and racial minority residents who reside in the Downtown Plan area and Southwest Fresno in particular.

To comply with CEQA, it is advisable:

- That the EIR analyze the environmental and health impacts of the availability of public transportation in the Downtown area as envisioned by the Downtown Plan, with consideration of the impacts in each of the Plan's neighborhoods, including Southwest Fresno (Pub. Resource Code §15126.2).
- An analysis of the environmental impacts of the availability of public transportation in the Downtown area with the reprioritization of public transit routes by the Plan such that the southern route in Downtown Plan Figure 3-2 assumes primary priority.
- Inclusion in the EIR mitigation report the designation of primary priority to the transit route resulting in the best environmental and health outcomes and the prioritization of investment in public transportation in areas that are not currently served by a high quality transportation system together with details of potential new public transit routes.

### Environmental and health impacts of increased industrial activity

The Downtown Plan and the Downtown Code include numerous provisions aimed at facilitating industrial growth and easing and eliminating permit processes and requirements. While the Plan establishes policies that prioritize the minimization of negative impacts to the health and well-being of residents of the downtown area, many of these policies lack definitions in the Downtown Plan or the Downtown Code that would allow for the effective implementation and enforcement of those policies. In the absence of clear definitions, the Plan could stimulate an increase in polluting and toxic industrial activity in the downtown area, with associated heightened environmental impacts, and negatively impact the health and well-being of residents located near industrial sites.

Drafting an EIR that satisfies CEQA requirements depends on a clear understanding of existing conditions; therefore, we recommend inclusion of the following:

- A detailed identification and analysis of existing conditions including noxious uses in the Downtown Plan area, with a focus on the negative environmental impacts of those uses on air quality and on downtown resident health and quality of life (14 CCR §15126). To be complete,



## CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

- this analysis should consider the environmental impacts generated not only by facilities engaged in noxious uses themselves, but also by commercial vehicular transit through the downtown area associated with the facility.
- A list of anticipated new industrial developments in the area covered by the Downtown Plan, including the location of the anticipated facilities, the nature of activities to be engaged in, and the possible environmental impacts of the activities, considered both individually and cumulatively with existing conditions and other anticipated sources of pollution (14 CCR §15130). This analysis should focus on the potential environmental and health impacts to vulnerable communities in the downtown area, including low-income communities and communities with high racial and ethnic minority concentrations, and to the social cohesion of those communities. In addition to allowing for an adequate environmental assessment of the Downtown Plan and Code, identification of the anticipated new developments will facilitate future decision-making in the approval process for proposed projects (14 CCR §15126.2).
  - Analysis of the potential environmental, health, and social impacts of provisions of the Downtown Plan and the Downtown Code which discontinue the requirement for Conditional Use Permits for industrial uses in many geographical areas that previously required such a permit. We suggest that this analysis give particular importance to the potential impact on low-income and ethnic and minority residents as well as on community cohesion in the downtown area.
  - We also request a confirmation that the Code has been updated to reflect that on December 13, 2011 the DNCAC approved keeping present Municipal Code language regarding appeals. The aforementioned language includes allowing appeals from any interested party, an initial decision by the Planning Director, a hearing before the Planning Commission on appeal, and a final possibility of appeal by the City Council member representing the proposed project location.

Mitigation measures that are clearly aligned with the findings above should protect the existing community and include an analysis provided for how each of those measures would in fact protect the community (Pub. Resources Code §21002, 14 CCR §15126.4). With regards to changes to Conditional Use Permit requirements for industrial uses, we suggest that the City maintain current permitting requirements as was approved by the DNCAC.

In addition, an adequate EIR will include a list each of the plausible definitions - in a clear and unambiguous manner - of the following terms and phrases included in the Downtown Plan and the Downtown Code which currently lack definition in either document. In addition, given the potential environmental, economic, and social effects of the Downtown Plan and Downtown Code, the EIR should analyze the potential impacts to the environment and to resident health and well-being that would result for each plausible definition.

- Downtown Plan Ch. 2.13.3, "buffers"
- Downtown Plan Ch. 7.6.4, "significant negative impact"
- Downtown Plan Ch. 7.6.5, "appropriate buffers"
- Downtown Plan Ch. 7.7.4, "appropriate distance"
- Downtown Code Table 3, "manufacturing (non-perishable items)", "manufacturing (perishable items)", "recycling center", "contractor storage yard".

As a mitigation measure, we propose that the EIR create a glossary to be adopted by the City including a definition for each term in a way that will provide clarity in the future while minimize negative impacts to the environment and to resident health of increased industrial development in the downtown area.



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### Public Services

To comply with CEQA, the EIR must analyze the Plan's potential impact on the availability of public services to residents of the downtown area (14 CCR §15126.2). In particular, the EIR must analyze the prospective availability of (1) adequately maintained and safe parks, open space, and recreational areas, (2) fire services, (3) police services, (4) health facilities and services, and (5) grocery stores with produce that is both fresh and reasonably priced. Beyond the fact that auto-oriented development could lead to worse health conditions in the proposed project area (higher levels of obesity, chronic diseases, and other health concerns), the lack of housing proximity to basic daily necessities also generates unnecessary air pollution through increased VMT and green house gas emission levels. An analysis of the existing services as well as anticipated services can guide decision-making in a way that will benefit the low-income community as well as air quality.

### Impacts on Specific Populations

The City of Fresno has a responsibility to ensure that EIR development aligns with the CEQA intent which is to give major consideration to environmental quality while providing a decent living environment for the respective residents.

#### *a. Vulnerable Populations*

The EIR should analyze in as much specificity possible the potential impacts of the Plan on vulnerable populations, including youth, the elderly, low-income persons, and racial and ethnic minorities.

#### *b. Small Business Owners*

The EIR should analyze in as much specificity possible the potential impacts of the Plan on small business owners in the Downtown Plan area, and in particular, on racial and ethnic minority business owners and business owners located in the area covered by the Project.

Thank you for your thorough consideration of our comments as you prepare the EIR. Should you have any questions regarding this letter, please feel free to contact me at (559) 441-8721, ext. 305.

Sincerely,

CALIFORNIA RURAL LEGAL ASSISTANCE, INC.

Ashley Werner

Staff Attorney

cc: Amparo Cid, California Rural Legal Assistance Foundation

July 28, 2011

From: City of Fresno Bicycle and Pedestrian Advisory Committee  
2600 Fresno Street  
Fresno, California

To: Downtown Neighborhoods Community Plan (DNCP)  
Fresno, CA

RE: Chapter 12.5 of the Fresno Municipal Code - Downtown Development Code Draft

Dear Sir or Madam,

The purpose of this letter is to provide comments regarding the recently released Downtown Code Draft. These comments are specifically meant to address the bicycle components of the document. The Bicycle and Pedestrian Advisory Committee (BPAC) did a complete review of the sections of the document that address bicycle facilities (Figures 9, 9.1 and paragraph 10.41-Requirements for Bicycle Parking) and offer the following comments:

- A. No multipurpose trails (Class I) are shown on either figures 9 or 9.1 as shown in the City of Fresno Bicycle, Pedestrian & Trails Master Plan (BMP) adopted in October of 2010.
- B. Bike Lanes (Class II) shown on the BMP that are missing from Figures 9 and/or 9.1 include:
  1. Whitesbridge & Amador not shown to West Avenue.
  2. Teilman Avenue/Pacific Avenue.
  3. Thorne Avenue north of Whitesbridge
  4. Walnut Avenue south of California Avenue
  5. Kearney Boulevard
  6. California Avenue East of B Street
  7. Van Ness Southwest of Los Angeles
  8. Golden State Boulevard Southeast of California Avenue
  9. Railroad Avenue Southeast of California Avenue
- C. We would like to have designated the difference between existing and new facilities.
- D. Bike parking requirements outlined in paragraph 10.41 include many needed requirements but do not encompass all the requirements shown on page 129 and table 5.5 of the BMP. Further embellishments can be seen from the photographs provided on page 134 of the BMP. Because of the downtown enhanced emphasis on pedestrian friendly modes of transportation we feel that an even more appropriate table of reference would be Table 5.6. Per our understanding this code would currently base bicycle parking on a percentage of the number of required automobile parking stalls. This code does allow exemptions for certain buildings for automobile parking if they are located within a certain distance

from a municipal parking facility. This would imply that no bicycle parking is required at these locations.

The Bicycle and Pedestrian Advisory Committee appreciates the efforts put into this document to this point including additional bike lanes not included in the BMP.

It is our hope that you will consider the inclusion in the final document of our review comments.

Sincerely,

Nicholas D. Paladino (Committee Chairman)  
Philip Decker (Committee Vicechairman)

MAY 02 2012

May 1, 2012

City of Fresno Development and Resource Management Department  
Attn: Wilma Quan, Urban Planning Specialist  
2600 Fresno Street, room 2156  
Fresno, CA 93721

RE: EIR for Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and  
Downtown Development Code

Dear Ms. Quan:

Following are the comments on the scope of the Draft EIR for the Downtown Neighborhoods  
Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code Project.

**A. Aesthetic Considerations:**

A.1. The EIR must consider the aesthetics and context of a mid-century modern campus design developed as integral part of Victor Gruen urban renewal plan for downtown Fresno to which the Fulton Mall is central, specifically including, but not limited to, the mid-century modern buildings and public art along the Mariposa Mall and throughout downtown Fresno. The EIR must focus particularly in the Central Business District (subdistrict 1) and Civic Center District (subdistrict 3) as described in p.9 of the FCSP and DNCP Notice of Preparation document.

A.2. The EIR must consider the aesthetic significance of the Fulton Mall as the work of a modernist landscape architecture master (Garrett Eckbo) and as a rare example of his work that has survived with high degree of design integrity. The EIR must recognize and explore its design relevance given that the Mall is already listed on the California Register of Historical Resources, was found eligible for the National Register, and is potentially significant as a National Historic Landmark.

A.2. The EIR must consider the aesthetic significance of Eckbo's design of the Fulton Mall as developed within the context of the Central Valley Fresno region. Eckbo himself explained his design for the Fulton Mall by highlighting the importance of agriculture in the San Joaquin Valley: "The plentitude of quiet and moving waters, and of shade and greenery from trees and arbors, symbolizes the bursting vitality of irrigated agriculture in the hot interior valley of the arid west" [1].

A.3. The EIR must consider the aesthetic significance of the Fulton Mall as a whole contiguously unified design and not simply as a collection of individually-commissioned pieces of art that can be freely relocated. The EIR should study the design unity, aesthetic contributions, placement and configurations of the all the 80-ft wide stained concrete right-of-ways, all the multiple ribbon design patterns of 8 ½ -inches wide concrete aggregate crossing all Mall right-of-ways and intersections, the 80 seating areas (18 of which with benches with brightly colored mosaic backs), the 2 tot lots; the 19 water features, among them pools, fountains and flowing streams;

and the 26 sculpted ceramic pipes that are part of the water features [2].

A.4. The EIR must consider the aesthetics of the relationships between the individual Art pieces on the Fulton Mall and the Mall itself. As part of Eckbo, Dean, Austin and William's design for the Fulton Mall, pieces of art were placed in specific landscape environments that include pools, seating areas, and fountains and should be considered as design highlights to the overall landscape plan. For example, a piece of art such as the Bruno Groth's "Rite of the Crane" must be viewed in the context of the environment it was designed for and its specific role in the overall design of the Mall. In this particular example, a simulated wetlands hardscape environment was created by Eckbo, Dean, Austin and Williams as freeform pools in the Merced Mall to display the crane sculpture among reeds and grasses, appropriate for the valley where the marshlands still protect them today [3]. The original landscape plan includes specifications for wetlands vegetation [4]. The EIR must study how will displacing the Rite of the Crane sculpture out of its fountain to another area in the Mall affect its design aesthetics and its original design context, the illustration of a crane in its natural environment? How will it affect the remaining landscape environments? The same approach should be considered for the flowing water hardscape features that highlight "The Visit" (Clement Renzi), the various pools and fountains that highlight the clay standpipes and that represent agricultural irrigation sources (Stan Bitters), and the flowing water hardscape features that highlights the "Obos" sculpture (George Tsutakawa) at the southern end of the Mall.

A.5. The EIR must consider the aesthetics of the local design language within the Art and Architectural modernist movement of the 1950s and 1960s in the United States and how those will be affected under the various Fulton Mall options.

A.6. The EIR must consider the aesthetics and the contribution of the local artistic movements currently represented on the Mall. Local Fresno artists with a genuine design language, namely Jean Ray Laury, Stan Bitters, and Joyce Aiken came together to create a local artistic expression in numerous locations throughout the Mall: mosaic panel seating areas (Laury, Aiken and Bitters), fired clay standpipes in numerous fountains, and large hardscape settings such as "Dancing Waters" (Bitters) which includes a setting where local Hans Sumpf clay tile was used.

A.7. The EIR must consider the aesthetic effects of displacing pieces of Art designed by local artists that are an integral part of the hardscape environments they were created for. Given that the majority of Art pieces that can be effectively displaced without damage were created by artists that are not local, the EIR must study (for all the Mall options) what is the effect on the proportional representation of local Art and Artists in the scenarios when Art pieces are displaced from their original locations.

## **B. Cultural Aspects:**

B.1. The EIR must address the cultural significance of the Fulton Mall as recognized by national and international organizations, for example, but not exclusively, with honors for "Excellence in Community Architecture" (1965) from AIA [5] and "National Design Excellence" award from US

HUD (1968) [6].

B.2. The EIR must consider the cultural significance of the Fulton Mall as one of the last remaining and best preserved examples of a modernist landscape architecture design for a pedestrian mall in the United States, specifically including, but not limited to, the effect of purposefully destroying one of the last intact modernist pedestrian malls in the United States.

B.3. The EIR must address the cultural significance of the Fulton Mall as a representation of a unique, localized Architecture and artistic expression, by the incorporation of the work of local artists, methods of construction and materials.

B.4. The EIR must consider the significance of the Fulton Mall as a cultural representation of the Central Valley ecosystems. The EIR should consider that in the Mall's design special care was pursued to ensure a cultural connection to the Fresno region: the Mall's pavement is an illustration of the area's topography, the concrete is stained an adobe color to suggest the valley's soil, and is crossed at frequent intervals by undulating ribbons of aggregate to convey a sense of the texture and gradations of the valley floor, the water features contain ceramic sculptures that suggest the irrigation standpipes commonly found in valley fields and orchards [2].

B.5. The EIR must consider the effects of the proposed projects on social justice issues, specifically including, but not limited to, the displacement of current tenants (as opposed to property owners), of disabled patrons of Fulton Mall tenants, and the homeless population currently residing in or around downtown Fresno.

B.6. The EIR must consider the cultural significance of the Free Speech Area and Free Speech Platform, a Historically-registered site (California Historical Landmark No. 873). The EIR should take into account the social justice aspects associated with this location's availability as a center for free-speech and the potential effects on its current users.

B.7. The EIR must consider the cultural significance of the pedestrian-friendly gathering places provided by the Fulton Mall for numerous ethnicities and socio-economic classes in Fresno throughout the year (Market on Kern, Thursday Night Live, Cinco de Mayo, Over the Edge, Fiestas Patrias, Chile Festival, El Grito, Christmas Parade, among others).

### **C. Environmental and Health Considerations:**

C.1. The EIR must consider the environmental and health effects of air pollution for all the Fulton Mall options. The EIR must take into account the concentrations of soot, dust, noise levels, and other pollutants in the Mall compared to a motorized street; it must also study the effect of auto traffic pollution of the Mall buildings. The EIR must also include the environmental air quality effects associated with demolition and/or construction for all the Fulton Mall options.

C.2. The EIR must address environmental and health effects of noise pollution associated with the different Fulton Mall options.

C.3. The EIR must take into account the environmental and health effects of all the Fulton Mall options on public health such as, but not exclusively on obesity levels, stress, and lung diseases.

C.4. The EIR must address environmental and health aspects pertaining to pedestrian safety and visual safety associated with all the Fulton Mall options.

C.5. The EIR must consider the effects of environmental cooling sources available under all alternatives as it relates to the Fulton Mall serving as a gathering place for the public throughout the year, and in particular during the hottest season of the year.

C.6. The EIR must consider the environmental cooling effects of all the 144 mature trees, Wisteria-covered pergolas, and the remaining shady environments provided by the Fulton Mall in connection with the area's intense sun and heat.

C.7. The EIR must consider the environmental cooling effect of all the water feature environments provided by the Fulton Mall (streams, pools, and fountains as originally created, including original water features currently serving as earth-filled planters). This should be done in connection with air cooling properties of these features and consider the area's intense Summer heat.

C.8. The EIR must consider the effects of potential environmental ground and ground water source contamination by placement of a street with automobile traffic and parking and the necessary introduction of gasoline, motor oil, radiator fluid, and petrochemicals, on the gathering place for numerous ethnicities and socio-economic classes in Fresno.

**D. Historic Significance:**

D.1. The EIR must consider the historic significance of the Fulton Mall as one of Garrett Eckbo's major achievements [7] and the historic significance of Fresno being chosen as the location for its construction. The EIR must take into account of the historic role of the Fulton Mall as setting a high standard for civic design in the nation's urban renewal efforts and its worldwide attention and acclaim (more than fifty cities sent official delegations to see it) [8].

D.2. The EIR must consider the historic contribution of local personalities to the creation of a Downtown Mall Art Selection Committee, chaired by O.J. Woodward II, and the public display of modern art that grew out of that committee's patronage.

D.3. The EIR must consider the historic significance of the Free Speech Area and Free Speech Platform, a Historically-registered site (California Historical Landmark No. 873). The EIR must consider the historic nature of the Free Speech Area as the site of the Fresno Free Speech Fight of the Industrial Workers of the World, and the Free Speech platform as symbolic commemorative site where the first free speech legal conflict in California took place.

**E. Economic Considerations**

E.1. The EIR must consider the economic effects on the value of buildings and land currently existing on and immediately adjacent to the Fulton Mall.

E.2. The EIR must consider the economic effects on the value of buildings and land held by landlords living and/or residing in outside of the City of Fresno.

E.3. The EIR must consider the economic effects on the value of buildings and land held by landlords and tenants who have underinvested in their respective properties on the Fulton Mall.

**F. Land Use/Planning Considerations:**

F.1. The EIR must consider the effects of the potential failure to build a high speed rail station, as currently proposed for Mariposa street, approximately one block west of the Fulton Mall.

F.2. The EIR must consider the effects on public finances for all Fulton Mall alternatives.

F.3. The EIR must consider the effect on the public's trust and faith in the City of Fresno in light of the City's support of a plan to spend millions of public funds to improve private property.

F.4. The EIR must consider the effect of the City of Fresno's honesty in defending multiple lawsuits wherein the City states that the Fulton Mall is public property (see, e.g., Rosendahl v. City of Fresno, Fresno County Superior Court Case number 11CECG01124), while also testifying before state and national agencies that the Fulton Mall is private property.

We, the undersigned request written responses to the comments submitted above.

Our best regards,

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**References:**

- [1] Eckbo, G. 1986. "Fresno Mall Revisited". Landscape Architecture, Nov/Dec Issues
- [2] McKnight R. Zachritz L., and Tokmakian, H. 2008. "Fulton Mall Application for Registration in the National Register of Historic Places", United States Department of the Interior, National Park Service. [http://www.ohp.parks.ca.gov/pages/1067/files/nr%20application\\_070108.pdf](http://www.ohp.parks.ca.gov/pages/1067/files/nr%20application_070108.pdf)
- [3] PBID Partners of Downtown Fresno. "Fulton Mall Public Art - Rite of the Crane by Bruno Groth". Fulton Mall Public Art. <http://www.downtownfresno.org/rite-of-the-crane-bruno-groth.html>
- [4] Gruen and Associates, Eckbo, Dean, Austin and Williams. 1964. "Planting, Soil and Excavation Plan for the Merced Mall". Plans for Pedestrial Mall No 1, Job 4021, Sheet L-5. City of Fresno.
- [5] Evon L. 1965. "AIA Presents Award for Fresno's Mall's". Fresno Bee, Oct, V84, N15482, pp. 1-A, 12-A.
- [6] Anonymous. 1968. "Pedestrian Mall System gets Another Top Award". Fresno Bee, Oct 15, pp. 1-C, 5-C.
- [7] Downtown Fresno Coalition. 2010. "Fulton Mall Deemed Eligible for Listing in the National Register of Historic Places at the State and Local Level". Press release, Sep 9 2010
- [8] Taper, B. 1966. "The City that Puts People First", McCall's, April Issue, pp.62

Baker Manock  
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ATTORNEYS AT LAW

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May 1, 2012

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**VIA ELECTRONIC & U.S. MAIL**

City of Fresno Development and  
Resource Management Department  
Attention: Wilma Quan, Urban Planning  
Specialist  
2600 Fresno Street, Room 2156  
Fresno, California 93721

Re: Comments of Fresno City and County Historical  
Society on the EIR for Downtown Neighborhoods  
Community Plan, Fulton Corridor Specific Plan, and  
Downtown Development Code

To Whom It May Concern:

I serve as Secretary and General Counsel of the Fresno City and County Historical Society (FHS). I am submitting these comments behalf of FHS in response to the City of Fresno Environmental Impact Report for Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code made available for public comment on April 3, 2012.

**Boundaries of Plan Areas.**

The Notice of Preparation indicates that current freeway routes are heavily used as neighborhood, plan area and district boundaries for the proposed Downtown Neighborhoods Community Plan and the Fulton Corridor Specific Plan. Most freeway construction in the overall plan area occurred long after the development of the historic neighborhoods. Therefore, the freeways are not indicative of traditional neighborhood boundaries. Most freeways through Fresno, and most significantly through historic downtown Fresno, divide existing neighborhoods by closing cross-streets and other access points to neighborhoods. These transportation facilities may facilitate automobile traffic through the city to the suburban edges, but they interrupt the street grid and divide residents and businesses that were once integrated parts of the built environment.

FHS recommends that the City consider revising the boundaries to include all portions of historic neighborhoods into plan areas. For example, the boundary on the north side of the DNCP area could be Belmont Avenue to observe a more traditional division between the

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lower Tower District and the upper Lowell neighborhood and include the triangle between 180 and Belmont and Weber Avenues. Similarly, on the south side of the FCSP area, Ventura or another parallel street south of Ventura might be a better boundary choice and more accurately define the neighborhood than the 41 corridor.

#### Historic Preservation Element.

Because the planning area contains many historically significant structures, it is essential that the new plans contain a comprehensive preservation element that will ensure the protection of historic and contributing resources in the plan areas. The completed preservation element should provide predictability for those interested in developing in the downtown area in addition to protecting historic resources.

The first step in creating the preservation element should be to review, update and adopt the many historic resource surveys which have already been performed in the project areas. The adopted surveys will create a "threshold of significance" or baseline for future development in the plan areas. Established baselines for historic resources, including potential historic districts, will expedite future development by informing the public and potential developers at the very beginning of the process of historic features and their significance. Establishing this baseline is crucial, now that the City of Fresno has adopted the general plan update option that promotes downtown revitalization and in-fill development.

The historic preservation element should also include a prescribed project review process to efficiently evaluate a proposed project, its environmental impacts and determine appropriate mitigation measures if required. As the NOP states, "[o]ver the years, many significant or simply good urban buildings have been demolished and have replaced with vacant land and parking lots." (p. 14) The Fresno Morning Republican, the Brix Building, Firestone Store, and the Sullinger Building are some recent examples of unique historic buildings demolished without adequate environment review and without even firm, new projects to replace them, leaving vacant gaps in the urban fabric. Protection and reuse of historic, and even old "good urban buildings," are necessary to provide an environment for a healthy mix of uses and rents for the emerging downtown population.

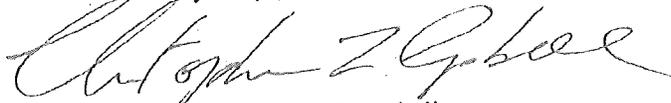
In conclusion, we appreciate the City's detailed planning process and commitment to downtown revitalization. We believe that the appropriate handling of the historic resources in the planning area as we have discussed in these comments, must be addressed in specific detail in the next phase of planning for these areas. Because local knowledge is so important in addressing historical resources, we strongly encourage the City of Fresno to include FHS and the City of Fresno Historic Preservation Commission in early discussions about the

May 1, 2012  
Page 3

appropriate way to address each of the historic resources that are potentially affected by the proposed plans and to assist in creating the historic preservation element of the plans.

Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Christopher L. Campbell".

Christopher L. Campbell  
BAKER MANOCK & JENSEN, PC

CLC:tlw

cc: City of Fresno, Historical Preservation Commission

## DOWNTOWN FRESNO PARTNERSHIP

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Wilma Quan  
City of Fresno  
2600 Fresno Street  
Fresno, California 93721

April 30, 2012

Dear Ms. Quan:

This letter is to provide comments on the scope of the Environmental Impact Report for the Fulton Corridor Specific Plan, Downtown Neighborhoods Community Plan and the Downtown Development Code. As President of the Downtown Fresno Partnership, I represent the property owners who are located within the Fulton Corridor. We cannot express greatly enough, how important these plans, and the Fulton Mall project in particular, are to the future of Fresno and the region that surrounds it.

Fulton Mall property owners are experiencing first-hand the factors of urban decay such as crime, vandalism, excessive litter, an increased vagrant population, low lease rates and high vacancy rates which result in lower investments in property maintenance and improvements. The Mall currently has a major retail vacancy rate and a vacancy rate in major historic buildings that are higher than other downtown areas. In order to fully understand the environmental impacts of the Fulton Corridor Specific Plan and the Fulton Mall project in particular, the impacts on urban decay of the available alternatives must be studied along-side other impacts such as air quality and cultural resources. We believe certain Fulton Mall options being studied, and not others, would alleviate the urban decay that we feel is present today along Fulton Mall and request that the City's EIR analyze these impacts.

Further, as Downtown Property owners, we believe that a vibrant, thriving Downtown Fresno plays a greater role in a healthy environment for all San Joaquin Valley residents. Fulton Mall presents the best opportunity for a dense urban population and transit oriented development. The reintroduction of vehicular traffic along the six blocks of Fulton Mall should be considered in the context of the many other transportation options, the greater transit accessibility, and the improved walkability that would result from the increased development and decreased vacancies in the adjacent buildings. A vibrant core in the Downtown will attract further investment to the center of the city and away from the suburban fringe thereby reducing environmental impacts from vehicle emissions in greater Fresno.

We have heard repeatedly from developers, both local and regional, that their investment interest is directly tied to traffic circulation and the ability for their clients to find on-street parking. If we are able to create the infrastructure that developers are looking for, they will undoubtedly bring their investment dollars to the Fulton Corridor. Inevitably this growth and increased development will result in more care, maintenance and infrastructure going into existing buildings and construction of new buildings, all of which would reduce the presence of urban decay along Fulton Mall and increase the amount of development density and transit use in the region.

Thank you for the opportunity to comment.

Sincerely,



Kate Borders, President/CEO

MAY 02 2012



302 Fresno Street #205  
Fresno, Ca. 93706

April 30, 2012

RE: Scoping for the Downtown Neighborhood Community Plan DEIT

Dear Wilma:

We appreciate this opportunity to comment on the scope of the DEIR for the Downtown Neighborhoods Community Plan and the Downtown Development Code. These planning documents will affect the future of the City of Fresno for many years to come. West Fresno Family Resource Center supports the efforts the City of Fresno has made in recent years to focus development around the principles of increasing density and smart growth. At the same time we believe that there is significant room for manipulation within this process using a pro-environment message to accomplish goals that are almost purely economic and of ultimate harm to environmental realities both physical realities both physical and social.

The area covered by the two plans and the accompanying code amendment has some of the most dismal health indicators, indicators, air quality and concentration of poverty, of any area in the Valley. Attention should be paid to environmental indicators. Along these lines West Fresno Family Resource Center would like to make the following suggestions regarding the DEIR:

The West Fresno Family Resource Center is in support for the Employee housing in this area. The Keaney-Heights is considered mixed-affordable housing. In this area you have some of the original homeowners living the neighborhoods, along with new homeowners, and renting is the majority. What is truly needed is take the vacant neighborhoods parcels, west of State Route 99, making it into more suitable houses, affordable-mixed housing, and some apartments.

The private development and civic resources would create neighborhood-serving the residents use in retail, banking, and community satellite programs from local colleges, within the community.

Anne L. Gaston  
Outreach Specialist

*"OPTIMAL HEALTH AND WELL BEING FOR ALL PEOPLE LIVING IN WEST FRESNO"*

302 FRESNO STREET, STE. 205 FRESNO, CA 93706 • PHONE: (559) 264-7185 • FAX: (559) 264-7433



Larry L. Powell  
Superintendent

# fresno county office of education

April 27, 2012

City of Fresno Development and Resource Management Department  
Attn: Wilma Quan, Urban Planning Specialist  
2600 Fresno Street, Room 2156  
Fresno, CA 93721

**Subject: EIR for Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan, and Downtown Development Code**

Dear Ms. Quan,

Thank you for the opportunity to comment on the scope and content of the Environmental Impact Report (EIR) for the above project. The Fresno County Office of Education serves the 32 school districts in Fresno County and has a mandate to ensure that school districts remain fiscally solvent. Additionally, we provide a full range of support programs to districts and operate programs for students with special needs and at-risk students. We maintain our offices within the project boundaries of the Downtown Neighborhoods Community Plan and Fulton Corridor Specific Plan.

The Fresno County Office of Education is supportive of efforts to revitalize downtown and the concepts of the project as described in the Notice of Preparation (NOP). We have reviewed the Project Description in the NOP and ask that the following environmental impacts, alternatives and mitigation measures be analyzed in the EIR.

- Air quality, noise, and traffic impacts related to introducing traffic along the Fulton Mall, Kern, Mariposa, and Merced streets with consideration given to maintaining Mariposa as a pedestrian thoroughfare or installing a turnaround west of the alley to maintain the Van Ness underpass
- Aesthetic impacts and integration of traffic along corridors with buildings designed without anticipation of traffic on adjacent thoroughfares
- Mitigation of the impacts to the public art along the Fulton Mall, a significant cultural resource for the children of Fresno County

If you have any questions regarding this matter, please contact Jeff Becker, Director of Facilities & Operations, at (559) 497-3705.

Thank you for your consideration of these comments.

Sincerely,

Larry L. Powell  
Superintendent of Schools

MAY 02 2012



## Faith In Community

2101 N. Fruit Avenue, Fresno, CA 93705

(559) 244-9227 FAX (559) 237-3121

Re: Scoping for the Downtown Neighborhoods Community Plan DEIR

Dear Wilma:

We appreciate this opportunity to comment on the scope of the DEIR for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan and the Downtown Development Code. These planning documents will affect the future of the City of Fresno for many years to come. Faith in Community supports the efforts the City has made in recent years to focus development around the principles of increasing density and smart growth. At the same time we believe that there is significant room for manipulation within this process—using a pro-environment message to accomplish goals that are almost purely economic and of ultimate harm to environmental realities both physical and social.

The area covered by the two plans and the accompanying code amendment has some of the most dismal health indicators, including air quality and poverty, of any area in the Valley. Attention should be paid within the DEIR to environmental indicators that have historically been unacceptable within the plan area.

### Recommendations for Study in the DEIR

We have become aware that the DNCP has the potential to impact environmental conditions in the southern neighborhoods significantly, especially in terms of added density. While increased density is a notable urban planning goal that our organization supports, we have serious concerns about the level of analysis that has been done to ensure that the plan will enhance the social and environmental quality of the area instead of diminishing it. The nature of these concerns include the following:

- **Water Supply**—Faith in Community is concerned that present and potential water supply is adequate to meet demand for the plan area, current users and cumulative potential projects. The proposed plan will require major new water infrastructure to serve development, including wells, pipes and treatment facilities. According to the plan document itself, p. 5:4, the city faces the need for “additional supply to increase reliability under existing conditions” to meet fire flow demands and has planned a surface treatment facility to meet existing and projected demand within the city’s boundaries apart from any growth caused by the plan. “Current City-wide water consumption trends are straining the City’s available water resources.” (p. 5:4) Fresno is facing a water shortage based solely on current demand projections and should adequately address any plans for added consumption before plan adoption.

The statements listed above raise important questions about the feasibility of major new development within the city’s oldest network of infrastructure without an adequate plan

## Faith In Community

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for satisfying current demand projections in addition to expected growth from new development. Added to these concerns are the recent reports that the City of Fresno is at risk of bankruptcy amid unprecedented cuts in personnel and services. The present state of utility infrastructure causes concern that a bankrupt or nearly bankrupt city could provide the level of upgrades needed to support new growth in the area. "About 30 percent of the utility [infrastructure] networks in the downtown area are over 50 years old; roughly 5 percent are over 100 years old. These networks are either nearing or past their intended design life and are subject to capacity, reliability, and potential failure issues." (p. 5:7) The City of Fresno is facing a water infrastructure crisis based on existing conditions and should address any additional strains on this important network of infrastructure within the Downtown Plan area before making plans for growth in the area. Faith in Community requests that these significant issues be addressed within the DEIR.

- **Water Quality**—Water quality in the Central Valley has become a grave environmental concern, with the area gaining the distinction of being named Parkinson's Alley by neurologists because of the reality "that Central Valley residents under age 60 who [live] near fields where the pesticides paraquat and maneb... had a Parkinson's rate nearly five times higher than other residents in the region." (Sierra Magazine quoting a 2011 study by researchers at UCLA). Another study by the Pacific Institute, Visalia's Community Water Center, the Clean Water Fund, and California Rural Legal Assistance Foundation found that over 1 million residents of the region drink tap water with an unsafe level of nitrates through leakage from septic tanks, manure, and fertilizers. Cities are facing the need to find adequate supply for growth from diminishing supplies of quality water while current regulation leaves some important aspects of the process unmonitored. Faith in Community requests that the city ensure that the source and quality of water needed for growth in the Downtown area be studied adequately so that current residents, predominately people of color, can maintain a supply of safe drinking water.

What specific sources and loads of pollutants would be present through implementation of the plans and what would their effect be on aquatic resources, especially groundwater, Fresno's primary water source? A Health Impact Assessment (HIA) completed for the DNCP area by Raimi and Associates makes the following statement: "Many of the Downtown Neighborhoods are surrounded by heavy industrial agriculture and processing/manufacturing facilities that produce environmentally toxic pollutants in nearby air, *water*, and soil. Studies show that residents who live near such land uses are at increased risk of exposure to acute and chronic health-damaging elements. At this point the community Plan currently does not address this issue. Environmental health risks from agriculture-related sources are likely to continue." (2011: 76, emphasis added) In other words, there are significant sources of possible water contamination that should be addressed within the framework of the DNCP. Then, either adequate mitigation measures or a viable alternative would need to be implemented to ensure that any possible negative health impacts will be contained and would not increase with added density.

- **Natural Resources**—In a letter to the California High-Speed Rail Authority opposing the proposed project, the California Farm Bureau Foundation states: "One of the major principles of the State's environmental and agricultural policy is to sustain the long-term

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productivity of the State's agriculture by conserving and protecting the soil, water, and air that are agriculture's basic resource." And "...CEQA also recognizes agricultural land and water resources as a part of the physical environment." The origin of the plan areas' water sources could affect agricultural land in terms of future sustainability because of scarce water resources and the cumulative effects on the already poor air quality in the area. The future of farmland and the agro-business it supports depends on adequate management of its primary inputs: soil, air and water. These input areas could be diversely affected by development of the plans in question. Faith in Community asks that these effects be studied adequately in the DEIR as part of the CEQA requirement that agricultural resources be considered during environmental review, including both direct and indirect effects along with the irretrievable and irreversible commitment of resources.

- **Air Quality**—Though the DNCP makes a case for lowering the air pollution through the potential lowering of VMT through policies related to land use and transportation, density and mixed-use development, these are not guaranteed. Regarding increased density the Health Impact Assessment states: "...[increased density] can also increase individual exposure to air pollutants if development and population increase occurs faster than transit and economic development (or improvements in air quality)." (Raimi, 2011: 58) Then a bit later in the document and concerning the location of population/housing due to increased density, "The Downtown Neighborhoods' location—in between two major highways and surrounded by industrial agricultural uses—create precarious conditions for regulating harmful air pollutants. Although the Plan emphasizes reduction of automobile dependence, the Plan does not have capacity to influence external stationary or mobile sources of emissions." (Raimi, 2011: 76) The addition of denser population centers within the plan area that are subject to both internal and external sources of pollutants as well as the added contamination related to increased concentration of population is cause for concern of Faith in Community leaders.

Another important concern regarding air quality and specifically around displacement is the additional VMT that may occur through added travel time. The construction of or, as the plan states, "[introduction of] new housing" (1:3) with the goal of "providing a rich housing mix to accommodate and attract a wide-range of housing types...and income levels..." (1:3) may cause an increase in VMT traveled through added travel time for downtown workforce. The kind of housing that would be built to support residents with a higher socio economic level would not likely house the downtown workforce employed in shops, restaurants and other businesses. Through displacement the downtown workforce may need to travel larger distances to get to work increasing instead of decreasing the total VMT. The impact of several possible scenarios should be studied to determine mitigation measure in case the City's possibly optimistic estimates do not pan out.

- **Climate Change**—There has been much recent discussion of global climate change and local development practices that add to its intensity. We ask that attention be paid to the impact any added VMT have not only on local air quality but also on greenhouse gas emissions at a global level. The NASA Website states: "Most climate scientists agree the main cause of the current global warming trend is human expansion of the 'greenhouse

## Faith In Community

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effect?—warming that results when the atmosphere traps heat radiating from Earth toward space.” The gases associated with this warming include carbon dioxide, methane, nitrous oxide and chlorofluorocarbons. The addition of VMT either within the plan area or from those traveling to it from the outside will increase the amount of CO<sub>2</sub> emissions to the atmosphere. Faith in Community asks that these effects be studied both directly and cumulatively.

- **Heat Island Effect**—Another concern we have at Faith in Community is the effect more development will have on temperatures in the downtown neighborhoods. Fresno has historically under-invested in park space across the city and especially in the downtown area. According to the General Plan Alternatives Analysis recently released by the City of Fresno the national average for acres of park space per thousand people is 15.8 for cities of Fresno’s size. Within California Sacramento has 13 acres while Visalia has 5. Fresno has a dismal 3.1 acres per 1000 residents. While the plan area reaches 2.8 acres through the addition of Roeding Park, its most populous neighborhood in the Southeast has only 0.6, with Jefferson and Lowell reaching 0.2 acres and 0.3 acres respectively. With added density and new development Faith in Community is concerned that this historic lack of attention to green space will exacerbate the heat island effect in the future within neighborhoods further from the area’s regional park. This possibility should be studied thoroughly especially in terms of mitigation through addition of added green space in areas that are presently severely underserved.
- **Housing**—A very significant concern for Faith in Community is the danger that the existing population of the plan areas and future low-income residents be able to live within the downtown neighborhoods given the impact of future development on the area. We have already highlighted concerns regarding the location of added population through implementation of the DNCP and the changing housing opportunities that would ensue. An additional concern noted within the Health Impact Assessment is the need for additional affordable housing within the area: “One strategy for transforming Downtown is introducing new housing in the Downtown core in order to activate the area. Without a specified proportion of affordable housing units, however, the Plan may not address the needs of low and very low income residents.” (Raimi, 2011: 72) Under ‘The Strategy for the Downtown Neighborhoods’ the Plan itself states: “Critical components of revitalizing the Downtown Neighborhoods...attracting a diverse range of residents, including middle income residents...Providing a rich housing mix to accommodate and attract a wide-range of household types...and income levels...” (p. 1:3) Lower income residents will be unable to afford new market rate housing and will face the possibility of displacement through the development of new housing projects. Added to these issues, Faith in Community would ask: Has there been enough attention to the growth inducing impact of the proposed plan related to the demand for employee housing? In an area with historically lower median rents compared to both the city and the county, these questions should be addressed within the DNCP in a way that ensures adequate housing opportunities for the most vulnerable sectors of the population.
- **Economic and Social Conditions**—For Faith in Community the possible impact in terms of displacement for present residents is striking. This is an area that is home to a large

## Faith In Community

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percentage of low income residents, who, in many cases, have less resources to deal with the possible social and psychological impacts of moving. Again the HIA summary highlights the issue: "The Plan recommends introducing market-rate housing in the Downtown Neighborhoods in order to activate and diversify the area. Residents in the Downtown Neighborhoods experience housing burden, spending over 30% of their income on housing compared to 20% for the City overall. *Market-rate housing will not be an affordable solution to downtown residents* and may displace some residents, especially those close to the potential investment areas... Gentrification of the Downtown Neighborhoods will likely result in permanent or temporary displacement, due to demolition/construction and increased costs of the new housing. *Displacement often negatively impacts health* by increasing stress, depression, loss of social networks, homelessness, unemployment, and academic delay in children." (Raimi, 2011: 74 emphasis added) The gentrification of the downtown neighborhoods, an area that both reflects notable stability of residence (according to UCLA's Center for Health Policy Research 66% of residents have lived in the same residence for more than five years, compared to 43% and 50% for the City of Fresno and the County respectively) and a large proportion of renter-occupied housing units (from the HIA: 63% for the plan area compared to 49% for the City of Fresno), will have serious social and economic impacts on current residents of the plan area. These impacts will affect an already vulnerable but vibrant population making their home within the Southern neighborhoods; a population that has recently—notably in southeast Fresno—reduced its crime rate to the lowest level within the City of Fresno.

- **Historic and Cultural Resources**—The plan area has many historic homes, buildings and trees. The DNCP states: "Downtown has one of the largest and best collections of urban buildings in the western United States, including many designated as historic. Unfortunately over the years, many significant or simply good urban buildings have been demolished and have been replaced with vacant land and parking lots." (Introduction p. 10) Faith in Community requests that a comprehensive assessment of all historic buildings and trees (or plants)—both those listed and not listed in historic register—be assessed in terms of historic or cultural impact from future development.

A second area of impact that concerns the leaders of our organization is the effect new development might have on the cultural resources present within the downtown area and expressed through the existing built environment. Residents of the area have built a structure of social and economic systems that has maintained a delicate balance for impoverished residents. The cultural resources that may be affected by the planned changes in socioeconomic level of residents should be studied in depth. The region's dependence on a low wage workforce has created a large segment of the population that is vulnerable to change in the physical environment because of the dependence cultural resources have on it. The types of shops and businesses present today make up the system of cultural support that residents depend on for their everyday wellbeing. Any possible effects of future development on this system integrally related to the built environment should be analyzed thoroughly.

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- **Cumulative Environmental Vulnerability**—Another important point for leaders at Faith in Community are what Jonathan London with the UC Davis Center for Regional Change calls Cumulative Environmental Vulnerabilities. The UC Davis Center for Regional Change document “Land of Risk, Land of Opportunity” states: “Cumulative Environmental Vulnerability Action Zones (CEVAZ) are identified as the neighborhoods (census block groups) with the highest degrees of both Cumulative Environmental Hazards and Social Vulnerability. These areas have the fewest social resources to address the most extreme concentration of environmental hazards. They are...deserving of special attention for environmental and health protections, investments, capacity-building, and other resources.” (p. 12) The Fresno plan area has several of these census blocks, notably in Southwest Fresno and many areas of the Southeast. The cumulative effects of poor representation and community voice in decision-making have led to the concentration of toxic industries and hazards, especially in West Fresno. While the plans touch these effects the code document does not include language that requires mitigation of these effects for current residents.
  
- **Growth Assumptions**—The City of Fresno has recently analyzed its need for new housing units, with a total of 79,000 units projected as an adequate goal for growth till the year 2035. In the recently released General Plan Alternatives Report the city estimates that between 10,900 and 11,000 units will be built in the downtown area. By way of comparison, North Fresno will likely gain between 2,000 and 2,500 new units. Keeping in mind that this is the same area that boasts several 100 and 50 year-old-pipes, Faith in Community suggests that this added burden to existing resources and infrastructure within the context of very difficult fiscal realities might overburden public systems. We suggest that these growth assumptions be thoroughly studied and that alternatives focusing infill growth toward northern neighborhoods also be researched.
  
- **Cumulative Effects**—Faith in Community requests that the DEIR consider the incremental effects of conditions within the plan area past, present and future. Areas of concern include:
  - Total impact on vehicle miles traveled (VMT)
  - Total gallons per acre foot of water current and added water demand
  - Total need for recreation (at present Southeast Fresno has a dismal 0.6 acres per 1000 residents of park space compared to the national average of 15.8 and city average of 3.1, Lowell and Jefferson have even less)
  - Total need for emergency services
  - Total impact on parking
  - Total impact on growth inducement
  - Cumulative effect on workforce housing
  - Cumulative effect on historical resources
  - Cumulative effect on land use

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### Other Overarching Recommendations

It is our understanding that the legal purpose of environmental review—in order to provide a reasonable analysis of a project's impact on community wellbeing—is to enable jurisdictions to choose planning and development strategies that have the least detrimental environmental impact possible. In accomplishing this purpose, a set of alternatives must be considered and then be evaluated based on reasonable criteria. Faith in Community considers this purpose to be of ultimate importance at this time in Fresno's planning trajectory, specifically around the proposed downtown planning documents.

#### *Alternatives to the Project:*

Under CEQA any possible significant effect on the environment would require measure for mitigation. According to the Public Resources Code, Section 21002.1, "The purpose of an environmental impact report is to identify the significant effects of a project on the environment, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided." Have all feasible alternatives to the project, including no project, been considered at an equal level of detail to the project proposal?

#### *Mitigation Measures:*

We request that adequate mitigation measures for areas of environmental impact be included in the DEIR. We ask that the document answer the question: Have all reasonable mitigation measures been considered for areas of impact?

### Conclusion

Thank you for allowing us this opportunity to suggest areas for review within the DEIR for the Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan and the Downtown Development Code Amendment. As an organization we maintain significant concern over this review process because of the future effects these plans will have on current residents and their children. It is for them that we ask for your consideration regarding all of the points raised above.

Faith in Community urges the City of Fresno to consider meaningfully the suggestions above and to act accordingly, in other words, to use this window of opportunity to find the best alternative for Fresno residents and specifically those within the plan area.

Again, thank you for the opportunity to participate in the environmental scoping process for the recently proposed downtown planning documents.

Sincerely,



Rev. William Knezovich  
President of the Board  
Faith in Community-PICO

April 29, 2012

City of Fresno Development and Resource Management Department  
Attention: Wilma Quan, Urban Planning Specialist  
2600 Fresno Street, Room 2156  
Fresno CA 9372

Thank you for this opportunity to input my views regarding the future of my city and most notably the future of the Fulton Mall. It is imperative that all options be thoroughly considered before the first stone is turned in any attempt to improve, revitalize, alter, modify or demolish the mall.

One such option that has never been considered would be to leave the mall intact, as it is, but with an assurance that the mall will never revert back to vehicle traffic. This will leave property owners and businesses free to plan their future without fear of governmental tinkering. For those who feel that the mall does not work for them, they will be free to move on, to sell, or relocate to one of the many fine streets that has vehicle traffic. This would be a variation of option 3, with the exception of spending the \$8 -16 million on restoration and completion.

The alleys flanking the mall could be enhanced and open to one-way traffic, with parking where available. Businesses could then adorn the rears of their building with signs and displays, thus satisfying the alleged need for "intrusive visibility".

In the event that option 2 is chosen, it might be wise to first enhance one of the many equally blighted other downtown streets, add the vignettes and study the effects.

The shocking state of advanced deterioration as well as the shocking \$8 – 16 million estimated cost of restoration and completion as outlined in option 3 raise some question of credibility and suspicion that these facts and figures might be enhanced in order to influence a decision. Certainly there is

considerable deferred maintenance, some requiring urgent attention and some that may be deferred further. The missing and broken Cristy box lids and the bare wires should certainly be dealt with before someone unsuspectingly breaks a leg or is electrocuted..

If any of the fountains do in fact leak, it was not mentioned at the time that all of the fountains were drained when the reason given was to conserve water. A visual inspection of the empty ponds failed to reveal any leaks. At any rate, more details are in order as to what repairs are to be proposed and which of these are necessary, and some more accurate cost estimates.

This NOP is somewhat confusing in that it describes conditions in the various neighborhoods in an apparently negative light, yet fails to reveal information regarding action to be taken to rectify those conditions except for the three proposed options to the Fulton Mall/Street/Corridor "problem". Will the "too large" buildings be reduced in size? Turned around to face the street? Moved to the front of the lots? How will we deal with reluctant owners? Eminent domain? Once the deed is done, and the Final Solution to the Fulton problem is executed, how will these lowly under-performers be dealt with who now occupy the stores? Will those eager investors and speculators drive up property values and raise rents to a point that these tenants can no longer afford? Or will the city once again use eminent domain to seize the property and hand it to developers of choice? And how will the customers be enticed to shop in these presumably upscale shops? Those of us who live in Woodward Park or Sunnyside are not apt to venture to the bowels of downtown to fight traffic and parking meters when we have ample accommodations near home. Finally, there are those of us who live and/or work in the area of the mall and are accustomed to shopping at Tres Hermanos and Falla's or simply come to the mall to hang out or enjoy the art. We may not spend the money the city would like, but our needs should nevertheless be considered. All of these factors must be addressed, lest we end up with another unsightly barren dirt lot as in the area of the ill-fated "Old Armenian Town" fiasco.

With or without a street through it, and barring any unexpected demographic shift, Fulton will continue to be what it is because of where it is. It is in an area of predominantly moderate and low income immigrants and minorities, and can hardly be expected to suddenly transform into a vibrant shopping and entertainment mecca for the rich and affluent, as apparently envisioned by our city leaders, nor can it relive the "glory days" of the 40s and 50s. However, with this colorful population blend and their diverse talents, it could possibly one day see a new era of glory days, on the order of a Olivera Street or a Beale Street.

The myth that the direction of Fulton will determine the direction of downtown, or that Fulton is the "Main Street", or the "heart" of downtown Fresno defies reality. The truth is that Fresno has no heart (geographically speaking, of course). We have a county building here, a convention center there, a city hall over by the tracks, a university five miles north, commerce and finance beyond that, and junk yards to the south. Given this pattern of total disorientation, there is no way that the fate of Fulton could possibly have any effect on the rest of downtown, or any other part of town.

Much has been said about other cities and their struggles with white flight and urban decay during the 60s. Many were said to have also closed portions of their downtown streets to traffic and created pedestrian malls which allegedly failed, were subsequently reopened to traffic and magically became an instant success. Never mentioned, however, are the numerous cities which thrive to this day with their pedestrian-only streets still intact. One such city is Riverside.

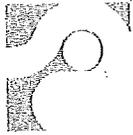
Like the Fulton Mall, Main Street in Riverside has neither a hospital nor a university (UCR is three miles east). During the early 60s, the city closed a portion of Main Street between Sixth and Tenth Streets (for different reasons, and without the thoughtfully planned architecture, landscaping, and art, as in the Fulton Mall). The Mission Inn was at the time in bankruptcy, closed and abandoned. There

was talk of converting it to low income housing and even tearing it down. A few years later a new city hall was built in the middle of Main Street (they do not call it a mall) between Ninth and Tenth. Subsequently, a convention center was built on Main Street between Fourth and Fifth Streets, forming protective barriers at both ends, thus stifling any further thoughts of reopening the street to traffic.

Today Main Street is shady, pleasant, and peaceful, much like our Fulton Mall, except lacking the beauty of the statues, fountains, and artwork, but cleaner and better maintained. The street is lined with boutiques, art studios, antique shops, restaurants, etc, mostly independent and locally owned, and apparently doing well. No decision should be finalized regarding the fate of the Mall until all of the deciders visit Main Street in Riverside.

The point is not that Riverside is a better city , nor that its leaders are smarter. It is a proud city that values its historic resources and its cultural heritage. Fresno has always been notoriously loose with its wrecking ball. We build a courthouse, we tear it down. We build an opera house, we tear it down. Now we are on the verge of desecrating one of our few remaining historic resources that is uniquely Fresno, because someone has decided that it is not generating sufficient revenue or profits.

The Fulton Mall belongs to neither property owners, nor developers, nor investors, nor speculators, nor politicians. It belongs to the people of Fresno, and should remain in their trust. There are other areas of Fresno more urgently in need of attention.



APR 23 2012

FRESNO METROPOLITAN FLOOD CONTROL DISTRICT

File 170.21

310. "FF", "II", "GG",  
"OO", "RR", "UU"  
550.30 "FF", "II", "GG",  
"OO", "RR", "UU"

April 19, 2012

Ms. Wilma Quan  
Urban Planning Specialist  
City of Fresno  
2600 Fresno Street, Room 2156  
Fresno, CA 93721

Dear Ms. Quan,

**Fresno Metropolitan Flood Control District Comments for  
Notice of Preparation of a Draft Subsequent Environmental Impact  
Downtown Neighborhoods Community Plan (DNCP)  
and Fulton Corridor Specific Plan (FCSP)  
Drainage Areas "FF", "II", "GG", "OO", "RR", "UU"**

The Fresno Metropolitan Flood Control District (FMFCD) bears responsibility for storm water management within the Fresno-Clovis metropolitan area, including the area subject to the proposed Downtown Neighborhoods Community Plan (DNCP) and Fulton Corridor Specific Plan (FCSP). Within the metropolitan area, storm runoff produced by land development is to be controlled through a system of pipelines and storm drainage retention basins. The community has developed and adopted a Storm Drainage and Flood Control Master Plan. Each property contributes its pro-rata share to the cost of the public drainage system. All properties are required to participate in the community system for everyone. It is this form of participation in the cost and/or construction of the drainage system that will mitigate the impact of development.

All properties that develop or redevelop under the DNCP and FCSP (plan areas) shall pay drainage fees pursuant to the Drainage Fee Ordinance prior to approval of any final maps and/or issuance of building permits at the rates in effect at the time of such approval. Please contact FMFCD for a final fee obligation prior to issuance of any construction permits. Should land use densities of existing residential areas be increased, the property would be subject to a reassessment of drainage fees based on the proposed increased land uses and may include the requirement of additional drainage fees to be paid to offset the increased land use. Each proposed development will be reviewed and assessed upon submittal to FMFCD. Any drainage fees previously paid on a property would be given a credit against any new fee responsibility.

K:\Environmental Impact Report Letters\DEIR downtown neighborhoods-fulton corridor(various)(mw).docx

**Ms. Wilma Quan  
City of Fresno  
April 19, 2012  
Page 2 of 3**

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

Much of the FMFCD Master Plan storm drainage system for the plan areas is complete. This system was designed for land use densities designated on prior General Plans and have been reflected in the Master Plan. Any proposed densification of existing residential areas within the plan areas may exceed the capacity of the existing storm drainage system and will require FMFCD review and approval prior to implementation. Mitigation of site storm water discharge may be required in some circumstances. Such mitigation shall be in the form of on-site retention or FMFCD system modifications. All mitigation shall be reviewed and approved by FMFCD.

The grading of any proposed development within the plan areas and any reconfiguration of public streets shall be designed such that there are not adverse impacts to major storm conveyance, and to the passage of storm water to the adjacent roadways and existing storm drainage pipelines and inlets. Additionally, development shall provide the appropriate surface flowage easements or covenants for any portion of the development area that cannot convey storm water to the public right-of-way without crossing private property.

FMFCD will need to review and approve the final improvement plans for all development (i.e. grading, street improvement and storm drain facilities) within the boundaries of the proposed project to insure consistency with the approved Storm Drainage Master Plan.

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

In an effort to improve storm runoff quality, outdoor storage areas shall be constructed and maintained such that material that may generate contaminants will be prevented from contact with rainfall and runoff and thereby prevent the conveyance of contaminants in runoff into the storm drain system.

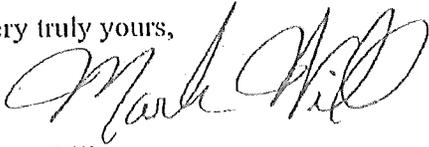
FMFCD encourages, but does not require that roof drains from non-residential development be constructed such that they are directed onto and through a landscaped grassy swale area to filter out pollutants from roof runoff.

Ms. Wilma Quan  
City of Fresno  
April 19, 2012  
Page 3 of 3

Runoff from areas where industrial activities, product, or merchandise come into contact with and may contaminate storm water must be directed through landscaped areas or otherwise treated before discharging it off-site or into a storm drain. Roofs covering such areas are recommended. Cleaning of such areas by sweeping instead of washing is to be required unless such wash water can be directed to the sanitary sewer system. Storm drains receiving untreated runoff from such areas that directly connect to FMFCD's system will not be permitted. Loading docks, depressed areas, and areas servicing or fueling vehicles are specifically subject to these requirements. FMFCD's policy governing said industrial site NPDES program requirements are available. Contact FMFCD's Environmental Department for further information regarding these policies related to industrial site requirements.

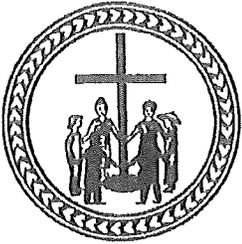
Thank you for the opportunity to comment. Please keep our office informed on the development of these plans. If you should have any questions or comments, please contact FMFCD at (559) 456-3292.

Very truly yours,



Mark Will  
Engineer III, R.C.E.

MW/lrl



# FIRM, Inc.

## Fresno Interdenominational Refugee Ministries

1940 N. Fresno Street, Fresno, CA 93703 Website: [www.firminc.org](http://www.firminc.org).

Telephone (559) 487-1500 FAX (559) 487-1550 Email: [soulhikr@aol.com](mailto:soulhikr@aol.com)

"Sharing Christ's Love to Build Communities of Hope With New Americans"

April 17, 2012

FOUNDER AND  
EXECUTIVE DIRECTOR  
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Hmong Health Collaborative  
Community Organizing  
Lead Programs  
Slavic Family Support  
Healthy Homes  
Family Advocacy  
Elder Programs  
Citizenship Services  
Community Gardens  
Theological Education

Re: Scoping for the Downtown Neighborhoods Community Plan DEIR

Dear Wilma:

We appreciate this opportunity to comment on the scope of the DEIR for the Downtown Neighborhoods Community Plan, the Fulton Corridor Specific Plan and the Downtown Development Code. These planning documents will affect the future of the City of Fresno for many years to come. Fresno Interdenominational Refugee Ministries (FIRM, Inc.) supports the efforts the City has made in recent years to focus development around the principles of increasing density and smart growth. At the same time we believe that there is significant room for manipulation within this process—using a pro-environment message to accomplish goals that are almost purely economic and which can be of ultimate harm to environmental realities both physical and social.

The area covered by the two plans and the accompanying code amendment has some of the most dismal health indicators, including air quality and concentration of poverty, of any area in the Valley. Attention should be paid to environmental indicators. Along these lines FIRM would like to make the following suggestions regarding the DEIR:

- ✓ **Employee housing:** We wish to stress that housing that is affordable to all sectors of the community needs to remain a vital part of the Downtown area. We know that according to recent studies the housing market is changing nationwide- and that these changes are also starting to affect Fresno.

According to a 2010 study by the Urban Land Institute, 75 percent of retiring Baby Boomers, the nation's largest demographic group, said that they want to live in mixed age and mixed-use communities—that is, in urban settings. For Generation X, now in their late 30s to mid-40s, many are facing lower household income than the previous generation of the same age. The children of the Baby Boomers, the "millennials", have similar preferences as other generations. A 2010 study by the Brookings Institution found that 77% of them want to live in America's urban cores. These changes may be positive for some aspects of downtown revitalization, but they also increase pressure on existing neighborhoods and residents that can lead to displacement. The Health Impact Assessment, prepared by Raimi and Associates relative to the Downtown Plan, suggests this as a danger,

"individuals experiencing increased rent costs without increased incomes may no longer be able to afford higher rents and may be displaced. ...Displacement disrupts social networks ...Potential indirect health impacts of displacement include depression, academic delay in children, emotional and behavioral problems, unemployment, loss of health protective social networks, and reduced self-rated health. Those most likely to be displaced in the future are the households living in close proximity of the districts where development is likely to occur". (p. 72)

Given these realities, FIRM requests that, consistent with its obligations under CEQA, the City prepare a formal mitigation plan as part of the DEIR, to assure that those effects do not occur. Further, we request that all alternatives to the project be considered at an equal level of detail in the DEIR as the proposed Downtown Plan project itself.

*"I'm laying a FIRM foundation...no one who trusts in it will ever be disappointed."* Isaiah 28:16

Thank you for allowing us this opportunity to suggest areas for review within the DEIR for the Downtown Neighborhoods Community Plan, Fulton Corridor Specific Plan and the Downtown Development Code Amendment. As an organization we maintain significant concern over this review process because of the future effects these plans will have on current residents and their children. It is for them that we ask for your consideration regarding all of the points raised above.

FIRM urges the City of Fresno to consider meaningfully the suggestions above and to act accordingly, in other words, to use this window of opportunity to find the best alternative for Fresno residents and specifically those within the plan area.

Again, thank you for the opportunity to participate in the environmental scoping process for the recently proposed downtown planning documents.

Sincerely,

A handwritten signature in cursive script that reads "Rev. Dr. Sharon Stanley".

Rev. Dr. Sharon Stanley  
FIRM Inc. Executive Director



**1.5 - Comments from DNCP/FCSP/Fulton Mall  
Scoping Meeting, April 17, 2012**





## **Notice of Preparation and Scoping Meeting MEETING MINUTES**

**Tuesday, April 17, 2012, 5:30 - 6:30 p.m.**

### **1. CALL TO ORDER**

The Notice of Preparation and Scoping Meeting was called to order at 5:30 p.m. by Wilma Quan, Urban Planning Specialist for the City of Fresno. Ms. Quan gave opening comments on the meeting's purpose and an overview of how it would proceed. She stated that those wishing to speak were asked to fill out orange speaker cards with their name, address and agency information; speakers were limited to three minutes, with more time allowed at the meeting's end if time remained; there was a comment sheet at the back of the room for written comment; and the close of the NOP comment period is May 2, 2012.

### **2. OVERVIEW OF PROJECT'S SCOPE BY STEFANOS POLYZOIDES**

Stefanos Polyzoides stated this project includes the Downtown Neighborhoods Community Plan (DNCP) of about 7,000 acres, and the Fulton Corridor Specific Plan (FCSP) of about 700 acres. Both Plans are regulated by code. The FCSP has a section regulated by costs of implementation of infrastructure and/or projects. Each subarea is assigned a zoning intensity that will be executed through a code. The zoning documents indicate densities, horizontally and vertically, and the intended purpose, characteristic, streetscape, and land use range within each zone.

Table 2, *Development Potential by Land Use*, gives the area's potential growth in square feet, broken down by residential, office, retail and industrial land use. It is also separated into different categories for DNCP (excluding FCSP), FCSP only, and DNCP and FCSP together. Table 3, *Residential Population Potential*, anticipates a residential population in the downtown area (DNCP+FCSP) of 97,446 by the year 2035. Table 5, *Job Potential*, shows that a total office, industrial and retail jobs for the area is anticipated to be just over 30,000 for the entire area (DNCP+FCSP).

Mr. Polyzoides stated the next important issue is that three alternatives for the Fulton Mall have been vetted by the public process and will be analyzed by the EIR. They are:

- (1) Reconnected Grid and Traditional Streets;
- (2) Reconnect Grid with Vignettes, much art in place; and
- (3) Restoration and Completion of the Mall in its present form.

### **3. OVERVIEW OF CEQA PROCESS BY ALI MIR OF IMPACT SCIENCES**

This NOP meeting is triggered by the California Environmental Quality Act (CEQA), which this proposed project is subject to. Impact Sciences will be preparing the CEQA compliance

for the proposed project. The proposed project to be assessed is made up of the DNCP, the FCSP and the Downtown Development Code (DDC). The City of Fresno, as lead agency, determines what CEQA document is necessary and which environmental topics should be included in the document to assess the potential impacts of the project. For this project, City of Fresno determined that a Program EIR was the appropriate CEQA document to assess this project's potential impacts.

A NOP has now been prepared and released for public review. The comment period for the NOP is not to be less than 30 days. We are now in the NOP public comment period, which defines the project program, the discretionary approvals associated with the adoption of the project and the range of environmental projects to be assessed. Relevant comments concern what environmental impacts should be assessed by the program document. Comments and suggestions about the scope of the draft project will be incorporated into the Draft EIR, if appropriate. Once the NOP comment period is finalized, the City will determine the final scope of the document. Then technical studies, such as historic resource evaluations and traffic impact studies, will be prepared for inclusion in the Draft EIR.

The Draft Program EIR is a publicly distributed document similar to the NOP. It has its own public comment period of 45 days. Each comment will be responded to individually, in writing, and will be included in the Final EIR. If necessary, supplemental analyses and modifications to the Draft Program EIR in response to comments received will be prepared. Once the Final Program EIR is completed, the City of Fresno Planning Commission will review its conclusions and make a recommendation to the City Council, and the City Council will decide whether to certify the project. The EIR must be certified by City Council in order for the proposed project to move forward.

As assessed by the City of Fresno, the environmental topics under CEQA to be included in the Program EIR include Aesthetics, Agricultural Resources, Air Quality and Greenhouse Gas Emissions, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water quality, Land Use and Planning, Noise, Population and Housing, Public Services, Transportation and Traffic, and Utilities and Service Systems. Also included, as mandated by CEQA, are alternatives to the proposed project to lessen the environmental impact of the project, these alternatives not yet defined.

#### **4. PUBLIC COMMENT**

**A. Rebecca Van Stokkum**  
**4685 N. Thorne**  
**Fresno, CA**  
**Agency: Faith in Community (FIC)**

Ms. Van Stokkum noted FIC has already submitted lengthy written comments about the Downtown Plans. She adds that the areas covered by the Plans have some of the most dismal health indicators, such as air quality and concentration of poverty, of any area in the San Joaquin Valley, and urges the EIR to pay attention to environmental indicators in the area that have been historically poor. The DNCP has the potential to greatly impact the environment. FIC has concerns about the depth of analyses done so far and whether the Plan will enhance, rather than diminish, the downtown area. It understands

the legal purpose of the EIR is to study a project's impact on an area's wellbeing and ensure that jurisdictions choose projects having the least detrimental impact possible.

A purpose of EIR is also to identify how detrimental effects can be mitigated or avoided. FIC urges that the EIR answer the question whether all reasonable mitigation effects have been considered and will be included in the EIR.

**B. Pastor Juan M. Saavedra**  
**3362 Balch**  
**Fresno, CA**  
**Agency: Grace and Sierra Vista United Methodist Church -and-  
Faith in Community**

Pr. Saavedra has three areas of concern, the current water supply, the quality of water, and the impact on natural resources.

First, FIC is concerned whether the current and potential water supply is adequate to meet this project's demands. The infrastructure of the downtown area is ancient, much of it less than 50, some over 100 years old. The earlier slide show indicated a population roughly equal to the city of Delano moving into the area, bringing with it daily stresses on that infrastructure. While it is wonderful to have jobs, planning for that infrastructure is essential. Pr. Saavedra pointed out the City of Fresno is facing bankruptcy, so it would be a huge burden on the City to meet the infrastructural needs.

Secondly, FIC is concerned about water quality, citing for one thing the rise in cases of MERSA. Fresno needs clean water for its residents, and being the pantry of the U.S., it needs to have clean water for its agriculture, to maintain its ability to feed the country.

**C. Rev. Sophia DeWitt**  
**4910 N. Sequoia Avenue**  
**Fresno, CA 93705**  
**Agency: Fresno Interdenominational Refugee Ministries (FIRM) - and -  
Faith in Community**

Rev. DeWitt stresses the need for affordable housing for all portions of the community that remain downtown. She cited recent studies showing nationwide changes in housing needs, with a move towards mixed-use communities, and commented these changes are beginning to affect Fresno, with many attracted to the multi-use urban settings. She warned that increased rents in those areas caused by revitalization could cause displacement of persons whose incomes were not increasing. She expressed concern that such displacement can lead to many physical and psychological problems. FIRM requests that, consistent with CEQA obligations, the City prepare a formal mitigation plan as part of the Draft EIR. FIRM also requests that each and every alternative of the project be considered with the same level of detail as the Downtown project.

**D. Ray McKnight**  
**14607 N. Seashell**  
**Fresno, CA**  
**Agency: Downtown Fresno Coalition**

Mr. McKnight stated the EIR should honestly address Fresno's history of public policy-making by public officials that allowed Fresno's decentralization that led to decay of the downtown area, stating that it was not adequate to state it was because shopping centers were created.

Secondly, he stated the Fulton Mall was discussed at length on pages 11 and 12 of the NOP, suggesting that either all of the districts mentioned in those pages should be given a full discussion or that the discussion of the Fulton Mall be deleted.

Thirdly, he asked about the effect of the DNCP on the Eaton Plaza Master Plan. He pointed out the draft of the FCSP shows buildings on Eaton Plaza, in violation on the Eaton Plaza Master Plan, but that subject is not dealt with in the NOP.

**E. Paula Mickalian**  
**1701 East Stuart Avenue**  
**Fresno, CA**

Ms. Mickalian is concerned regarding air quality and greenhouse gas emissions and how the three Fulton Mall alternatives address those. She asked that the EIR thoroughly investigate the three Fulton Mall alternatives and how each will affect air quality due to loss of trees and other mall plantings, the increase of pavement, creating a heat island, if Fulton is opened up to traffic, and the increase in vehicular traffic.

**F. Joyce Aiken**  
**3774 W. Buena Vista**  
**Fresno, CA**

Ms. Aiken is concerned about the cultural resources of the Fulton Mall listed in the Potential Environmental Effects on page 2 of the NOP, feeling it necessary that the EIR study the totality of the Fulton Mall -- the pavement, art, landscaping, water features -- its total configuration, in order to get a full understanding of its environmental impact.

**G. Sue McCline**  
**1516 W. Escalon Avenue**  
**Fresno, CA**  
**Agency: Downtown Fresno Coalition**

Ms. McCline's concern is the transportation and traffic in the anticipated environmental effects, page 2 of the NOP. She urges the EIR to consider modes of transportation for Fulton that do not require opening the Fulton Mall up to vehicular traffic. She urges a return to the free vehicles that once traveled on the mall in the past, stating there is not enough room on the narrow street of Fulton for auto traffic and cars are noisy.

**H. Kathy Omachi**  
**759 "F" Street**  
**Reedley, CA**  
**Agency: Chinatown Revitalization, Inc., of Fresno (Co-Chair)**

Ms. Omachi first wanted to clarify the boundary definition in the document, as "H" Street was only included within Chinatown in the expansion to the "V" of 49 [sic] and 99 most recently when the regional plan for Chinatown had been expanded.

Ms. Omachi next commented regarding the expansion of the area. One thing that might not be a true environmental concern, but is definitely a cultural one and one of a community definition, is the expansion does not include the issue of self-identification of those communities that this plan is being expanded to. A key issue is the identification individuals have for the communities they live in, that they are deeply concerned about.

Another issue is environmental concern of infrastructural failure in Chinatown. Part of the piping system in Chinatown is made of wood. It has not been replaced and there are no plans to do so.

Another issue that has not been addressed is the preservation of the cultural aspects of Chinatown, which has been identified as one of the most historic areas within this project. A great alternative plan would be something that included a cultural mapping of above- and below-ground parts of Chinatown, something totally unique in the region.

**I. Hal Tokmakian**  
**2721 E. Garland Avenue**  
**Fresno, CA**  
**Agency: Downtown Fresno Coalition**

Mr. Tokmakian noted a specific plan must be comprehensive and address all of the target area. Instead, he noted the FCSP was fragmented and questioned if it is because the City wishes to split important segments apart so as to address them separately. He pointed out much time and discussion has been spent on Fulton Mall, but nothing has been done about Chinatown or other downtown areas.

Secondly, Mr. Tokmakian asked what the General Plan policy was for the Specific Plan. The Specific Plan was part of the larger community, so public policy should address the community as a whole. The General Plan provides a guiding framework for the entire area. He wants to see that introduced into the environmental document.

Lastly, Mr. Tokmakian stated there were three alternatives for the Mall, but asked the City address that there were no alternatives for the balance of the Specific Plan. He urged the City to address that.

With no further new speakers, the floor was opened by Elliott Balch of the City of Fresno to people who wanted to expand on their prior comments, or to any other person.

Ray McKnight commented the Draft FCSP refers to implementation by the Redevelopment Agency, but now that the Redevelopment Agency has been abolished,

Mr. McKnight suggested the EIR needed to clarify its implementation and what agency was responsible.

Rebecca Van Stokkum made the following additional comments:

On natural resources, in a letter to the California High Speed Rail Authority, the Farm Bureau Foundation stated a major principles of the State's environmental and agricultural policy is to sustain the long-term productivity of agriculture by conserving the soil, water and air that agriculture requires. CEQA also recognizes agricultural land and water resources as part of the physical environment. The origin of the planned areas of water sources could affect future sustainability because of scarce water resources and cumulative effects on the area's already poor air quality. Future farmland and the agribusiness it supports depends on adequate management of these resources. These input areas will be affected by the development of the plans in question. FIC asks that these effects be studied adequately in the EIR as part of the CEQA requirement that agricultural resources be considered during environmental review.

On air quality, though the DNCP makes a case for lowering air pollution through potentially lowering vehicle miles traveled through policies related to land use and transportation, density and mixed-use development, these are not guaranteed. Increased density can also increase individual exposure to air pollutants if development and population increase and occurs faster than transit and economic development or pollutants and air quality. Downtown is between two major highways, surrounded by industrial agricultural uses create precarious conditions for regulated harmful air pollutants. The plan emphasizes reduction of automobile dependence, but does not have the capacity to implement stationary or low levels of greenhouse emissions. Denser population centers in that area are a cause for concern.

On growth consumption, the City of Fresno has recently analyzed its need for increasing housing units to a total of 79,000 units by 2035. In the recently released General Plan alternative report, the City estimates between 10,900 and 11,000 units will be built in the downtown area. This is the same area with several 150-year-old pipe systems. FIC suggests the fiscal reality that this could overburden the existing infrastructure and that this possibility be further studied.

FIC urges the City of Fresno to consider meaningfully the above suggestions and act accordingly, using this window of opportunity to find the best alternative for its residents within the Plan area.

## **5. CLOSING COMMENTS**

Ali Mir stated the City would review all verbal and written comments received through the end of the scoping period. He clarified that no environmental topic not identified by the City of Fresno to be assessed was raised at the scoping meeting. He thanked the audience for coming, and for keeping their comments focused and on topic, stating that all comments will be incorporated into the appendix of the Draft EIR. He urged the audience that even though they had orally stated their comments, to also submit them in writing.

## **6. ADJOURNMENT OF MEETING AT 6:30 p.m.**