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**CEQA Findings of Fact and
Statement of Overriding Considerations
Fresno Southeast Development Area Specific Plan Project
City of Fresno, Fresno County, California
State Clearinghouse Number 2022020486**

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CEQA FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

1.1 - Introduction

The State Guidelines (Guidelines) promulgated pursuant to the California Environmental Quality Act (CEQA) provide:

No public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

- (a) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final PEIR.
- (b) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (c) Specific economic, legal, social, technological or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final PEIR.

The required findings shall be supported by substantial evidence in the record (CEQA Guidelines § 15091).

1.2 - Statement of Findings

A Recirculated Draft Program Environmental Impact Report (Recirculated Draft PEIR) pursuant to CEQA has been prepared by the City of Fresno (City). The Recirculated Draft PEIR for the Fresno Southeast Development Area (SEDA) Specific Plan Project (refined project) identifies significant effects on the environment, which may occur as a result of the refined project. The Final PEIR (consisting of the Introduction, Master Responses, Responses to Written Comments, and Errata) incorporates the Recirculated Draft PEIR. For these Findings, the PEIR shall consist of the Recirculated Draft PEIR, all appendices attached to the Recirculated Draft PEIR, and the Final PEIR. All acronyms used within this document shall have the same meaning as defined in the Recirculated Draft PEIR.

As discussed above, the City is required to make certain findings with respect to these impacts pursuant to CEQA Guidelines Section 15091. Accordingly, the City hereby makes these required

findings, as set forth in this document (Findings). These Findings summarize the environmental determinations about the refined project's significant impacts before and after mitigation and summarize the refined project's individual and cumulative impacts. These Findings do not attempt to describe the full analysis of each environmental impact. Instead, they provide a summary description of each significant impact and the applicable mitigation measures identified in the PEIR and adopted by the City and state the conclusions regarding the significance of each impact after incorporation of the identified mitigation measures. A comprehensive explanation of these environmental impact conclusions can be found in the PEIR, as supplemented and explained in staff reports and materials presented by City staff, various project consultants, and other relevant materials in the administrative record. The PEIR is incorporated into these Findings in its entirety. Without limitation, this incorporation is intended to elaborate on the scope and nature of mitigation measures, the basis for determining the significance of impacts, the comparative analysis of alternatives, and the reasons for approving the refined project in spite of the potential for associated significant and unavoidable adverse impacts.

The City's General Plan was approved in conjunction with a certified Master EIR (MEIR) and Mitigation Monitoring and Reporting Program (MMRP) in December 2014.

The City recognizes that the project proposed for approval and evaluated in these Findings differs from the Project Description evaluated in the Recirculated Draft PEIR and constitutes an alternative to the project analyzed therein, similar to Alternative 2 (Consolidated Business Park Alternative) as evaluated in the PEIR. However, the City finds, based on substantial evidence in the record, that the environmental effects of the refined project are within the scope of the impacts analyzed in the PEIR and are not materially different in kind or greater in severity than those disclosed in the PEIR. Accordingly, the City further finds that the analyses, discussions, and conclusions set forth in the PEIR, including the evaluation of direct, indirect, and cumulative impacts and the identification of applicable mitigation measures, are applicable to the refined project and provide an adequate basis for the Findings set forth below.

Section 1.5 sets forth potential environmental effects of the refined project, which have no impact or are not significant because of the design of the refined project. Section 1.6 sets forth those potential environmental effects of the refined project that are not significant because they can feasibly be mitigated below a level of significance. Section 1.7 discloses the environmental impacts that remain significant and unavoidable even with the incorporation of feasible mitigation. Section 1.8 summarizes the alternatives discussed in the PEIR and makes findings with respect to the feasibility of alternatives and whether the alternatives would lessen the significant environmental effects of the refined project.

The following sets forth all significant effects of the refined project and, with respect to each effect, makes one or more of the findings set forth in Section 1.1, Introduction, and provides facts in support of such findings.

1.3 - Project Summary

1.3.1 - Project Description

The refined project is a Specific Plan for the SEDA that would provide for increased density and accelerate housing production throughout the Plan Area. The refined project would offer flexibility in meeting the evolving needs of households in the region through a multimodal transportation network and diverse housing types and affordability levels. It has the potential to accommodate approximately 42,900 homes and 36,000 jobs within the nearly 9,000-acre Plan Area by the year 2050. The refined project is framed with three interrelated goals: fiscal responsibility, social equity, and environmental sustainability. The refined project would link a series of complete communities and mixed-use centers with a multimodal transportation network. Additionally, the refined project would include major transit lines, mixed-use centers, diverse residential districts, employment districts, open space, agriculture, and green infrastructure.

The Specific Plan Map (Exhibit 2 in Appendix A) establishes the distribution and location of proposed land uses. Initially, development would only be permitted in the South SEDA areas East of Temperance and South of Jensen. All other areas within the Specific Plan boundary would be identified as Future Reserve Areas.

South SEDA includes the following areas: East of Temperance and South of Jensen. These areas would include the following mix of land uses:

- East of Temperance
 - Neighborhood Residential: 407 acres
 - Mixed Residential: 41 acres
 - Neighborhood Town Center: 10 acres
 - Community Town Center: 11 acres
- South of Jensen
 - Flexible Research and Development: 1,369 acres
 - Institutional: 116 acres
 - Office Center: 63 acres

One existing elementary school, Lone Star Elementary School, is located within the South SEDA area South of Jensen. The refined project provides buffer requirements for future developments located adjacent to the existing school facility to ensure a safe and cohesive environment for students, faculty, and families. A full description of the refined project is included in Appendix A, and the revised Specific Plan is available in Appendix B.

1.3.2 - Project Objectives

The following objectives apply to the entire SEDA Plan Area and are intended to guide long-term, phased implementation of the Specific Plan. The objectives of the proposed project are to:

Quantified Objectives:

- Accommodate between 40,000 and 45,000 dwelling units of varying types, sizes, densities, and affordability levels.
- Accommodate between 30,000 and 37,000 jobs.

Fiscal Responsibility:

- Provide self-financing for the development and ongoing maintenance of the SEDA that does not reduce City of Fresno resources dedicated to other areas of the City or burden Fresno residents outside of the SEDA.
- Holistically coordinate infrastructure to integrate efficiencies that piecemeal planning cannot.
- Invest in resource conserving techniques for stormwater systems, water supply, and trail and open space networks to save on infrastructure and mitigation costs.

Social Equity:

- Promote health by reducing harmful emissions from cars and industry.
- Foster healthy physical activity and community interaction by providing easy, safe walking and bicycle access to parks, schools, and retail centers.
- Sustain the diversity of Fresno’s population by providing a wide variety of housing choices and business opportunities.
- Respect the major economic and cultural role of agriculture in the Central Valley by accommodating growth within the confines of a smaller urban footprint and directly integrating community-scale agriculture into the design of community centers, neighborhoods, and open spaces.

Environmental Sustainability:

- Emphasize the efficient use of energy, water, and other resources in SEDA design and policies. Strive to produce a self-mitigating plan that deeply reduces the environmental impacts of growth and can sustain and even serve to improve or repair natural systems.
- Reduce energy and water consumption through more efficient land use patterns, smarter building standards, and environmentally sensitive infrastructure to help Fresno meet standards for greenhouse gas (GHG) emissions, as well as air pollution and water quality.

Housing Choice:

- Offer a variety of housing choices to a mix of incomes, age groups, and lifestyles.
- Ensure that at least 10 percent of all housing units are affordable to low-, very low-, and extremely low-income households through covenants and deed restrictions or other affordability mechanisms.

- Ensure new housing units are affordable to households with varying levels of income through covenants and deed restrictions or other affordability mechanisms.

High Quality Transit Service:

- Provide convenient and frequent transit service to connect SEDA's town centers to jobs and housing inside the Plan Area and across the region.

Walkable Neighborhoods:

- Provide for nearly all homes to be located within walking distance of a Neighborhood Town Center with an elementary school, recreation areas, community gardens, and small shops.

Parks, Open Space, and Trails:

- Create a variety of natural open spaces and parks for recreation in all areas of the SEDA.
- Create trail systems and bicycle paths that make traveling without a car safe and convenient.
- Ensure that schools and major town centers can be reached safely with or without a car.

Mixed Use Town Centers:

- Mix shopping, housing, and jobs in vibrant Regional Town Centers and Community Town Centers that are easily accessible to most residents via a short walk, bike ride, drive, or transit trip.

Innovative Employment Areas:

- Attract opportunities in green technology and energy systems, agriculture-related industries, modular housing, and other emerging fields to provide jobs for Fresno residents.

Community Farming and Agriculture:

- Integrate small farms, community gardens, and farmers' markets into neighborhoods, schools, and town centers.
- Create a buffer that includes rural homes, organic farming, and open spaces to serve as a transition between the SEDA and commercial agriculture to the east.

Implementation:

- Develop the SEDA in an organized and phased manner based on housing needs, infrastructure availability, and minimization of impacts.
- Ensure amenities and infrastructure provision for each new phase prior to commencement of construction.

1.3.3 - Required Approvals

Discretionary and Ministerial Actions

The PEIR is a policy-level document, does not include any specific development proposals, and may not fully evaluate the impacts of other future specific, individual development that may be approved under implementation of the refined project. The Planning Commission and other decision-making bodies would review the refined project and make recommendations to City Council, who has approval authority for adoption of the Specific Plan and related actions. Future projects may be tiered off the PEIR or be found consistent with the PEIR pursuant to one or more of CEQA's streamlining processes and may require additional, project-specific environmental analysis to secure the necessary discretionary development permits. Subsequent projects would be reviewed by the City for consistency with the General Plan, Specific Plan, Zoning Ordinance, and the PEIR, and subsequent project-level environmental review would be conducted if required by CEQA.

Adoption of the refined project would be enacted by several discretionary actions:

Initial Discretionary Actions—Initial discretionary actions would include Resolutions of the Council of the City of Fresno for:

- Adoption of the Fresno Southeast Development Area Specific Plan.
- Amendment of the Fresno General Plan, including amendments to the Land Use Map and text.

Subsequent Discretionary Actions—Subsequent discretionary actions include Ordinances of the City of Fresno to adopt:

- A Text Amendment of the Development Code to incorporate new zone districts and other provisions called for in the SEDA Specific Plan.
- Rezoning of property for consistency with the General Plan Amendment and SEDA Specific Plan.

Other agencies may be consulted during the adoption process; however, their approval is not required for the adoption of the refined project. Any subsequent development under the refined project may require approval of State, federal, and Responsible Trustee Agencies that may rely on the program-level analysis in the PEIR.

Responsible and Trustee Agencies

A number of other agencies, in addition to the City, will serve as Responsible and Trustee Agencies, pursuant to CEQA Guidelines Section 15381 and Section 15386, respectively. For the purposes of CEQA, the term "Responsible Agency" includes all public agencies other than the Lead Agency that have discretionary approval power over the refined project. Discretionary approval may include such actions as issuance of a permit, authorization, or easement needed to complete some aspect of the refined project. The Draft PEIR provides environmental information to these and other public agencies, which may be coordinated with other agencies, as part of project implementation. These agencies may include, but are not limited to, the following:

- California Department of Transportation (Caltrans)
- California State Water Resources Control Board (State Water Board)
- California Department of Fish and Wildlife (CDFW)
- Central Valley Regional Water Quality Control Board (Central Valley RWQCB)
- Fresno Local Agency Formation Commission (LAFCo)
- San Joaquin Valley Air Pollution Control District (Valley Air District)
- Fresno Metropolitan Flood Control District (FMFCD)
- Fresno Irrigation District (FID)
- County of Fresno

1.4 - Background

The City released a Notice of Preparation (NOP) for public review from February 22, 2022, to March 25, 2022 (30-day review period). The NOP and copies of comments received are included as Appendix A to the Recirculated Draft PEIR.

The Draft PEIR was circulated for a public review period between July 14, 2023, and August 28, 2023 (45-day review period). The Draft PEIR was publicly available at the City of Fresno Planning and Development Department at 2600 Fresno Street, Room 3065, and the Fresno County Public Library at 2420 Mariposa Street. In addition, the Draft PEIR was posted on the City Planning and Development website at www.fresno.gov/SEDA during the public review period.

On July 24, July 27, and August 12, 2023, three in-person public drop-in events were held at Hmong Alliance Church located at 8234 East Belmont Avenue, Sequoia Elementary School located at 1820 South Armstrong, and Young Elementary School located at 3140 North Locan Avenue, respectively. Individuals and organizations/agency representatives were invited to provide written comments on the Draft PEIR and Specific Plan at these public drop-in events.

To address comments related to transportation, the Draft PEIR was partially revised and recirculated to include a ramp queueing analysis, as requested by Caltrans. Additionally, Section 3.7, Geology, Soils, and Seismicity was recirculated due to its inadvertent omission from the online version of the previously circulated public review Draft PEIR due to a technological syncing issue that occurred when the document was uploaded to the SCH of the California Governor's Office of Planning and Research (OPR—now California Governor's Office of Land Use and Climate Innovation [LCI]). The mitigation measures included in the Geology, Soils, and Seismicity section were included in the Executive Summary of the previously circulated Draft PEIR, and the section was available in its entirety for review as part of the documents that were publicly available at City offices. The Partial Recirculated Draft PEIR was available for review from Tuesday, October 3, 2023, to Friday, November 17, 2023. Seven written comment letters were received in response to the Partial Recirculated Draft PEIR.

Prior to the finalization of the previously circulated Draft PEIR and the Partial Recirculated Draft PEIR, the Lead Agency decided to revise the PEIR to remove reliance on the City of Fresno General Plan PEIR, including both its findings and its mitigation measures that were previously referenced in both

documents, as well as the 2021 GHG Reduction Plan. The City circulated the Recirculated Draft PEIR for public review from February 7, 2025, to March 24, 2025. During the public review period for the Recirculated Draft PEIR, the City received 115 written comment letters.

The City prepared a Final PEIR, consisting of the comments received on significant environmental issues during the 45-day public review and comment period on the Recirculated Draft PEIR, written responses to those comments, revisions to the Recirculated Draft PEIR, and an Errata making minor, non-substantive changes to the Final PEIR.

The City held additional public hearings on November 19, 2025, and December 18, 2025. The City Council directed City staff to develop a refined project based primarily on the Consolidated Business Park Alternative evaluated in the PEIR, along with additional refinements, including the incorporation of specific phasing requirements and amendments to selected policies within the Specific Plan. This revised Project Description is provided in Appendix A to these Findings. The revisions requested by the City Council do not introduce a new concept but rather refine the proposed project to reflect policy direction provided through the public review and decision-making process.

The City considered all written comments regarding environmental issues in the Final PEIR and determined, based on all of the evidence presented, including but not limited to the PEIR, written and oral testimony given at public meetings and hearings in connection therewith, and the submission of comments from the public, organizations and regulatory agencies, as well as all other relevant information in the administrative record, the following environmental impacts associated with the refined project are: (1) less than significant and do not require mitigation; or (2) potentially significant but will be avoided or reduced to a level of insignificance through the identified mitigation measures; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

The City concludes that implementation of the refined project could result in potentially significant and significant adverse environmental impacts. As reflected in the Final PEIR, there is disagreement among various parties regarding particular conclusions in the PEIR. CEQA and relevant case law interpreting the CEQA statute and Guidelines provide the standards for treating disagreement among experts in the context of a PEIR, as follows: Where evidence and opinions conflict on an issue concerning the environment, and the Lead Agency knows of these controversies in advance, the PEIR and/or related findings must acknowledge the controversies, summarize the conflicting opinions of the experts, and include sufficient information on the controversy. In making a decision on a project where there is disagreement among experts, the Lead Agency is not obligated to select the viewpoint that purports to be the most environmentally sensitive. Instead, decision-makers are vested with the discretion to weigh expert opinion and choose which they intend to rely on and are not required to resolve a dispute among experts. In their proceedings, decision-makers must consider comments received concerning the adequacy of the PEIR and address any objections raised in these comments. However, decision-makers are not obligated to follow any directives, recommendations, or suggestions presented in comments on a PEIR and can certify a PEIR without needing to resolve disagreements among experts.

In making its decision to certify the PEIR and approve the refined project, the City recognizes that a range of technical and scientific opinions exists with respect to certain environmental issues, particularly with respect to potential traffic and transportation impacts. The Lead Agency has acquired a comprehensive and well-rounded understanding of the range of this technical and scientific opinion by its review of the PEIR; as well as by its review of the information provided by the experts who prepared the PEIR; the Lead Agency's other consultants and its staff; along with testimony, letters, reports, and other relevant materials in the administrative record, as well as its own experience and expertise in these matters. The materials reviewed by the Lead Agency include conflicting expert opinions and conflicting statements of facts, as well as other comments on the environmental issues set forth in the PEIR. This comprehensive review has enabled the Lead Agency to make its decisions after weighing and considering the various viewpoints on these important issues, and the Lead Agency has made determinations of significant effects based on substantial evidence, not public controversy or speculation. Accordingly, the Lead Agency hereby certifies that its Findings and determinations are based on all of the evidence contained in the PEIR, as well as the evidence and other information in the record addressing the environmental impacts of the refined project and hereby elects to rely on the analysis and evidence set forth in the PEIR.

1.5 - Potential Environmental Effects Which Are Not Significant or Less Than Significant

The City has heard, been presented with, reviewed, and considered all of the information and data in the administrative record, including the Draft and Final PEIR, and all oral and written evidence presented to it during all meetings and hearings. The PEIR reflects the independent judgment of the City and is deemed adequate for purposes of making decisions on the merits of the refined project.

Consistent with Public Resources Code Section 21002.1 and Section 15128 of the CEQA Guidelines, the PEIR focused its analysis on potentially significant impacts and limited discussion of other impacts for which it can be seen with certainty there is no potential for significant adverse environmental impacts. CEQA Guidelines Section 15091 does not require specific findings to address environmental effects that a PEIR identifies as “no impact” or a “less than significant” impact and for which no mitigation is necessary.

The City agrees with the characterization in the PEIR of all project-specific impacts identified as “no impact” or “less than significant” and finds that those impacts have been described accurately and either have no impact on the physical environment or a less than significant impact, as described in the PEIR. The City further finds that no substantial evidence was submitted or identified during the public comment period indicating that the refined project would have a potentially significant impact with respect to the environmental impacts or topical categories listed below.

Therefore, based on its independent judgment and the entire administrative record before it, the City has determined and finds that the following environmental impacts will not exceed any established thresholds, will have either no impact or less than significant effects and no mitigation is necessary:

1.5.1 - Aesthetics, Light, and Glare

- Impact AES-1** The refined project would not have a substantial adverse effect on a scenic vista (Recirculated Draft PEIR, Section 3.1, Aesthetics, Light, and Glare, Page 3.1-17; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-19).
- Impact AES-2** The refined project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic building within a State Scenic Highway (Recirculated Draft PEIR, Section 3.1, Aesthetics, Light, and Glare, Page 3.1-18; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-19).

1.5.2 - Agricultural Resources and Forestry Resources

- Impact AG-3** The refined project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220 (g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)) (Recirculated Draft PEIR, Section 3.2, Agricultural Resources and Forestry Resources, Page 3.2-17; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-19).
- Impact AG-4** The refined project would not result in the loss of forest land or conversion of forest land to non-forest use (Recirculated Draft PEIR, Section 3.2, Agricultural Resources and Forestry Resources, Page 3.2-21; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-19).

1.5.3 - Biological Resources

- Impact BIO-4** The refined project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites (Recirculated Draft PEIR, Section 3.4, Biological Resources, Page 3.4-36; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-20).
- Impact BIO-5** The refined project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance (Recirculated Draft PEIR, Section 3.4, Biological Resources, Page 3.4-37; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-20).
- Impact BIO-6** The refined project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State Habitat Conservation Plan (Recirculated Draft PEIR, Section 3.4, Biological Resources, Page 3.4-37; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-20).

Cumulative Impact The refined project would have a less than significant cumulative impact on biological resources (Recirculated Draft PEIR, Section 3.4, Biological Resources, Page 3.4-39; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-20).

1.5.4 - Energy

Impact ENER-1 The refined project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation (Recirculated Draft PEIR, Section 3.6, Energy, Page 3.6-17; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Pages 5-20–5-21).

Impact ENER-2 The refined project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency (Recirculated Draft PEIR, Section 3.6, Energy, Page 3.6-20; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Pages 5-20–5-21).

Cumulative Impact The refined project would have a less than significant cumulative impact on energy (Recirculated Draft PEIR, Section 3.6, Energy, Page 3.6-23; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Pages 5-20–5-21).

1.5.5 - Geology, Soils, and Seismicity

Impact GEO-1 The refined project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury or death involving:

- i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.
- ii. Strong seismic ground shaking.
- iii. Seismic-related ground failure, including liquefaction.
- iv. Landslides (Recirculated Draft PEIR, Section 3.7, Geology, Soils, and Seismicity, Page 3.7-13; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Impact GEO-2 The refined project would not result in substantial soil erosion or the loss of topsoil (Recirculated Draft PEIR, Section 3.7, Geology, Soils, and Seismicity, Page 3.7-15; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Impact GEO-3 The refined project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, liquefaction or collapse. (Recirculated

Draft PEIR, Section 3.7, Geology, Soils, and Seismicity, Page 3.7-16; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Impact GEO-4 The refined project would not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property (Recirculated Draft PEIR, Section 3.7, Geology, Soils, and Seismicity, Page 3.7-17; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Impact GEO-5 The refined project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater (Recirculated Draft PEIR, Section 3.7, Geology, Soils and Seismicity, Page 3.7-18; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Cumulative Impact The refined project would have a less than significant or cumulative impact on geology and soils (Recirculated Draft PEIR, Section 3.7, Geology, Soils, and Seismicity, Page 3.7-23; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

1.5.6 - Greenhouse Gas Emissions

Impact GHG-1 The refined project could generate direct and indirect greenhouse gas emissions, and these emissions would not result in a significant impact on the environment (Recirculated Draft PEIR, Section 3.8, Greenhouse Gas Emissions, Page 3.8-41; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Impact GHG-2 The refined project would not conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases (Recirculated Draft PEIR, Section 3.8, Greenhouse Gas Emissions, Page 3.8-41; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Cumulative Impact The refined project would have a less than significant cumulative impact on greenhouse gas emissions (Recirculated Draft PEIR, Section 3.8, Greenhouse Gas Emissions, Page 3.8-57; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

1.5.7 - Hazards and Hazardous Materials

Impact HAZ-1 The refined project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials (Recirculated Draft PEIR, Section 3.9, Hazards and Hazardous Materials, Page 3.9-25; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Impact HAZ-5 For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, the refined project would not result in a safety hazard or excessive noise for people residing or working the project area (Recirculated Draft PEIR, Section 3.9, Hazards and Hazardous Materials, Page 3.9-34; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Impact HAZ-6 The refined project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan (Recirculated Draft PEIR, Section 3.9, Hazards and Hazardous Materials, Page 3.9-34; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Impact HAZ-7 The refined project would not expose people or structures, either directly or indirectly to a significant risk of loss, injury or death involving wildland fires (Recirculated Draft PEIR, Section 3.9, Hazards and Hazardous Materials, Page 3.9-35; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

Cumulative Impact The refined project would have a less than significant cumulative impact on hazards and hazardous materials (Recirculated Draft PEIR, Section 3.9, Hazards and Hazardous Materials, Page 3.9-38; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-21).

1.5.8 - Hydrology and Water Quality

Impact HYD-1 The refined project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality (Recirculated Draft PEIR, Section 3.10, Hydrology and Water Quality, Page 3.10-36; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-22).

Impact HYD-4 The refined project would not be located in a flood hazard zone, tsunami, or seiche zone, or risk release of pollutants due to project inundation (Recirculated Draft PEIR, Section 3.10, Hydrology and Water Quality, Page 3.10-50; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-22).

Impact HYD-5 The refined project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan (Recirculated Draft PEIR, Section 3.10, Hydrology and Water Quality, Page 3.10-51; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-22).

1.5.9 - Land Use and Planning

Impact LAND-1 The refined project would not physically divide an established community (Recirculated Draft PEIR, Section 3.11, Land Use and Planning, Page 3.11-23;

Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-22).

Impact LAND-2 The refined project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect (Recirculated Draft PEIR, Section 3.11, Land Use and Planning, Page 3.11-24; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-22).

Cumulative Impact The refined project would have a less than significant cumulative impact on land use and planning (Recirculated Draft PEIR, Section 3.11, Land Use and Planning, Page 3.11-38; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-22).

1.5.10 - Mineral Resources

Impact MIN-1 The refined project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State (Recirculated Draft PEIR, Section 3.12, Mineral Resources, Page 3.12-5; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Pages 5-22–5-23).

Impact MIN-2 The refined project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan (Recirculated Draft PEIR, Section 3.12, Mineral Resources, Page 3.12-5; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Pages 5-22–5-23).

Cumulative Impact The refined project would have a less than significant cumulative impact on mineral resources (Recirculated Draft PEIR, Section 3.12, Mineral Resources, Page 3.12-6; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Pages 5-22–5-23).

1.5.11 - Noise

Impact NOI-3 The refined project would not expose people residing or working in the project area to excessive noise levels for a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport (Recirculated Draft PEIR, Section 3.13, Noise, Page 3.13-29; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-23).

1.5.12 - Population and Housing

Impact POP-1 The refined project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure) (Recirculated Draft PEIR, Section 3.14, Population and Housing, Page 3.14-13;

Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-23).

Impact POP-2 The refined project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere (Recirculated Draft PEIR, Section 3.14, Population and Housing, Page 3.14-14; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-23).

Cumulative Impact The refined project would have a less than significant cumulative impact on population and housing (Recirculated Draft PEIR, Section 3.14, Population and Housing, Page 3.14-16; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-23).

1.5.13 - Public Services

Impact PUB-1 The refined project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection (Recirculated Draft PEIR, Section 3.15, Public Services, Page 3.15-27; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-24).

Impact PUB-2 The refined project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection (Recirculated Draft PEIR, Section 3.15, Public Services, Page 3.15-29; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-24).

Impact PUB-3 The refined project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools (Recirculated Draft PEIR, Section 3.15, Public Services, Page 3.15-30; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-24).

Impact PUB-4 The refined project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks

(Recirculated Draft PEIR, Section 3.15, Public Services, Page 3.15-32; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-24).

Impact PUB-5 The refined project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities (Recirculated Draft PEIR, Section 3.15, Public Services, Page 3.15-34; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-24).

Cumulative Impact The refined project would have a less than significant cumulative impact on public services (Recirculated Draft PEIR, Section 3.15, Public Services, Page 3.15-37; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-24).

1.5.14 - Recreation

Impact REC-1 The refined project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated (Recirculated Draft PEIR, Section 3.16, Recreation, Page 3.16-15; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-24).

1.5.15 - Transportation and Traffic

Impact TRANS-2 The refined project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b) (Recirculated Draft PEIR, Section 3.17, Transportation and Traffic, Page 3.17-34; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-24).

1.5.16 - Utilities and Service Systems

Impact UTIL-5 The refined project would comply with federal, State, and local statutes and regulations related to solid waste (Recirculated Draft PEIR, Section 3.18, Utilities and Service Systems, Page 3.18-71; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-25).

1.5.17 - Wildfire

Impact WILD-1 The refined project would not substantially impair an adopted emergency response plan or emergency evacuation plan (Recirculated Draft PEIR, Section 3.19, Wildfire, Page 3.19-12; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-25).

Impact WILD-2 The refined project would not, due to slope, prevailing winds and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire (Recirculated Draft PEIR, Section 3.19, Wildfire, Page 3.19-13; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-25).

Impact WILD-3 The refined project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment (Recirculated Draft PEIR, Section 3.19, Wildfire, Page 3.19-14; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-25).

Impact WILD-4 The refined project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes (Recirculated Draft PEIR, Section 3.19, Wildfire, Page 3.19-15; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-25).

Cumulative Impact The refined project would have a less than significant cumulative impact on wildfire (Recirculated Draft PEIR, Section 3.19, Wildfire, Page 3.19-18; Recirculated Draft PEIR, Section 5.4, Alternative 2—Consolidated Business Park, Page 5-25).

1.6 - Potential Environmental Effects Which Can Be Mitigated Below a Level of Significance

The City hereby finds that feasible mitigation measures have been identified in the PEIR that will avoid or substantially lessen the following potentially significant environmental impacts to a less than significant level. The potentially significant impacts and the mitigation measures that will reduce them to a less than significant level are as follows:

1.6.1 - Air Quality

Impact AIR-4

Impact: The refined project could result in other emissions (such as those leading to odors) that would adversely affect a substantial number of people.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Chapter 3, Air Quality, Page 3.3-57–3.3-58; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-19). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM AIR-4 Prior to future discretionary project approval in the Fresno Southeast Development Area Specific Plan Area (Plan Area), development project applicants proposing a project with the potential to generate significant odor impacts, as determined through review of San Joaquin Valley Air Pollution Control District (Valley Air District) odor complaint history for similar facilities and consultation with the Valley Air District, shall prepare an odor impact assessment and shall implement odor control measures recommended by the Valley Air District or the City as needed to reduce the impact to a level deemed acceptable by the Valley Air District.

Facts in Support of Findings: Odors can cause a variety of responses. The impact of an odor is dependent on interacting factors such as frequency (how often), intensity (strength), duration (in time), offensiveness/unpleasantness, location, and sensory perception. While offensive odors rarely cause any physical harm, they still can be very unpleasant, leading to considerable distress and often generating citizen complaints to local governments and regulatory agencies.

Growth within the proposed Plan Area could generate new sources of odors. Odors from the types of land uses that could generate objectionable odors (see Table 3.3-7 of the Recirculated Draft PEIR) are regulated under Regulation IV, Prohibitions, Rule 4102, Nuisance, which states:

A person shall not discharge from any source whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public or which endanger the comfort, repose, health or safety of any such person or the public or which cause or have a natural tendency to cause injury or damage to business or property.

As further discussed in the “Methodology” section, the Valley Air District has published recommended screening distances, as included in Table 3.3-7, and guidance documentation related to odors, which has been referenced for this analysis.

Construction-related Odors

Potential sources that may emit odors during construction activities include exhaust from diesel construction equipment. However, because of the temporary nature of these emissions, the intermittent nature of construction activities, and the highly diffusive properties of diesel exhaust, nearby receptors would not be affected by diesel exhaust odors associated with project construction. Odors from these sources would be localized and generally confined to the immediate area surrounding the project site. The refined project would utilize typical construction techniques, and the odors would be typical of most construction sites and temporary in nature. Impacts would be less than significant.

Operational-related Odors

Industrial land uses have the potential to generate objectionable odors. Examples of industrial projects are wastewater treatment plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch manufacturing plants, chemical manufacturing, and food

manufacturing facilities. Agricultural operations, such as the existing agricultural land uses currently included in the Plan Area, may also generate odors.

Future developments in the Plan Area could include light industrial land uses such as wastewater treatment plants, and so there is the potential for land uses typically considered to be associated with odors to be developed in the Plan Area. The refined project would also develop different types of residential and retail activities, which are not typical odor-generating land uses. Potential impacts from odor sources would be mitigated through compliance with General Plan Policy PU-9-d and by enforcement actions by agencies with regulatory authority over odors. General Plan Policy PU-9-d would ensure that waste and recycling facilities are properly located. The Valley Air District addresses odor issues through SJVAPCD Rule 4102– Nuisance. Facilities creating nuisance odors generating public complaints can result in Valley Air District enforcement action.

Future individual development projects consistent with the refined project will be required to determine whether odors would have a potentially significant impact as part of CEQA review. In addition, projects containing sensitive receptors are likely to be proposed near existing odor sources, such as agricultural operations. Projects proposing new receptors within screening level distances will reduce the impact to less than significant levels. Proposal of a new source within the screening distance would require the applicant to demonstrate that the proposed facility includes odor controls within its design and through implementation of odor management practices to reduce odors to less than significant.

Development consistent with the refined project could also result in sensitive receptors being constructed within the screening level distances from existing odor sources. These potential odor impacts on new sensitive receptors could be significant. When potential odor impacts on these new sensitive receptors occur, the Valley Air District has authority under SJVAPCD Rule 4102 to require the owner of the odor-generating source to take actions that would reduce impacts to less than significant. The Valley Air District provided a record of all odor complaints within the Plan Area from 2018 through 2021 for known sources of odors. No significant odor complaints have been received in the Plan Area or in the vicinity of the refined project in recent years.

In addition to the existing regulatory programs described above, MM AIR-4 requires developers of projects with the potential to generate significant odor to prepare an odor impact assessment and to implement odor control measures. Compliance with MM AIR-4 would further reduce potential impacts of objectionable odors to below a level of significance. Additionally, implementation of the refined project’s policies would help to minimize the effects of growth and development on air quality.

The Lead Agency finds that MM AIR-4 is feasible, is adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.6.2 - Biological Resources

Impact BIO-1

Impact: The refined project could have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Chapter 3, Biological Resources, Page 3.4-33; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-20). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM BIO-1a Construction of a proposed project shall avoid, where possible, vegetation communities that provide suitable habitat for a special-status species known to occur within the Southeast Development Area (SEDA) Plan Area. If construction within potentially suitable habitat must occur, the presence/absence of any special-status plant or wildlife species must be determined prior to construction, to determine whether the habitat supports any special-status species. If a special-status species are determined to occupy any portion of a project site, avoidance and minimization measures shall be incorporated into the construction phase of a project to avoid direct or incidental take of a listed species to the greatest extent feasible. Specific mitigation measures for direct or incidental impacts to special-status species shall be determined on a case-by-case basis through agency consultation during the review process for discretionary projects, and shall be consistent with survey protocols and mitigation measures recommended by the agency at the time of consultation.

MM BIO-1b Direct or incidental take of any State or federally listed species shall be avoided to the greatest extent feasible. If construction of a proposed project will result in the direct or incidental take of a listed species, consultation with the resources agencies and/or additional permitting may be required. Agency consultation through the California Department of Fish and Wildlife (CDFW) 2081 and United States Fish and Wildlife Service (USFWS) Section 7 or Section 10 permitting processes shall take place prior to any action that may result in the direct or incidental take of a listed species. Specific mitigation measures for direct or incidental impacts to special-status species shall be determined on a case-by-case basis through agency consultation during the review process for discretionary projects and shall be consistent with survey protocols and mitigation measures recommended by the agency at the time of consultation.

MM BIO-1c Development within the Southeast Development Area (SEDA) Plan Area shall avoid, where possible, special-status natural communities and vegetation communities that provide suitable habitat for special-status species. If a proposed project will result in the loss of a special-status natural community or suitable habitat for special-status species, compensatory habitat-based mitigation is required under CEQA and California Endangered Species Act (CESA). Mitigation shall consist of preserving on-site habitat, restoring similar habitat or purchasing off-site credits from an approved mitigation bank. Compensatory mitigation shall be determined through consultation with the City and/or resource agencies. An appropriate mitigation strategy and ratio shall be agreed upon by the Developer and Lead Agency to reduce project impacts to special-status natural communities to a less than significant level. Agreed-upon mitigation ratios shall depend on the quality of the habitat and presence/absence of a special-status species. Specific mitigation measures for direct or incidental impacts to special-status natural communities and vegetation communities shall be determined on a case-by-case basis through agency consultation during the review process for discretionary projects and shall be consistent with survey protocols and mitigation measures recommended by the agency at the time of consultation.

MM BIO-1d Proposed projects within the Southeast Development Area (SEDA) Plan Area should avoid, if possible, construction within the general nesting season of February through August for avian species protected under Fish and Game Code 3500 and the Migratory Bird Treaty Act (MBTA), if it is determined that suitable nesting habitat occurs on a project site. If construction cannot avoid the nesting season, a qualified Biologist shall conduct a pre-construction clearance survey to determine whether any nesting birds or nesting activity is observed on or within 500 feet of a project site. If an active nest is observed during the survey, a Biological Monitor shall be on-site to ensure that no proposed project activities would impact the active nest. A suitable buffer shall be established around the active nest until the nestlings have fledged and the nest is no longer active. Project activities may continue in the vicinity of the nest only at the discretion of the Biological Monitor. Prior to commencement of grading activities and issuance of any building permits, the Director of the City of Fresno Planning and Development Department, or designee, shall verify that all proposed project grading and construction plans include specific documentation regarding the requirements of the MBTA and California Fish and Game Code Section 3503, that pre-construction surveys have been completed and the results reviewed by staff, and that the appropriate buffers (if needed) are noted on the plans and established in the field. Specific mitigation measures for direct or incidental impacts to avian species protected under Fish and Game Code 3500 and the MBTA shall be determined on a case-by-case basis through agency consultation during the review process for discretionary projects and shall be consistent with survey protocols and mitigation measures recommended by the agency at the time of consultation.

Facts in Support of Findings: Development under the refined project would result in additional residential and nonresidential development throughout the Plan Area. Additionally, the refined project may result in other private and public improvements throughout the Plan Area with the potential for environmental effects related to biological resources. Thus, subsequent development under the refined project could result in the direct/indirect loss of natural vegetation communities that provide suitable habitat for 27 special-status plant and wildlife species that have the potential to occur or are known to occur within the Plan Area. The vegetation communities within the Plan Area boundary that provide suitable habitat for listed and other special-status species are described in Section 3.4.2 of the Recirculated Draft PEIR. Development within the Plan Area could result in the loss or degradation of natural habitats such as lacustrine, riverine, and pasture, which may support special-status plant and wildlife species. Project-related impacts to any of these habitat types may result in a substantial adverse effect if it is determined that a special-status species would be impacted, either directly or through habitat modifications.

Special-status Plant Species

A special-status plant species is defined as any plant species that is listed, or proposed for listing, as threatened or endangered by the USFWS under the provisions of the Endangered Species Act. This includes any species designated by USFWS as a “candidate” or “species of concern” or species identified on the California Native Plant Society’s Lists 1A, 1B, or 2, implying potential danger of extinction.

A significant impact would occur if future development under the refined project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Special-status and rare plant surveys were not conducted within the Plan Area. However, as shown on Exhibit 3.4-2 of the Recirculated Draft PEIR, a database search was conducted to identify where rare plant occurrences are located within the Plan Area. The results of that search determined that nine special-species plants have limited potential to occur in the Plan Area, as shown in Table 3.4-4 of the Recirculated Draft PEIR. If individuals of these species are present in the Plan Area, plants could be adversely impacted by development (e.g., soil compaction, trampling, or earthmoving activities) of the Plan Area.

Special-status Wildlife Species

A special-status wildlife species is defined as any wildlife species that is listed, or proposed for listing, as threatened or endangered by the USFWS or National Marine Fisheries Service under the provisions of the Endangered Species Act. It also includes any species designated by the CDFW as a “candidate” or “species of concern.”

A significant impact would occur if future development under the refined project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Special-status wildlife surveys were not conducted within the Plan Area. However, as shown on Exhibit 3.4-2 of the Recirculated Draft PEIR, a database search was conducted to identify where special-status wildlife is located within the Plan Area. The results of that search determined that 18 special-species wildlife have limited potential to occur in the Plan Area, as shown in Table 3.4-5 of the Recirculated Draft PEIR.

Direct project impacts to species listed as a candidate, sensitive, or special-status species by local, State, and federal agencies should be avoided to the greatest extent feasible; however, it is acknowledged that it may not be feasible for future projects to avoid these species. Project-related impacts that result in the direct take of a special-status species may be considered a significant impact. The presence/absence of a special-status species on a project site and the potential to impact a special-status species must be determined prior to project construction. If development within the Plan Area results in the direct take or loss of suitable habitat for any of the 27 special-status species that have the potential to occur in the Plan Area, project-level site-specific mitigation would be required to reduce the potential impacts to less than significant levels. Project impacts to special-status species listed as threatened or endangered by CDFW and/or USFWS may also require agency consultation and/or take permits. However, future development in the Plan Area would be required to comply with the following General Plan policies pertaining to biological resources, specifically within the Parks, Open Space, and Schools Element (POSS). Project-level implementation of the General Plan Policies POSS-5-a through POSS-5-f would reduce potential project impacts to special-status species and their associated habitats. Furthermore, incorporation of MM BIO-1a to MM BIO-1d into the conditions of approval would ensure that if one or more of these special-status species occur in the Plan Area, their presence would be detected, and the risk of mortality would be avoided to the maximum extent feasible.

Additionally, all future development in the Plan Area would be required to comply with the proposed Specific Plan policies pertaining to biological resources, including Policy OS-2.2, which protects passive open space, and Policy OS-5.2, which protects habitat corridors.

Implementation of the City's relevant General Plan policies pertaining to biological resources (POSS-5-a through POSS-5-f); mitigation measures (MM BIO-1a to MM BIO-1d); and Specific Plan Policies (OS-2.2 and OS-5.2) would reduce impacts to special-status species to a less than significant level.

The Lead Agency finds that MM BIO-1a, MM BIO-1b, MM BIO-1c, and MM BIO-1d are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact BIO-2

Impact: The refined project could have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife or United States Fish and Wildlife Service.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Chapter 3, Biological Resources, Page 3.4-35; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-20). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM BIO-2a A pre-construction clearance survey, following current California Department of Fish and Wildlife (CDFW) protocols, shall be conducted by a qualified Biologist to determine whether a proposed project will result in the removal or impact to any riparian habitat and/or a special-status natural community with potential to occur in the Southeast Development Area (SEDA) Plan Area, compensatory habitat-based mitigation shall be required to reduce project impacts. Compensatory mitigation must involve the preservation or restoration or the purchase of off-site mitigation credits for impacts to riparian habitat and/or a special-status natural community. Mitigation must be conducted in-kind or within an approved mitigation bank in the region. The specific mitigation ratio for habitat-based mitigation shall be determined through consultation with the appropriate agency (i.e., CDFW or the United States Fish and Wildlife Service [USFWS]) on a case-by-case basis. The project applicant/developer for a proposed project shall develop and implement appropriate mitigation regarding impacts on their respective jurisdictions.

MM BIO-2b A pre-construction clearance survey, following current California Department of Fish and Wildlife (CDFW) protocols, shall be conducted by a qualified Biologist to determine whether a proposed project will result in significant impacts to streambeds or waterways protected under Section 1600 of Fish and Wildlife Code and Section 404 of the Clean Water Act (CWA). The project applicant/developer for a proposed project shall consult with partner agencies such as CDFW and/or the United States Army Corps of Engineers (USACE) to develop and implement appropriate mitigation regarding impacts on their respective jurisdictions, determination of mitigation strategy, and regulatory permitting to reduce impacts, as required for projects that remove riparian habitat and/or alter a streambed or waterway. The project applicant/developer shall implement mitigation as directed by the agency with jurisdiction over the particular impact identified.

MM BIO-2c Prior to project approval, a pre-construction clearance survey, following current California Department of Fish and Wildlife (CDFW) protocols, shall be conducted by a qualified Biologist to determine whether a proposed project will result in project-related impacts to riparian habitat or a special-status natural community or if it may result in direct or incidental impacts to special-status species associated with riparian or wetland habitats. The project applicant/developer for a proposed project shall be obligated to address project-specific impacts to special-status species associated with riparian habitat through agency consultation, development of a

mitigation strategy, and/or issuing incidental take permits for the specific special-status species, as determined by the CDFW and/or the United States Fish and Wildlife Service (USFWS).

Facts in Support of Findings: Sensitive natural communities are vegetation communities or special wildlife habitats that are rare or occur in limited distributions or provide specific habitat requirements for special-status plant or wildlife species. The CDFW maintains a list of natural communities which attempts to classify vegetation types found within the State and rank them based on rarity. Communities ranked S1-S3 are considered sensitive natural communities. Riparian habitat is defined as any habitat with characteristic vegetation relating to or located on the bank of a natural watercourse, often described as riparian corridors.

A significant impact would occur if the refined project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional habitat or other sensitive natural community identified in local or regional plans, policies and regulations, or by the CDFW or USFWS.

The Plan Area contains natural communities, primarily along existing creeks and streams. Less than 1 percent of the Plan Area includes riparian habitats (riverine and lacustrine communities), which provide suitable habitat for a number of special-status plant and wildlife species known to occur in the region. The vast majority of future development within the Plan Area is limited to existing disturbed and developed land and within areas that are unlikely to support special-status species.

However, the presence of riparian habitat and/or a sensitive natural community on a project site must be evaluated prior to project approval. Any project-related impacts to riparian habitat and/or a sensitive natural community are considered a significant impact and require mitigation. Project-level implementation of the approved General Plan Objective (POSS-6) and Policies (POSS-6-a and POSS-6-b), and Objective (POSS-7) and Policies (POSS-7-a through POSS-7-d) would reduce potential project impacts to riparian habitats. Further, incorporation of MM BIO-2a through MM BIO-2c would ensure that sensitive natural communities and/or riparian habitats are not significantly impacted. Thus, impacts would be reduced to a less than significant level.

The Lead Agency finds that MM BIO-2a, MM BIO-2b, and MM BIO-2c are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact BIO-3

Impact: The refined project could have a substantial adverse effect on State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Chapter 3, Biological Resources, Page 3.4-36; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-20). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM BIO-3a If a proposed project will result in the significant alteration or fill of a federally protected wetland, a formal wetland delineation conducted according to the United States Army Corps of Engineers (USACE) accepted methodology is required for each project to determine the extent of wetlands on a project site. The delineation shall be used to determine whether federal permitting and mitigation strategy are required to reduce project impacts. Acquisition of permits from USACE for the fill of wetlands and USACE approval of a wetland mitigation plan would ensure a “no net loss” of wetland habitat within the Planning Area. Appropriate wetland mitigation/creation shall be implemented in a ratio according to the size of the impacted wetland.

MM BIO-3b In addition to regulatory agency permitting, Best Management Practices (BMPs) identified from a list provided by the United States Army Corps of Engineers (USACE) shall be incorporated into the design and construction phase of the project to ensure that no pollutants or siltation drain into a federally protected wetland. Project design features such as fencing, appropriate drainage and incorporating detention basins shall assist in ensuring project-related impacts to wetland habitat are minimized to the greatest extent feasible.

Facts in Support of Findings: Wetlands are defined as areas that are permanently wet or periodically covered with shallow water, such as saltwater and freshwater marshes, open or closed brackish marshes, swamps, mud flats, and fens. A significant impact would occur if the construction or operations of the refined project produced a substantial adverse effect on State or federally protected wetlands including marshes, vernal pools, coastal, etc., through direct removal, filling hydrological interruption, or other means.

Development within the Plan Area, particularly in undeveloped areas with the potential to support wetland habitat (e.g., pasture/grassland), could result in the loss of jurisdictional wetland habitat, which includes vernal pool habitats, seasonal wetlands and waters of the United States or intermittent/permanent water bodies. Any project-related impacts that result in the significant alteration or fill of a State or federally protected wetland is considered a significant impact.

Additionally, special-status species associated with wetlands and vernal pool habitats, such as vernal pool fairy shrimp, may be impacted as a result of project impacts to protected wetlands. Project-specific agency (i.e., CDFW, RWQCB, and/or USACE) coordination and/or regulatory permitting would be required to reduce potential project impacts to wetland habitat. The implementation of Policies (POSS-6-a through POSS-7-d) would reduce potential project impacts to wetlands and wetland

habitat. Further, implementation of MM BIO-3a and MM BIO-3b would ensure that wetlands are not significantly impacted. Thus, impacts would be reduced to a less than significant level.

The Lead Agency finds that MM BIO-3a and MM BIO-3b are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.6.3 - Cultural Resources and Tribal Cultural Resources

Impact CUL-1

Impact: The refined project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.5, Cultural Resources and Tribal Cultural Resources, Page 3.5-24; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-20). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM CUL-1 Individual development projects which proposed to alter a building or structure greater than 45 years of age at the time an application is submitted would be required to undergo project-specific environmental review, in compliance with CEQA Guidelines Section 15064.5, in order for the City to determine whether the building or structure may be a historic resource and take appropriate action such as requiring additional site-specific or project-specific measures to reduce any potential impacts. These measures are, but not limited to the following:

- Prior to project development that may affect historical resources (i.e., structures 45 years or older), a historical resources assessment shall be performed by an architectural historian or historian who meets the Secretary of the Interior's Professionally Qualified Standards in architectural history or history. This shall include a records search to determine whether any resources that may be potentially affected by the project have been previously recorded, evaluated, and/or designated in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or a local register. Following the records search, the qualified architectural historian shall conduct a survey in accordance with the California Office of Historic Preservation (OHP) guidelines to identify any previously unrecorded potential historical resources that may be potentially affected by the proposed project. The criteria for determining a historically significant building or structure shall meet one or more of the following criteria:

- Is associated with events that have made a significant contribution to the broad patterns of local, regional, or national history; or
 - Is associated with the lives of persons significant in local, regional, or national history; or
 - Embodies the distinctive characteristics of a significant architectural style, property type, period, or method of construction; represent the work of an architect, designer, engineer, or builder who is locally, regionally, nationally significant, or it is a significant visual feature of the City; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or
 - That have yielded, or may be likely to yield, information important in prehistory or history.
- Properties identified as historically significant resources, shall contain proper documentation meeting the Historic American Building Survey (HABS) Guidelines that shall be prepared and implemented, as approved by the qualified historian meeting the Secretary of the Interior's Professional Qualifications Standards. Such documentation shall include drawings, photographs, and written data for each building/structure/element, and provide a detailed mitigation plan, including a monitoring program, recovery, rehabilitation, redesign, relocation, and/or in situ preservation plan.
 - To ensure that projects requiring the relocation, rehabilitation, or alternation of a historical resource do not impact the resource's significance, the Secretary of Interior's Standards for the Treatments of Historic Properties shall be used to the maximum extent possible. The application of the standards shall be overseen by a qualified architectural historian or historic architect meeting the Professional Qualified Standards. Prior to any construction activities that may affect the historical resource, a report identifying and specifying the treatment of character defining features and construction activities shall be provided to the City of Fresno for review and approval.
 - If a proposed project would result in the demolition or significant alteration of historical resource, such demolition cannot be mitigated to a less than significant level. However, recordation of the resource prior to construction activities will assist in reducing adverse impacts to the resource to the greatest extent possible. Recordation shall take the form of Historic American Buildings Survey, Historic American Engineering Record, or Historic American Landscape Survey documentation, and shall be performed by an architectural historian or historian who meets the Professional Qualified Standards. Documentation shall include an architectural and historical narrative; medium- or large-format black and white photographs, negatives, and prints; and supplementary information such as building plans and elevations, and/or historical photographs. Documentation shall be reproduced on archival paper and placed in appropriate local, State, or federal institutions. The specific scope and details of documentation are to be developed in coordination with the City of Fresno.

Facts in Support of Findings: A substantial adverse change in the significance of a historical resource is defined at Section 15064.5(b)(1) of the CEQA Guidelines as the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.” Known historic structures are located throughout the Plan Area as described in the preceding sections.

Development under the refined project would result in additional residential and nonresidential development throughout the Plan Area. Additionally, the refined project may result in other private and public improvements throughout the Plan Area that could have significant environmental impacts related to historic resources (see Chapter 2, Project Description, of the Recirculated Draft PEIR). Therefore, subsequent development under the refined project could affect known historic resources or previously unidentified or undesignated resources.

The General Plan includes policies intended to conserve and reduce impacts to historical resources. For example, Policies HCR-2-A through HCR-2-C provide clear guidance on when historic resource surveys and evaluations should be undertaken, as well as noting that the individuals making those evaluations should meet the Secretary of the Interior’s Qualification Standards for their respective roles. Policy HCR-2-g requires that the City review all demolition permits to determine whether buildings scheduled for demolition are potentially eligible for listing on the Local Register of Historic Resources and refer potentially eligible resources to the Historic Preservation Commission.

The Specific Plan includes policies specifically designed to address the conservation and protection of historical buildings and resources. Policy CR-3.1 requires that surveys for cultural resources are conducted for all projects in the Plan Area by a qualified professional Archaeologist and Historian or Architectural Historian as appropriate and that appropriate mitigation measures are implemented. Individual development projects which propose to alter a building or structure greater than 45 years of age at the time an application is deemed complete would also be required to undergo project-specific environmental review in compliance with CEQA Guidelines Section 15064.5, in order for the City to determine whether the building or structure may be a historic resource, and take appropriate action such as requiring additional site-specific or project-specific measures to reduce any potential impacts. Policies CR-3.6 through CR-3.8 further specify steps to be taken to help preserve the historic context of specific resources. The refined project would also be required to comply with the City’s Historic Preservation Ordinance, which is incorporated as Article 16 in the City’s Municipal Code.

As the City receives development applications for subsequent development under the refined project, those applications will be reviewed by the City for compliance with the objectives and policies in the General Plan and the Specific Plan related to the protection of historical resources. The City’s Municipal Code and Zoning Ordinance, which implement the City’s General Plan, would be reviewed when development applications are received.

In conclusion, development envisioned by the refined project could result in an increase in new residential and nonresidential development, as well as other public improvements, that could affect known historic resources or previously unidentified or undesignated historic resources within the Plan Area. In addition to and in accordance with the implementation of General Plan and Specific Plan objectives and policies, MM CUL-1 would ensure that future development projects are

appropriately reviewed in terms of potential impacts to historic resources. Future development under the refined project would therefore not result in significant adverse effects to historical resources, and impacts would be less than significant.

The Lead Agency finds that MM CUL-1 is feasible, is adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact CUL-2

Impact: The refined project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.5, Cultural Resources and Tribal Cultural Resources, Page 3.5-28; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-20). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM CUL-2 To determine the archaeological sensitivity for individual development projects within the City, an archaeological resources assessment shall be performed under the supervision of an Archaeologist that meets the Secretary of the Interior's Professional Qualified Standards for their role. The assessment shall include a California Historical Resources Information System (CHRIS) records search at the Southern San Joaquin Valley Information Center (SSJVIC) and a search of the Sacred Lands File (SLF) maintained by the Native American Heritage Commission (NAHC). The records searches shall determine if the proposed project has been previously surveyed for archaeological resources, identify and characterize the results of previous cultural resource surveys, and disclose any cultural resources that have been recorded and/or evaluated. A Phase I pedestrian survey shall be undertaken in areas that are developed and undeveloped to locate any surface cultural materials.

- If potentially significant archaeological resources are identified through an archaeological resources assessment, and impacts to these resources cannot be avoided, a Phase II Testing and Evaluation investigation shall be performed by an Archaeologist who meets the Secretary of the Interior's Standards prior to any construction-related ground-disturbing activities to determine significance. If resources determined significant or unique through Phase II testing, and site avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. These might include a Phase III data recovery program that would be implemented by a qualified Archaeologist and shall be

performed in accordance with the California Office of Historic Preservation's (OHP) Archaeological Resource Management Reports (ARMR). The Archaeologist must prepare an archaeological data recovery plan to be reviewed and approved by the Lead Agency prior to the excavation of resources.

- If the archaeological assessment did not identify potentially significant archaeological resources within the proposed project area but indicated the area to be highly sensitive for archaeological resources, this shall be followed by monitoring of all ground-disturbing construction and pre-construction activities in areas with previously undisturbed soil by a qualified Archaeologist. The Archaeologist shall inform all construction personnel prior to construction activities of the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities within 100 feet of the discovery shall be halted while the resources are evaluated for significance by an Archaeologist who meets the Secretary of the Interior's Standards. If the discovery proves to be significant, the qualified Archaeologist shall make recommendations to the Lead Agency (City of Fresno) on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines.
- If the archaeological assessment did not identify potentially significant archaeological resources but indicates the area to be of medium sensitivity for archaeological resources, an Archaeologist who meets the Professional Qualified Standards shall be retained on an on-call basis. The Archaeologist shall inform all construction personnel prior to construction activities about the proper procedures in the event of an archaeological discovery. The training shall be held in conjunction with the project's initial on-site safety meeting and shall explain the importance and legal basis for the protection of significant archaeological resources. In the event that archaeological resources (artifacts or features) are exposed during ground-disturbing activities, construction activities within 100 feet of the discovery shall be halted while the on-call Archaeologist is contacted. If the discovery proves to be significant, the qualified Archaeologist shall make recommendations to the Lead Agency (City of Fresno) on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines.
- Potentially significant cultural resources consist of, but are not limited to, stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project site should be recorded on appropriate California Department of Parks and Recreation (DPR) 523 forms and evaluated for significance in terms of CEQA Guidelines. Appropriate mitigation measures for

significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency (City of Fresno) approves the measures to protect these resources. The excavation, study, curation, and/or repatriation of archaeological artifacts recovered as a result of mitigation shall be undertaken in close consultation with the Lead Agency (City of Fresno) and representatives from consulting Native American Tribes, as appropriate. All Reports and DPR forms shall be submitted to the Lead Agency (City of Fresno), the SSJVIC, and the OHP, as required.

Facts in Support of Findings: Based on a review of information available at the SSJVIC, portions of the Plan Area have been previously surveyed for archaeological resources. While no known archaeological resource sites have been recorded within the Plan Area, archaeological sites have been recorded within 0.5 mile and the possibility exists that additional undiscovered archaeological sites could be present within the Plan Area.

Development under the refined project would result in additional residential and nonresidential development throughout the Plan Area. Additionally, the SEDA Specific Plan may result in other private and public improvements throughout the Plan Area that could have significant environmental impacts related to archaeological resources. Therefore, subsequent development under the refined project could affect known archaeological resources or previously unidentified or undesignated archaeological resources.

The potential for additional archaeological sites to be present within the Plan Area exists but varies by location. Prehistoric habitation sites tend to be situated in proximity to creeks and other areas with a reliable water supply. Task-specific sites or resource procurement sites can be situated in almost any environment conducive to human activity. Buried prehistoric archaeological sites tend to be found on Holocene-era landforms, particularly alluvial fans, floodplains, and areas along rivers and streams. As such, within the Plan Area, the areas around Redbank Creek and Dog Creek have increased potential for buried prehistoric archaeological resources to be present.

Policy CR-3.1 requires that surveys for cultural resources be conducted for all projects in the SEDA Specific Plan Area by a qualified professional Archaeologist as appropriate and that appropriate mitigation measures are implemented should archaeological resources be discovered. Policy CR-3.2 requires that, if any previously undocumented cultural materials are discovered during construction of a project in the Plan Area, all ground-disturbing activity shall be suspended temporarily within a 100-foot radius of the find or a distance determined by a qualified professional Archaeologist. The Archaeologist shall determine potential significance and appropriate mitigation measures. The refined project would also be required to comply with the City's Historic Preservation Ordinance, which is incorporated as Article 16 in the City's Municipal Code.

As the City receives development applications for subsequent development under the refined project, those applications would be reviewed by the City for compliance with the policies of the General Plan, the SEDA Specific Plan, as well as the regulations of the Historic Preservation Ordinance related to archaeological resources. In particular, proposed new developments in the Plan

Area would be required to conduct an updated records search with the SSJVIC to determine the archaeological sensitivity of the site, as well as be referred to the NAHC and local Native American Tribes. If required, an archaeological survey of the site would be conducted, and/or accidental discovery procedures for archaeological resources would be required.

In conclusion, development envisioned by the refined project could result in new residential and nonresidential development, as well as other public improvements, that could affect known or previously unidentified archaeological resources within the Plan Area. In addition to and in accordance with compliance with General Plan and SEDA Specific Plan policies, as well as the regulations of the Historic Preservation Ordinance, MM CUL-2 would ensure that future development projects are appropriately reviewed and designed in terms of potential impacts to archaeological resources. Consistent with the General Plan and Specific Plan, individual development projects would be required to undergo project-specific environmental review, which may require additional site-specific or project-specific measures to reduce any potential impacts and would ensure that impacts remain less than significant.

The Lead Agency finds that MM CUL-2 is feasible, is adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact CUL-3

Impact: The refined project could disturb human remains, including those interred outside of formal cemeteries.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.5, Cultural Resources and Tribal Cultural Resources, Page 3.5-29; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-20). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM CUL-3 In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of any future development project there is accidental discovery or recognition of any human remains, the following steps shall be taken.

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine whether the remains are Native American and if an investigation of the cause of death is required. If the Coroner determines the remains to be Native American, the Coroner shall contact the Native American Heritage Commission (NAHC) within

24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for appropriate treatment and disposition of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98.

2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the MLD or on the project site in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a MLD or the MLD failed to make a recommendation within 48 hours after being notified by the commission.
 - The descendant identified fails to make a recommendation.
 - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American remains:

When an initial study identifies the existence of, or the probable likelihood of, Native American remains within a project site, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the NAHC.

Facts in Support of Findings: Excavation and construction activities allowed under the refined project may uncover human remains that may not be marked in formal burial locations. Therefore, as future development and infrastructure projects are reviewed by the City, each project would be evaluated for conformance with the General Plan, the Specific Plan, the Historic Preservation Ordinance, and other applicable State regulations.

Public Resources Code Section 5097 has specific stop-work and notification procedures to follow when Native American human remains are inadvertently discovered during excavation and construction activities. Section 7050.5 of the California Health and Safety Code sets forth provisions related to the treatment of human remains, including the treatment of human remains found in locations other than a dedicated cemetery and the responsibilities of the Coroner. These requirements apply to all construction projects within the Plan Area.

The SEDA Specific Plan includes policies intended to conserve and reduce impacts to archaeological resources, including human remains. Policy CR-3.1 requires that surveys for cultural resources be conducted for all projects in the SEDA Specific Plan Area by a qualified professional Archaeologist as

appropriate and that appropriate mitigation measures be implemented should archaeological resources be discovered. Policy CR-3.3 requires that, if human remains are uncovered during construction in the SEDA Specific Plan Area, all ground-disturbing activities shall immediately be suspended within a 100-foot radius of the find or a distance determined by a qualified Archaeologist to be appropriate based on the potential for disturbance of additional remains.

In addition to and in accordance with the implementation of policies in the Specific Plan, as well as compliance with adopted State, federal, and local regulations for the protection of archaeological resources and human remains, MM CUL-3 would ensure that future development under the refined project would not result in significant adverse effects to human remains. Therefore, impacts would be considered less than significant.

The Lead Agency finds that MM CUL-3 is feasible, is adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact CUL-4

Impact: The refined project could cause a substantial adverse change in the significance of a Tribal Cultural Resource (TCR), defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.5, Cultural Resources and Tribal Cultural Resources, Page 3.5-31; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-20). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM CUL-1, MM CUL-2, and MM CUL-3.

Facts in Support of Findings: On April 13, 2022, a letter was sent to the NAHC to determine whether any sacred sites are listed on its Sacred Lands File (SLF) for the Plan Area. A response was received on June 23, 2022, indicating the search returned positive results for TCRs in the Plan Area (see Appendix C of the Recirculated Draft PEIR). Furthermore, it is always possible that subsurface excavation activities may encounter previously undiscovered TCRs that may meet the eligibility requirements for listing in the CRHR. Therefore, any unidentified TCRs could be adversely affected by development under the refined project and create a potentially significant impact.

While the refined project does not directly propose any adverse changes to any recorded TCRs, future development allowed under the refined project could affect known or previously unidentified TCRs. In addition, the potential for additional undiscovered eligible TCRs to be present within the Plan Area exists but varies by location. As with prehistoric archaeological resources, the areas around Redbank Creek and Dog Creek have increased potential for buried TCRs to be present.

The General Plan includes policies intended to conserve and reduce impacts to TCRs. Policy HCR-2-d requires that the City work with local Native American Tribes to protect recorded and unrecorded cultural and sacred sites, as required by State law.

The SEDA Specific Plan includes policies intended to conserve and reduce impacts to TCRs and archaeological resources, which may include TCRs. Policies CR-3.1 through CR-3.3 require that surveys for cultural resources be conducted and detail procedures to be followed in the event archaeological resources or human remains are encountered. The refined project would be required to comply with the City's Historic Preservation Ordinance, which is incorporated as Article 16 in the City's Municipal Code, and future projects within the SEDA Specific Plan Area would be subject to Tribal consultation requirements under AB 52 as applicable.

Additionally, in accordance with requirements promulgated by SB 18 and AB 52, the City sent notifications to Tribal representatives from the North Valley Yokuts Tribe, the North Fork Rancheria of Mono Indians, the Cold Springs Rancheria of Mono Indians, the Big Sandy Rancheria of Western Mono Indians, the Wuksache Indian Tribe/Eshom Valley Band, the Dumna Wo-Wah Tribal Government, the Traditional Choinumni Tribe, and the Table Mountain Rancheria in June 2023. No replies requesting additional consultation were received within the 90-day consultation period.

By adhering to the policies and actions in the General Plan, Specific Plan, and the City's Historic Preservation Ordinance, the provisions under State and federal law, and MM CUL-1 through MM CUL-3, potential impacts to existing or undiscovered eligible TCRs within the Plan Area would be reduced to less than significant.

The Lead Agency finds that MM CUL-1, MM CUL-2, and MM CUL-3 are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact CUL-5

Impact: The refined project could cause a substantial adverse change in the significance of a TCR, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.5, Cultural Resources and Tribal Cultural Resources, Page 3.5-32; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-20). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM CUL-1, MM CUL-2, and MM CUL-3.

Facts in Support of Findings: On April 13, 2022, a letter was sent to the NAHC to determine whether any sacred sites are listed on its SLF for the Plan Area. A response was received on June 23, 2022, indicating the search returned positive results for TCRs in the Plan Area, and recommended contacting Tribal representatives from 12 Tribes for additional information. A letter containing project information requesting any additional information was sent by FCS to each Tribal representative on June 30, 2022. No responses have been received to date. (See Appendix C of the Recirculated Draft PEIR).

Additionally, in accordance with requirements promulgated by SB 18 and AB 52, the City sent notifications to Tribal representatives from the North Valley Yokuts Tribe, the North Fork Rancheria of Mono Indians, the Cold Springs Rancheria of Mono Indians, the Big Sandy Rancheria of Western Mono Indians, the Wuksache Indian Tribe/Eshom Valley Band, the Dumna Wo-Wah Tribal Government, the Traditional Choinumni Tribe, and the Table Mountain Rancheria in June 2023. No replies requesting additional consultation were received within the 90-day consultation period.

At this time, the City, in its capacity as Lead Agency, has not identified any TCRs meeting the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 that would be adversely impacted by the refined project. Nonetheless, as described under Impact CUL-4, future development allowed under the refined project could affect previously unidentified TCRs.

As discussed under Impact CUL-4, the SEDA Specific Plan includes policies to conserve and reduce impacts to TCRs, such as Policy CR-3.1, Policy CR-3.2, and Policy CR-3.3. Future projects within the SEDA Specific Plan Area would also be subject to Tribal consultation requirements under AB 52 as applicable. By adhering to the policies and actions in the General Plan Update, the provisions under State and federal law, and MM CUL-1 through MM CUL-3 potential impacts to existing or undiscovered eligible TCRs within the Plan Area would be reduced to less than significant.

The Lead Agency finds that MM CUL-1, MM CUL-2, and MM CUL-3 are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Cumulative Cultural Resources and Tribal Cultural Resources Impact

Impact: The refined project would have a less than significant cumulative impact on cultural and tribal cultural resources with mitigation incorporated.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.5, Cultural Resources and Tribal Cultural Resources, Page 3.5-33; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-20). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM CUL-1, MM CUL-2, and MM CUL-3.

Facts in Support of Findings: The geographic scope of the cumulative impact analysis for cultural and TCRs is the Plan Area, as well as the City of Fresno, adjacent communities in the City of Clovis, and unincorporated Fresno County. This analysis evaluates whether the impacts of the refined project, together with the impacts of cumulative development, would result in a cumulatively significant impact on cultural resources and TCRs. This analysis then considers whether incremental contribution to cumulative impacts associated with the implementation of the refined project would be significant. Both conditions must apply for a project's cumulative effects to rise to the level of significance.

Future development within the cumulative geographic scope could have significant cumulative impacts on known or previously unidentified cultural resources and TCRs. However, development within the cumulative geographic context would be required to comply with federal, State, and local laws and policies that protect cultural and TCRs, including the provisions of SB 18 and AB 52, Section 15064.5 of the CEQA Guidelines, Section 7050.5 of the California Health and Safety Code, and Sections 5024.1 and 5097 of the Public Resources Code. Compliance with these policies may also require development projects to prepare site-specific project-level analysis to fulfill CEQA requirements, which also would include additional consultation that could lead to the identification of potential site-specific cultural and TCRs. Accordingly, because cumulative development would be required to comply with long-term planning documents and regulatory agency policies (including, but not limited to, evaluation requirements and inadvertent discovery procedures) that reduce impacts to potential cultural and TCRs, cumulative impacts would be less than significant.

Moreover, the refined project's incremental contribution to these less than significant cumulative impacts would not be significant with implementation of the policies and actions proposed in the Specific Plan. As analyzed above, Policy CR-3.1 requires that surveys for cultural resources are conducted for all projects in the Plan Area by a qualified professional Archaeologist as appropriate and that appropriate mitigation measures be implemented should archaeological resources be discovered. Policy CR-3.2 requires that, if any previously undocumented cultural materials are discovered during construction of a project in the Plan Area, all ground-disturbing activity shall be suspended temporarily within a 100-foot radius of the find or a distance determined by a qualified

professional Archaeologist. The Archaeologist shall determine potential significance and appropriate mitigation measures. Policy CR-3.3 requires that, if human remains are uncovered during construction in the SEDA Specific Plan Area, all ground-disturbing activities shall immediately be suspended within a 100-foot radius of the find or a distance determined by a qualified Archaeologist to be appropriate based on the potential for disturbance of additional remains. The refined project would also be required to comply with the City's Historic Preservation Ordinance, which is incorporated as Article 16 in the City's Municipal Code.

As discussed under Impacts CUL-1 through CUL-5, as the City receives development applications for subsequent development under the refined project, those applications would be reviewed by the City for compliance with the policies of the General Plan, the Specific Plan, the provisions of SB 18 and AB 52, the Historic Preservation Ordinance, and other relevant federal, State, and local regulations that protect cultural and TCRs, including Section 15064.5 of the CEQA Guidelines and Sections 5024.1 and 5097 of the Public Resources Code. Future individual development projects would further be required to comply with MM CUL-1, MM CUL-2, and MM CUL-3, described above.

Other municipalities within the cumulative geographic context have adopted similar policies to preserve and protect known or previously unidentified cultural and TCRs. Therefore, cumulative impacts from implementation of the refined project would not result in a considerable incremental contribution to cumulative impacts on cultural and TCRs. In addition, the Specific Plan contains policies to protect cultural and TCRs, and future development within the cumulative geographic context would be required to comply with regulations set forth by local, State, and federal agencies to protect cultural and TCRs. Therefore, the refined project's contribution to cumulative impacts would be less than significant.

The Lead Agency finds that MM CUL-1, MM CUL-2, and MM CUL-3 are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.6.4 - Geology, Soils, and Seismicity

Impact GEO-6

Impact: The refined project could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.7, Geology, Soils, and Seismicity, Page 3.7-19; Recirculated Draft PEIR Chapter 5, Alternatives to the Proposed Project, Page 5-21). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

- MM GEO-6a** Subsequent to a preliminary City review of the project grading plans, if there is evidence that a project will include excavation or construction activities within previously undisturbed soils, a field survey and literature search for unique paleontological/geological resources shall be conducted. The following procedures shall be followed:
- If unique paleontological/geological resources are not found during either the field survey or literature search, excavation and/or construction activities can commence. In the event that unique paleontological/geological resources are discovered during excavation and/or construction activities, construction shall stop in the immediate vicinity of the find and a qualified Paleontologist shall be consulted to determine whether the resource requires further study. The qualified Paleontologist shall make recommendations to the City on the measures that shall be implemented to protect the discovered resources, including but not limited to, excavation of the finds and evaluation of the finds. If the resources are determined to be significant, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any paleontological/geological resources recovered as a result of mitigation shall be provided to a City-approved institution or person who is capable of providing long-term preservation to allow future scientific study.
 - If unique paleontological/geological resources are found during the field survey or literature review, the resources shall be inventoried and evaluated for significance. If the resources are found to be significant, mitigation measures shall be identified by the qualified Paleontologist. Similar to above, appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds. In addition, appropriate mitigation for excavation and construction activities in the vicinity of the resources found during the field survey or literature review shall include a paleontological monitor. The monitoring period shall be determined by the qualified Paleontologist. If additional paleontological/geological resources are found during excavation and/or construction activities, the procedure identified above for the discovery of unknown resources shall be followed.
- MM GEO-6b** Applicants, owners and/or sponsors of all future development or construction projects shall be required to perform or provide paleontological monitoring during ground-disturbing activities. Should significant paleontological resources (e.g., bones, teeth, well-preserved plant elements) be unearthed by the future project construction crew, the project activities shall be diverted at least 15 feet from the

discovered paleontological resources until a professional Paleontologist has assessed such discovered resources and, if deemed significant, such resources shall be salvaged in a timely manner. The applicant/owner/sponsor of said project shall be responsible for diverting project work and providing the assessment including retaining a professional Paleontologist for such purpose. Collected fossils shall be deposited by the applicant/owner/sponsor in an appropriate repository (e.g., University of California Museum of Paleontology (UCMP), California Academy of Sciences) where the collection shall be properly curated and made available for future research.

Facts in Support of Findings: Any project involving earthmoving activity could potentially result in inadvertent discovery and disturbance of paleontological resources during grading and excavation work. Based on the paleontological records search conducted for the refined project by Kenneth L. Finger, PhD, on April 22, 2022, the project site and surrounding 0.5-mile radius are mapped as Recent (Holocene) Great Valley fan deposits (Qf) and Pleistocene nonmarine deposits (Qc). Although Holocene deposits are too young to be fossiliferous, the Riverbank Formation has the potential to yield significant paleontological resources. The nearest known paleontological resource is located 5 miles east of the City.

Late Pleistocene deposits have a high paleontological sensitivity and a low to moderate paleontological potential for significant paleontological resources. The flat surface of the project area, much of which has been developed for mixed uses, precludes any pre-construction paleontological surveys; however, the refined project would implement MM GEO-6a, which requires all future development to conduct a field survey and literature search for the unique paleontological/geological resources on any undisturbed soil, and MM GEO-6b, which requires that all future development conduct paleontological monitoring of construction activities on the site for all construction-related earth-disturbing activities that will impact previously undisturbed sediments. Pursuant to MM GEO-6b, should any significant paleontological resource (e.g., bones, teeth, well preserved plants) be unearthed, all construction activities should be diverted at least 15 feet from the find until a professional Paleontologist has assessed it and, if deemed significant, salvaged it in a timely manner. Salvaged fossils should be deposited in an appropriate repository, where they will be properly curated and made available for future research.

As such, construction-related and earth-disturbing actions that occur under the refined project have the potential to result in impacts on paleontological resources. However, MM GEO-6b, which requires paleontological monitoring, and MM GEO-6a, which requires a field survey and literature search for unique paleontological/geological resources if excavation or construction activities on undisturbed soils are to take place, would reduce impacts to paleontological resources. As such, with implementation of MM GEO-6a and MM GEO-6b, potential impacts to paleontological resources would be reduced to less than significant.

The Lead Agency finds that MM GEO-6a and MM GEO-6b are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in,

or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.6.5 - Hazards and Hazardous Materials

Impact HAZ-2

Impact: The refined project could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.9, Hazards and Hazardous Materials, Page 3.9-27; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-21). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

- MM HAZ-2a** Prior to the issuance of a grading permit, the property owners and/or developers of properties shall ensure that a Phase I Environmental Site Assessment (Phase I ESA) (performed in accordance with the current Airborne Toxic Control Measures [ATCM] Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process [E 1527]) shall be conducted for each individual property prior to development or redevelopment to ascertain the presence or absence of Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs), and Potential Environmental Concerns (PECs) relevant to the property under consideration. The findings and conclusions of the Phase I ESA shall become the basis for potential recommendations for follow-up investigation, if found to be warranted.
- MM HAZ-2b** In the event that the findings and conclusions of the Phase I Environmental Site Assessment (Phase I ESA) for a property result in evidence of Recognized Environmental Conditions (RECs), Historical Recognized Environmental Conditions (HRECs) and/or Potential Environmental Concerns (PECs) warranting further investigation, the property owners and/or developers of properties shall ensure that a Phase II ESA shall be conducted to determine the presence or absence of a significant impact to the subject site from hazardous materials. The Phase II ESA may include but may not be limited to the following: (1) Collection and laboratory analysis of soils and/or groundwater samples to ascertain the presence or absence of significant concentrations of constituents of concern; (2) Collection and laboratory analysis of soil vapors and/or indoor air to ascertain the presence or absence of significant concentrations of volatile constituents of concern; and/or (3) Geophysical surveys to ascertain the presence or absence of subsurface features of concern such as underground storage tanks (USTs), drywells, drains, plumbing, and septic systems. The findings and conclusions of the Phase II ESA shall become the

basis for potential recommendations for follow-up investigation, site characterization, and/or remedial activities, if found to be warranted.

- MM HAZ-2c** In the event the findings and conclusions of the Phase II Environmental Site Assessment (Phase II ESA) reveal the presence of significant concentrations of hazardous materials warranting further investigation, the property owners and/or developers of properties shall ensure that site characterization shall be conducted in the form of additional Phase II ESAs in order to characterize the source and maximum extent of impacts from constituents of concern. The findings and conclusions of the site characterization shall become the basis for formation of a remedial action plan and/or risk assessment.
- MM HAZ-2d** If the findings and conclusions of the Phase II Environmental Site Assessment (Phase II ESA), site characterization and/or risk assessment demonstrate the presence of concentrations of hazardous materials exceeding regulatory threshold levels, prior to the issuance of a grading permit, property owners and/or developers of properties shall complete site remediation and potential risk assessment with oversight from the applicable regulatory agency including, but not limited to, the California Environmental Protection Agency (Cal/EPA) Department of Toxic Substances Control (DTSC) or Regional Water Quality Control Board (RWQCB), and Fresno County Environmental Health Division (FCEHD). Potential remediation could include the removal or treatment of water and/or soil. If removal occurs, hazardous materials shall be transported and disposed at a hazardous materials permitted facility.
- MM HAZ-2e** Prior to the issuance of a building permit for an individual property within the Plan Area with residual environmental contamination, the agency with primary regulatory oversight of environmental conditions at such property ("Oversight Agency") shall have determined that the proposed land use for that property, including proposed development features and design, does not present an unacceptable risk to human health, if applicable, through the use of an Environmental Site Management Plan (ESMP) that could include institutional controls, site-specific mitigation measures, a risk management plan, and deed restrictions based upon applicable risk-based cleanup standards. Remedial action plans, risk management plans and health and safety plans shall be required as determined by the Oversight Agency for a given property under applicable environmental laws, if not already completed, to prevent an unacceptable risk to human health, including workers during and after construction, from exposure to residual contamination in soil and groundwater in connection with remediation and site development activities and the proposed land use.
- MM HAZ-2f** For those sites with potential residual volatile organic compounds (VOCs) in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building, a vapor intrusion assessment shall be performed by a licensed environmental professional. If the results of the vapor intrusion assessment indicate the potential for significant vapor intrusion into the proposed building, the project

design shall include vapor controls or source removal, as appropriate, in accordance with Regional Water Quality Control Board (RWQCB), the California Department of Toxic Substances Control (DTSC) or the Fresno County Environmental Health Division (FCEHD) requirements. Soil vapor mitigation or controls could include passive venting and/or active venting. The vapor intrusion assessment as associated vapor controls or source removal can be incorporated into the Environmental Site Management Plan (ESMP) (Mitigation Measure HAZ4-4e).

MM HAZ-2g In the event of planned renovation or demolition of residential and/or commercial structures on the subject site, prior to the issuance of demolition permits, asbestos and lead-based paint (LBP) surveys shall be conducted in order to determine the presence or absence of asbestos-containing materials (ACM) and/or LBP. Removal of friable ACM, and non-friable ACMs that have the potential to become friable, during demolition and/or renovation shall conform to the standards set forth by the National Emissions Standards for Hazardous Air Pollutants (NESHAPs).

The San Joaquin Valley Air Pollution Control District (Valley Air District) is the responsible agency on the local level to enforce the NESHAPs and shall be notified by the property owners and/or developers of properties (or their designee(s)) prior to any demolition and/or renovation activities. If asbestos-containing materials are left in place, an Operations and Maintenance Program (O&M Program) shall be developed for the management of asbestos-containing materials (ACM).

MM HAZ-2h Prior to the import of a soil to a particular property within the Plan Area as part of that property's site development, such soils shall be sampled for toxic or hazardous materials to determine whether concentrations exceed applicable Environmental Screening Levels for the proposed land use at such a property, in accordance with Regional Water Quality Control Board (RWQCB), the Fresno County Environmental Health Division (FCEHD), and the California Department of Toxic Substances Control (DTSC), including but not limited to the DTSC 2001 Information Advisory Clean Imported Fill Material Fact Sheet, which identifies land use activities appropriate for a fill material source area and provides guidelines for types of analyses to be performed, prior to importing to such a property.

Facts in Support of Findings: Implementation of the Specific Plan would result in continued use and storage of hazardous materials, including household cleaning products, paints, solvents, building maintenance products, etc. Furthermore, as illustrated in Table 3.9-1 and Table 3.9-2 of the Recirculated Draft PEIR, some sites within the Plan Area have residual contamination that may require remediation. In addition, if existing structures are demolished to accommodate new development, hazardous building materials such as ACM or LBP could be encountered. Transport of hazardous materials is likely to continue to occur on State Route (SR) 180. Therefore, there is a potential for accidental release of hazardous materials within the Plan Area.

The Fresno Fire Department (FFD) has a Hazardous Materials Response Team (HMRT) that handles hazardous materials incidents within the City and consists of 60 personnel. The FFD HMRT ensures

that the community receives a robust, competent Level of Service (LOS) provided in the event of an accidental hazardous material release. Furthermore, all new development resulting from the refined project that would handle, store, produce, or dispose of hazardous materials would be subject to federal, State, and local regulations outlined in Section 3.9.3, Regulatory Framework. Furthermore, the Specific Plan proposes primarily residential and mixed-use land uses that are not expected to use and store large quantities of hazardous materials.

Additionally, future development under the Specific Plan would be required to adhere to applicable General Plan policies intended to reduce potential project-specific impacts, including Objective NS-4, Policies NS-4-a through NS-4-g, and Policy NS-4-I, as described in Section 3.9.3, Regulatory Framework, above.

However, the sites identified in Table 3.9-1 and Table 3.9-2 of the Recirculated Draft PEIR include contaminated properties owned by multiple property owners. Contaminated properties within the Plan Area would be remediated and developed in accordance with regulatory requirements. However, the cleanup process also would be subject to case-by-case considerations, with regulatory actions and oversight subject to agency-owner interactions and negotiations. While compliance with applicable federal, State, and local standards (including the hazardous materials policies under General Plan Objective NS-4) requires sites contaminated with hazardous materials to be cleaned up, the redevelopment of these or other future sites where hazardous materials are unknown could create a significant impact to future occupants of the Plan Area and/or construction workers. Therefore, the project-specific mitigation measures regarding hazardous materials would reduce potential impacts regarding the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving release of hazardous materials into the environment: MM HAZ-2a through MM HAZ-2h.

MM HAZ-2a requires new development to prepare a Phase I Environmental Site Assessment (Phase I ESA), which would identify Recognized Environmental Conditions (RECs) and become the basis for potential recommendations for follow-up investigation. MM HAZ-2b requires a Phase II ESA to be prepared to further evaluate RECs determined in the Phase I ESA. MM HAZ-2c requires additional Phase II ESAs to be prepared in the event that the initial Phase II ESA describes site characteristics that require further investigation. MM HAZ-2d requires site remediation in the event that the Phase II ESA(s) find concentrations of hazardous materials exceeding regulatory thresholds. MM HAZ-2e requires the use of an Environmental Site Management Plan (ESMP), when applicable. MM HAZ-2f provides requirements for sites with potential residual volatile organic compounds (VOCs) in soil, soil gas, or groundwater that are planned for redevelopment with an overlying occupied building. MM HAZ-2g provides requirements for demolitions when ACM and LBP may be present. Finally, MM HAZ-2h provides requirements that must be followed in the event that soils with toxic or hazardous materials concentrations that exceed applicable Environmental Screening Levels are found.

In addition to the above-referenced MM HAZ-2a through MM HAZ-2h, any future individual development projects that involve the transport, use, or disposal of hazardous materials would be subject to existing federal, State, and local regulations outlined in Section 3.9.3 Regulatory Framework as well as regulatory programs overseen/administered by the local CUPA. Compliance with the laws and regulations referenced above under Impact HAZ-1 would ensure hazardous

impacts from development of the proposed Plan related to the creation of a possible hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment are anticipated to be less than significant. Consistent with the General Plan and proposed Specific Plan policies, individual development projects would be required to undergo project-specific environmental review, which may require additional site-specific measures to reduce any potential impacts and ensure that impacts remain less than significant.

The Lead Agency finds that MM HAZ-2a through MM HAZ-2h are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact HAZ-3

Impact: The refined project could emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Chapter 3, Hazards and Hazardous Materials, Page 3.9-31; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-21). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM HAZ-2a through MM HAZ-2h.

Facts in Support of Findings: Presently, the Lone Star Elementary School, located in the southern portion of the Plan Area, and the Terry P. Bradley Educational Center, located in the northern portion of the Plan Area, are the only schools in the Plan Area. The refined project includes buffer requirements for future developments located adjacent to the existing school facilities to ensure a safe and cohesive environment for students, faculty, and families (Policy OS-8.3, Buffers Around Schools, and Policy OS-8.4, Buffers Around Schools).

The Specific Plan proposes to build schools within Neighborhood Town Centers, which are shown in Appendix A, Exhibit 2. The refined project aims to provide nearly all homes to be within walking distance of an elementary school. However, the exact location of future school developments is not known at this time. Siting of schools would be subject to the objectives and policies identified in the Specific Plan, including provisions related to school siting, access, and design, as well as safe access and buffers.

As illustrated in Table 3.9-1 and Table 3.9-2 of the Recirculated Draft PEIR, some sites within the Plan Area have residual contamination that may require remediation. Therefore, development under the

refined project could include land uses, or could include disturbance of existing hazardous cleanup sites, which have the potential to emit hazardous emissions or handle hazardous materials and substances. It is anticipated that future development under the refined project could occur within 0.25 mile of an existing or future school.

However, any future individual development projects that involve the transport, use, or disposal of hazardous materials would be subject to existing federal, State, and local regulations outlined in Section 3.9.3, Regulatory Framework. Future individual projects would be subject to City review and an environmental site assessment would be required for refined projects sited near schools.

Additionally, future development under the Specific Plan would be required to adhere to applicable General Plan policies intended to reduce potential project-specific impacts, including Objective NS-4, Policies NS-4-a through NS-4-g, and Policy NS-4-l, as described in Section 3.9.3, Regulatory Framework, of the Recirculated Draft PEIR. The Specific Plan contains proposed policies that would further minimize risk of emissions of hazardous materials near schools. For example, Policy RC-5.2 aims to prevent contamination of the groundwater table and surface water resources and discourages all pesticide use for agricultural and landscaping uses within SEDA through the use of signage, provision of pollution prevention information to SEDA residents, and remediation actions.

Moreover, implementation of the project-specific mitigation measures discussed under Impact HAZ-2, MM HAZ-2a through MM HAZ-2h, would further reduce impacts to schools. As stated in the discussions of Impacts HAZ-1 and HAZ-2, all future development under the refined project would be required to achieve compliance with existing federal, State, and local regulations, procedures and policies, which would avoid potential impacts associated with hazardous materials handling, use, and storage in the Plan Area. Compliance with these regulations, procedures, and policies would ensure that hazardous materials are properly handled, thereby reducing potential risks to nearby schools. At the programmatic level, impacts related to the handling of hazardous materials near a school would be reduced to a less than significant level with the implementation of MM HAZ-2a through MM HAZ-2h.

The Lead Agency finds that MM HAZ-2a through MM HAZ-2h are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact HAZ-4

Impact: The refined project could be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, could create a significant hazard to the public or the environment.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.9, Hazards and Hazardous Materials, Page 3.9-33; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-21). Changes or alterations

have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM HAZ-2a through MM HAZ-2h.

Facts in Support of Findings: As illustrated in Table 3.9-1 and Table 3.9-2 of the Recirculated Draft PEIR, some sites within the Plan Area have residual contamination, including contamination from VOCs, diesel, gasoline, various metals, pesticides, herbicides, PCBs, and other chemicals. For a majority of these properties, remediation to mitigate potential impacts is complete, and the cases are marked as closed. However, some of the sites have open cases, and additional action is recommended. Remediation is meant to clean up contaminated sites and reduce concentrations of chemicals to a level below a certain human health risk threshold. For a site to be developed, a regulatory agency must confirm that the site has been remediated properly and the contamination has been reduced to a safe level.

Contaminated sites are regulated on an individual basis in accordance with applicable federal, State, and local procedures and standards. However, regulatory actions are subject to agency-owner negotiations. Additionally, future development resulting from the Specific Plan could occur on sites where hazardous materials are unknown. This would create a potentially significant impact.

However, as further discussed under Impact HAZ-2, implementation of the project-specific mitigation measures discussed under Impact HAZ-2, MM HAZ-2a through MM HAZ-2h, would reduce impacts related to these sites to a less than significant level. Consistent with the General Plan and proposed Specific Plan policies, individual development projects would be required to undergo project-specific environmental review, which may require additional site-specific measures to reduce any potential impacts and ensure that impacts remain less than significant.

The Lead Agency finds that MM HAZ-2a through MM HAZ-2h are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.6.6 - Hydrology and Water Quality

Impact HYD-2

Impact: The refined project could substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.10, Hydrology and Water Quality, Page 3.10-38; Recirculated Draft PEIR,

Chapter 5, Alternatives to the Proposed Project, Page 5-22). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM UTIL-2a, MM UTIL-2b, MM UTIL-2c, and the following:

- MM HYD-2a** The City shall continue to be an active participant in the North Kings Groundwater Sustainability Agency (North Kings GSA) and the implementation of the North Kings Groundwater Sustainability Plan (North Kings GSP) in order to ensure that the Kings Subbasin has balanced levels of pumping and recharge. The City shall confirm that each project for future development in the Fresno Southeast Development Area Specific Plan Area (Plan Area) has incorporated any resulting standards prior to issuing approval for any development applications that require discretionary approval.
- MM HYD-2b** Prior to approving development per the Southeast Development Area (SEDA) Specific Plan for the Fresno SEDA Specific Plan Area (Plan Area), the City shall evaluate the water supply system to determine whether the proposed development will exceed the existing water supply capacity. If it is determined that such development would exceed the existing water supply capacity, the City shall provide additional capacity through water system improvements for the Plan Area in accordance with the City Metropolitan Water Resources Management Plan (Metro Plan).
- MM HYD-2c** Prior to approving development per the Southeast Development Area (SEDA) Specific Plan for the Fresno SEDA Specific Plan Area (Plan Area), the City shall evaluate existing water demands to determine whether the proposed development will exceed the existing water supplies. If it is determined that such development would exceed the existing water demands, the City shall pursue the provision of adequate water supplies by securing additional water sources.
- MM HYD-2d** The City shall develop new and expand existing groundwater recharge facilities to balance increased water demands resulting from the Fresno Southeast Development Area Specific Plan Area (Plan Area). New and expanded groundwater recharge facilities shall be in accordance with the City of Fresno General Plan and City Metro Plan. The City shall complete these measures prior to approving any new project applications for future development in the project area that require a discretionary approval and shall confirm that each project has incorporated any resulting standards prior to issuing approval.
- MM HYD-2e** The City shall continue to develop and implement water conservation measures to reduce the per capita water use to 190 gallons per capita per day (gpcd) in accordance with the conservation target specified in the Fresno General Plan.

Facts in Support of Findings: Implementation of the proposed Specific Plan would generate an additional 1.7 percent (0.33 MGD) of groundwater demand in the Plan Area than what was predicted by the General Plan; as such, impacts to groundwater could be significant without mitigation. The City's water system depended completely on groundwater as a water source until 2004, when the first SWTF was commissioned. Today, groundwater is still a primary water source for the City.

Total groundwater recharge in 2020 was 132,480 AF (24,970 AF of natural recharge, 47,510 AF of subsurface inflow, and 60,000 AF of intentional recharge); the total projected groundwater recharge for 2035 is 149,100 AF (26,280 AF of natural recharge, 54,720 AF of subsurface inflow, and 68,100 AF of intentional recharge) and for 2045 is 159,820 AF (26,790 AF of natural recharge, 59,530 AF of subsurface inflow, and 73,500 AF of intentional recharge) during normal water years and assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA.

Per the FMFCD, six new basins are proposed for the Plan Area for stormwater runoff collection. These basins would likely function as retention basins and retain the stormwater runoff for percolation through the soil to the underlying groundwater aquifer. While impervious surfaces would increase, resulting in higher amounts of runoff volume, the basins would help with the capture and dispersal of the runoff, thereby assisting with the process of groundwater recharge.

The existing and proposed basins will facilitate stormwater collection, which will encourage groundwater recharge through collection. Of the seven existing basins encompassed by the Plan Area and the six proposed basins, two proposed basins would require revisions to their designs to accommodate the increase in runoff volume. Proposed Basin DW does not have sufficient capacity to accommodate the increased runoff (available volume is exceeded by 12.8 AF), and Basin DX experiences a change in volume of 25.4 percent (exceeds FMFCD's limit of 20 percent before basin must be revised in size/location).

Groundwater pumping has been greatly reduced since the activation of the first SWTF in 2004 and has only further declined as a result of a second SWTF; per the 2020 UWMP, groundwater pumping has decreased from 165,200 AFY in 2003 to 55,000 AF in 2020.³⁸ Surface water has allowed the City to reduce its dependence on groundwater as a water supply. Prior to 2004, 100 percent of Fresno's water demand was met with groundwater. In 2004, the City's first SWTF, the NESWTF, was constructed and activated; it provided 10–15 percent of the City's potable water demand from 2005–2014, and 15 percent from 2016–2020. With the addition of the T-3 Water Storage and modular SWTF (T-3 SWTF) in 2015 and the SESWTF in 2018, the City was able to provide greater than 50 percent of its potable water supply with surface water in 2019 and 2020. The City plans to expand surface water treatment capacities and groundwater recharge activities to further reduce groundwater reliance.

Currently, the Kings Groundwater Subbasin is in a state of overdraft as defined by the DWR. In November 2019, the North Kings GSA adopted the North Kings GSP (prepared by Provost & Pritchard) with the sustainability goal to ensure that by 2040 the Kings Groundwater Subbasin is being managed in a sustainable manner by balancing water demand with available water supply. Continued participation and compliance with the North Kings GSP by the City and other member

agencies would ensure a balance of pumping and recharge in the basin by 2040. The GSP was submitted to the California DWR in January 2020. The DWR issued a response in January 2022 stating that the GSP was incomplete, after which the GSP was revised and resubmitted in July 2022. The DWR issued a letter on August 4, 2023, which approved the GSP and proposed a number of additional recommended corrective actions to be included per the DWR SGMA Portal GSP Status Summary. These are incorporated as MM HYD-2a. Impacts on groundwater supplies and groundwater recharge would be less than significant with mitigation incorporated.

The 2020 UWMP presents data available for actual water supply and demand for the year 2020, as well as projected water usage. For 2020, the projected potable water demand for the City in 2035 is 154,210 AF, but the actual total potable water demand for the City was 121,993 AF. The projected nonpotable water demand for the City for groundwater recharge is 68,100 AF for 2035. The estimated groundwater yield for the City in 2035 is projected to be 149,100 AF, assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA, indicating that groundwater alone will not be sufficient to meet future City demands, including those for SEDA. However, estimated surface water supplies for the City are projected to be 191,600 AF for 2035 (60,000 via USBR, 131,600 via FID) during normal water years, as well as 5,910 AF of recycled water. Total projected water supply for the City in 2035 is 346,610 AF during normal water years, assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA, and total projected demand is 222,310 AF. The estimated increase in total water use for SEDA in accordance with the Specific Plan selected alternative is 0.33 MGD, or 370 AF. This results in a modified projected potable demand for the City in 2035 of 154,580 AF, with a total water demand (potable and nonpotable) of 222,680 AF. Nonetheless, impacts to water supply and demand would be considered at the time of annexation for each specific parcel.

Assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA, the estimated increase in water demand for the Plan Area could be met with current water supplies in normal year and dry year scenarios; however, securing additional water supplies would likely improve these chances. Therefore, impacts on groundwater supplies would be less than significant with mitigation incorporated.

The Lead Agency finds that MM UTIL-2a, MM UTIL-2b, MM UTIL-2c, and MM HYD-2a through MM HYD-2e are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact HYD-3

Impact: The refined project could substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

- i) Result in substantial erosion or siltation on- or off-site.

- ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.
- iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
- iv) Impede or redirect flood flows.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.10, Hydrology and Water Quality, Page 3.10-41; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-22). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM HYD-3a The City shall support the Fresno Metropolitan Flood Control District (FMFCD) in updating the Storm Drainage and Flood Control Master Plan for the Plan Area to include the proposed basins and the analysis necessary to provide adequate capacity for future stormwater runoff resulting from future development of the Southeast Development Area (SEDA) Specific Plan. The City shall complete these measures prior to approving any new project applications for future development in the Fresno SEDA Specific Plan Area (Plan Area) that require a discretionary approval and shall confirm that each project has incorporated any resulting standards prior to issuing approval.

MM HYD-3b The City shall support the Fresno Metropolitan Flood Control District (FMFCD) in implementing the Storm Drainage and Flood Control Master Plan improvements for the proposed drainage areas within the Fresno Southeast Development Area Specific Plan Area (Plan Area). Any new proposed development in the Plan Area shall be reviewed by the City and FMFCD to confirm that design and construction documents have incorporated the updated Storm Drainage and Flood Control Master Plan improvements, prior to approving any such development.

MM HYD-3c The City shall support the Fresno Metropolitan Flood Control District (FMFCD) in reevaluating proposed Basins DW and DX for available capacities and shall expand these basins or construct additional basins to accommodate the future stormwater capacities from development in the Southeast Development Area (SEDA) Specific Plan Area (Plan Area) in accordance with the SEDA Specific Plan. The City shall complete these measures prior to approving any new project applications for future development in the Plan Area that require a discretionary approval and shall confirm that each project has incorporated any resulting standards prior to issuing approval.

MM HYD-3d The City shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan collection systems within

the Fresno Southeast Development Area (SEDA) Specific Plan Area (Plan Area) to less than significant:

- Prior to approval of development projects, support the Fresno Metropolitan Flood Control District (FMFCD) in coordination with the Fresno Irrigation District (FID) in updating the Storm Drainage and Flood Control Master Plan to analyze the impacts to existing and planned retention basins within the Plan Area to determine remedial measures required to reduce the impact on retention basin capacity to less than significant. Remedial measures would include:
 - Increase the size of the retention basin through the purchase of more land or deepening the basin or a combination for planned retention basins.

MM HYD-3e The City shall implement the following measures to reduce the impacts on the capacity of existing or planned storm drainage Master Plan urban detention (stormwater quality) basins within the Fresno Southeast Development Area Specific Plan Area (Plan Area) to less than significant:

- Prior to approval of development projects, support the Fresno Metropolitan Flood Control District (FMFCD) in updating the Storm Drainage and Flood Control Master Plan to determine the impacts to the urban detention weir overflow rates and determine remedial measures required to reduce the impact on the detention basin capacity to less than significant. Remedial measures would include:
 - Modify overflow weir to maintain the suspended solids removal rates adopted by the FMFCD Board of Directors.
 - Increase the size of the urban detention basin to increase residence time by purchasing more land.

Facts in Support of Findings:

i. Result in substantial erosion or siltation on- or off-site.

Construction

Construction activities associated with the buildout of the Specific Plan would result in ground-disturbing activities such as grading, excavation, placing fill, trenching, spoil pile storage, and backfilling of trenches. These activities could lead to silt-laden stormwater contributing to downstream surface water degradation. Development within the Plan Area could require the realignment of an existing stream or canal, which could result in the erosion of soils within the channel or channel banks during rainfall events that could result in siltation of stormwater runoff that leaves/enters the stream or canal. This silt-laden stormwater could contribute to downstream stormwater degradation.

Regulatory requirements such as the City's grading plan check process, the FMFCD Storm Drain Master Plan, and the NPDES Construction General Permit would reduce the impacts of construction activities on drainage patterns and erosion.

Development within the Plan Area would be required to comply with the City's grading plan check process. Developers must submit grading plans in compliance with the California Building Standards Code (CBC), the Storm Drain Master Plan, and the NPDES Construction General Permit and obtain approval from the FMFCD.

The Storm Drain Master Plan includes proposed elevation of curbs in undeveloped areas, delineation of storm drain inlet watershed areas, collection system pipeline alignments and sizes, and retention basin or urban detention basin locations and sizing. Development in conformance with the Storm Drain Master Plan would ensure that the Plan Area is graded to drain into storm drainage facilities, which collect and dispose of stormwater from the planned development. Retention and urban detention basins intercept and remove silt from stormwater before it is discharged to surface water features.

The grading plan review process for future individual development projects in the Plan Area would identify any plan to alter the course of any creek, stream, or irrigation canal. In this case, the City would require additional other reviews, permits, and agreements with agencies such as the USACE, the USFWS, the CDFW, the Central Valley Flood Protection Agency, the State Water Board, the Central Valley RWQCB, the FMFCD, and the FID. Possible permits and agreements include the CWA Section 401 and 403 permits, Endangered Species or Habitat Plan, Section 1603 Streambed Alteration Agreement, and Irrigation Canal Encroachment permit. Agreements would need to be made prior to the issuance of grading permits.

The NPDES Construction General Permit program is administered for the City by the Central Valley RWQCB. It regulates sources of erosion at construction sites that would result in the discharge of silt-laden stormwater from the site and into subsequent receiving waters during both construction and operations activities.

Compliance with the grading plan check process along with other regulations described above would reduce project construction impacts on drainage patterns and erosion to acceptable levels. Therefore, construction impacts associated with erosion would be less than significant.

Operation

Implementation of the refined project would result in new commercial, residential, employment, and mixed-use land uses. Grading and increases in impervious surfaces resulting from this development could alter alignments of existing creeks, streams, or irrigation canals and increase stormwater runoff rates. Higher rates of stormwater runoff would increase the potential for soil erosion. The FMFCD works with developers and the City to collect and prevent silt-laden stormwater from entering local surface waters, including several irrigation canals that run through the Plan Area. As part of the Storm Drain Master Plan, new aboveground storm drainage infrastructure would direct runoff to underground pipelines, which would convey the stormwater to proposed retention and urban detention basins within the Plan Area. Discharges from the basins could increase the concentration of sediment in the receiving waters.

As described above, future individual development projects under the Specific Plan would be required to obtain a grading permit from the City and follow the grading plan check process. As a co-

permittee in the Phase I NPDES Permit, development associated with the proposed Specific Plan would be reviewed to ensure coverage under the Construction General Permit.

Portions of the Plan Area are currently in agricultural use. At buildout of the refined project, these areas may be developed with land uses consisting of buildings, paved areas, and landscaping. Bare soil on farmland is more susceptible to erosion than developed urban land. Therefore, buildout of the refined project is expected to cause some reduction in on-site erosion.

The General Plan and the proposed Specific Plan include objectives and policies that would reduce potential impacts related to erosion and siltation. Along with the grading plan check process, continued implementation of the proposed Specific Plan and approved General Plan would reduce project operational impacts associated with alteration of drainage patterns, streams or creeks, and erosion to less than significant levels.

- ii. *Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site.*

Construction

Construction activities associated with buildout of the Specific Plan would result in ground-disturbing activities such as grading, excavation, placing fill, trenching, spoil pile storage, and backfilling of trenches. These activities would change existing surface drainage patterns and increase the potential for flooding, particularly during storm events. Temporary, ground-disturbing construction activities that substantially compact the development site soils could increase runoff volumes that could result in flooding on or off the construction site.

Development within the Plan Area could propose realigning an existing stream or canal; doing so could result in the alteration of drainage patterns that could result in flooding on or off the construction site.

Regulatory mechanisms in place that would reduce the impacts of construction activities on drainage patterns that could result in flooding on or off the construction site include compliance with the City's grading plan check process, the Storm Drain Master Plan, and the NPDES Construction General Permit. Discussion of these regulatory processes is included in the section for erosion and siltation. Compliance with these required regulations would reduce the project construction impacts on drainage patterns and flooding on and off the construction site to less than significant levels.

Operation

Development consistent with implementation of the proposed Specific Plan would result in new commercial, residential, employment, and mixed-use land uses that would regrade undeveloped land to new grading patterns, may propose to alter the alignments of existing creeks, streams, or irrigation canals, and would increase impervious surfaces, which would increase stormwater runoff rates. Higher runoff rates and greater volumes of stormwater runoff would increase the potential for flooding of the development site and off-site locations. Since the FMFCD is responsible for developing and implementing the Storm Drain Master Plan for the City, the FMFCD works with developers and the City to implement the storm drainage system to collect and dispose of the increased stormwater runoff rates and volumes and prevent flooding as a result of the development

and grading of the land. The storm drainage system that would be implemented for the Plan Area would include street, curbs, and gutters that direct stormwater to storm drain inlets and underground pipelines. The pipelines convey the runoff to retention and urban detention basins to be located at strategic locations in the Plan Area. The basins dispose of the runoff through percolation into the soil and, in emergencies and in preparation for the next series of rain events, through pumping to designated irrigation canals. The urban detention basins discharge to the San Joaquin River.

Development under the proposed Specific Plan would be required to obtain a grading permit from the City and follow the grading plan check process as described above. Developments would also be required to be designed and graded so as to not impede the flow of flood waters through or around their sites. This process would reduce the potential for long-term flooding impacts to less than significant.

Additionally, the proposed Specific Plan and the approved General Plan include objectives and policies that would reduce potential flooding impacts. Along with the grading plan check process, continued implementation of the proposed Specific Plan and approved General Plan would reduce project operational impacts associated with flooding due to alterations of drainage patterns to less than significant levels.

iii. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Construction

The FMFCD implements the Storm Drain Master Plan and the District Services Plan. Local storm drainage Master Plan engineering of storm drain facilities analyzes the topography, planned land use, climatology, and geology to produce a detailed drainage hydrology for each local drainage area. Following these analyses, plans for preliminary pipeline or alternative conveyance systems are completed using runoff flow calculations based on planned land uses to guide retention basin size and location. System relief facilities are designed for use in major storm events. Land is assessed to ensure that there is no evidence of hazardous material or waste contamination that would enter the storm drainage system. Site-specific environmental studies are also conducted in compliance with CEQA review of discretionary projects. The change in land uses resulting from implementation of the proposed Specific Plan would slightly increase the sources of pollution in stormwater runoff by converting General Plan land uses to Specific Plan land uses. The increase in sources would result from the increased number of landowners and uses that would occur within the Plan Area.

Operation

Development as part of the refined project would increase impervious surfaces on-site and thus increase runoff from the Plan Area. The buildout of the proposed Specific Plan when compared to the General Plan would result in a net change of 248 AF in expected runoff; FMFCD allows a 20 percent change in required basin volumes before the basin must be modified. As illustrated in Table 3.10-2 of the Recirculated Draft PEIR, buildout of the Specific Plan would not result in a change of volume of more than 20 percent or exceed the remaining basin volume for existing basins encompassed within the Plan Area. As illustrated in Table 3.10-3 of the Recirculated Draft PEIR, buildout of the proposed Specific Plan would result in a change in required volume of more than 20

percent in one proposed basin (Basin DX) and the exceedance of one proposed basin's capacity (Basin DW). This creates a potentially significant impact. However, implementation of MM HYD-3a through MM HYD-3f, which includes revisions to Basin DX and Basin DW plans, would reduce impacts to a less than significant level.

As discussed above, stormwater runoff from urban development contains an array of pollutants. Future individual development project would be required to comply with the General Plan and the proposed Specific Plan policies and implement water quality and watershed protection measures for all development projects as part of its NPDES Phase 1 MS4 Permit. Furthermore, impacts associated with water quality standards and wastewater discharge requirements would be less than significant.

iv. Impede or redirect flood flows.

Constructing buildings in floodplains puts those structures in danger of repeated flooding. The sources of flooding in the Plan Area include several irrigation canals, including Redbank Creek, the Gould Canal, the Gray Colony Canal, Dog Creek, the Mill Canal, the Temperance Canal, the Fancher Creek Canal, the Briggs Canal, the East Branch West Branch Canal, the Hansen Canal, and the Armstrong Canal.

FEMA prepares FIRMs to map flood zones in order to assist communities with floodplain management regulations and flood insurance requirements. FEMA has prepared multiple FIRMs for the City that show floodplain zones throughout Fresno and surrounding areas. According to the FIRMs that include SEDA, a majority of the Plan Area is outside the 100-year flood zones; most areas are located within Zone X (Unshaded) (outside of the 500-year (0.2 percent annual chance) floodplain with minimal risk of flooding). However, several areas in the northern portion of SEDA (north of SR-180) are within zones of higher flood chances, including Zones X (shaded) (between the 100-year and 500-year floodplain with moderate risk of flooding), Zone A (SFHA within the 100-year floodplain with high risk of flooding), Zone AE (SFHA within the 100-year floodplain with high risk of flooding and known base flood elevations), and Zone A/AE Regulatory Floodplains (SFHA within the 100-year [1 percent annual chance] floodplain with high risk of flooding with areas that must be reserved for base flood discharge); these areas are mainly adjacent to existing rivers, creeks, canals, or detention basins.

Per the FEMA FIRM, areas surrounding and along the Fancher Creek Canal are within Zone X (shaded), the area containing the Redbank Detention Basin is within Zone A, areas surrounding and along the Mill Ditch and Redbank Creek are within Zone AE, and a portion of the Redbank Creek along the northern SEDA border is defined as a Regulatory Floodplain.

The City participates in the NFIP which adopts FIRMs, appoints a trained Floodplain Administrator, adopts a floodplain ordinance modeled after the Flood Insurance Program (FIP) model ordinance, and enforces the ordinance and the requirements of Title 40 of the Code of Federal Regulations (40 CFR-Protection of Environment), Subchapter D (Water Programs, Parts 100–149). The City enforces these requirements through Chapter 11, Article 6 of the Fresno Municipal Code (Fresno Flood Plain Ordinance), which outlines specific requirements for floodproofing of structures. The Specific Plan includes developments that would be located within these SFHAs; development within these areas would require substantial floodproofing and any required review and approval of the developments

by the City, FMFCD, FEMA, and any other governing body. If developments follow the floodplain ordinance and General Plan objectives and policies are implemented, impacts associated with flooding of developments within the 100-year floodplain would be less than significant.

Development as part of the proposed Specific Plan would increase the area of impervious surfaces within the Plan Area and thus increase runoff from the Plan Area. However, compliance with federal, State, and local regulations and requirements to prevent development within the 100-year floodplain, installation of flood protection mechanisms, and implementation of MM HYD-3a through 3g would reduce impacts to a less than significant level with mitigation incorporated.

The Lead Agency finds that MM HYD-3a through MM HYD-3f are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Cumulative Hydrology Impact

Impact: The refined project would have a less than significant cumulative impact with mitigation incorporated on hydrology and water quality.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.10, Hydrology and Water Quality, Page 3.10-53; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-22). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM UTIL-2a, MM UTIL-2b, MM UTIL-2c, MM HYD-2a, MM HYD-2b, MM HYD-2c, MM HYD-2d, MM HYD-2e, MM HYD-3a, MM HYD-3b, MM HYD-3c, MM HYD-3d, MM HYD-3e, and MM HYD-3f.

Facts in Support of Findings: The proposed Specific Plan would develop hydrological infrastructure within the Plan Area and, therefore, would generally eliminate cumulative impacts outside of it. The impacts of anticipated development and projects resulting from the Specific Plan have been analyzed in the Recirculated Draft PEIR. Most impacts are localized and would occur at different times as the Specific Plan is built out. Therefore, by nature, the refined project would generally not combine with other projects to cause cumulatively considerable impacts. Where there are regional impacts, they would occur on a scale and of a difficulty that cannot be addressed within a Specific Plan and are being addressed with long-term planning by regional groups and State agencies. However, some potential cumulative impacts were identified and are discussed below.

Groundwater

The Kings Subbasin is in overdraft condition due to substantial groundwater pumping. Growth in the Kings Subbasin would increase demands for groundwater pumping, potentially resulting in continued drawdown of water levels, leading to localized cones of depression, changes in groundwater flow direction, concentration of contaminants, and land subsidence. This is a regional problem that is being addressed through several means, including the formation of GSAs and the development of GSPs. Implementation of the Specific Plan would generate an additional 1.7 percent (0.33 MGD) of groundwater demand in the Plan Area over what was predicted by the General Plan. However, as discussed above, this may be accommodated with full implementation of the proposed Specific Plan. The City has also placed a higher emphasis on surface water and groundwater recharge, supplying greater than 50 percent of its potable water supply with surface water in 2019 and 2020. The City is a member of the North Kings GSA; continued participation and compliance with the North Kings GSP and continued development of water conservation policies/programs and water supply infrastructure would reduce the cumulative impacts related to hydrology. This is incorporated as MM HYD-2a and would reduce impacts to a less than significant level with mitigation incorporated.

Hydrology and Water Quality

Buildout of the refined project would increase the amount of paved impervious surfaces within the Plan Area. This increase in impervious surfaces would increase stormwater runoff rates and volumes over those that occur from development under the General Plan. This increase in runoff would have the potential to increase the amount of polluted runoff. However, as described above, additional stormwater detention basins and expanded capacity for stormwater is planned throughout the Plan Area. This is required by MM HYD-3a, MM HYD-3b, and MM HYD-3c. Furthermore, all development projects within the Fresno-Clovis area would be required to comply with the MS4 Permit that requires the implementation of water quality and watershed protection measures. Compliance with the MS4 Permit would reduce potential impacts from cumulative projects to less than significant. Since the development under the proposed Specific Plan would also need to comply with the MS4 Permit and includes specific policies of the proposed Specific Plan and the approved City General Plan, the refined project's contribution to potential cumulative impacts would be less than significant with mitigation incorporated.

The Lead Agency finds that MM UTIL-2a, MM UTIL-2b, MM UTIL-2c, MM HYD-2a, MM HYD-2b, MM HYD-2c, MM HYD-2d, MM HYD-2e, MM HYD-3a, MM HYD-3b, MM HYD-3c, MM HYD-3d, MM HYD-3e, and MM HYD-3f are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.6.7 - Noise

Impact NOI-2

Impact: The refined project could result in generation of excessive groundborne vibration or groundborne noise levels.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.13, Noise, Page 3.13-27; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-23). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM NOI-2 Construction Vibration Reduction Plan

Prior to issuance of grading and/or building permits, a note shall be provided on grading and building plans indicating that during grading and construction the property owner/developer shall be responsible for requiring contractors to implement the following measures to limit construction-related vibration impacts:

- For any future development projects that would necessitate the use of pile driving within 200 feet of an off-site structure shall submit a Construction Vibration Reduction Plan that identifies specific techniques, such as the depth and location of temporary trenching that would reduce potential vibration impacts to less than significant for the impacted structure.
- For any future development projects that would necessitate the use of large vibratory rollers within 30 feet of an off-site structure, or the use of other heavy construction equipment within 15 feet of an off-site structure, shall submit a Construction Vibration Reduction Plan that identifies specific techniques, such as the depth and location of temporary trenching that would reduce potential vibration impacts to less than significant for the impacted structure.
- The individual project owner/developer shall submit the Construction Vibration Reduction Plan to the Planning Director for review and approval prior to issuance of building permits. Upon approval by the City, the construction vibration reduction measures shall be incorporated into the construction documents.

Facts in Support of Findings: This section analyzes both construction and operational groundborne vibration impacts. The City prohibits groundborne vibration that is discernible without the aid of instruments by a reasonable person at the lot lines of the site; however, vibrations from temporary construction activities are exempt from this standard. Therefore, for purposes of this analysis, the FTA's vibration impact criteria are utilized to analyze construction vibration impacts. The FTA has established industry accepted standards for vibration impact criteria and impact assessment. These guidelines are published in its Transit Noise and Vibration Impact Assessment Manual. The construction vibration impact criteria are summarized in Table 3.13-3 in the regulatory section of the Recirculated Draft PEIR.

A significant impact would occur if existing structures at the project site or in the project vicinity would be exposed to groundborne vibration levels in excess of levels established by the FTA's Construction Vibration Impact Criteria. Development of the Specific Plan would require the use of construction equipment which are vibration generators.

Short-term Construction Vibration Impacts to Off-site Receptors

Construction activity can result in varying degrees of ground vibration, depending on the equipment used on the site. Operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Buildings in the vicinity of a construction site respond to these vibrations with varying results ranging from no perceptible effects at the low levels to slight damage at the highest levels. Table 3.13-3 of the Recirculated Draft PEIR provides approximate vibration levels for construction activities.

Of the variety of equipment used during construction, impact pile drivers that could be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Impact pile drivers produce groundborne vibration levels ranging up to 0.644 inch per second (in/sec) PPV at 25 feet from the operating equipment. The heaviest type of mobile equipment that would produce the highest vibration levels would be a large vibratory roller, which produces groundborne vibration levels ranging up to 0.644 in/sec PPV as measured at 25 feet.

Construction vibration levels from future development projects could exceed the FTA's damage threshold criteria for receiving structures. Therefore, mitigation would be required to reduce this potential impact. Construction vibration sources can be mitigated to acceptable levels either at the source or on the adjacent property using alternate equipment, adequate setbacks, or by digging temporary trenches between the source and the receptor. For example, at a distance of 200 feet, vibration levels from an impact pile driver would attenuate to 0.02 in/sec PPV.

Therefore, implementation of MM NOI-2, which requires preparation of a Construction Vibration Reduction Plan for any nearby structure, would ensure that these vibration level impacts generated by future development projects would be reduced to a less than significant impact.

Operational Vibration Impacts

Based on the proposed types of land uses of the Specific Plan, future related development projects are not anticipated to include any permanent sources of vibration that would expose persons in the project vicinity to excessive groundborne vibration levels. In addition, there are no existing significant permanent sources of groundborne vibration located within the Specific Plan development area to which future development projects would be exposed. Therefore, project operational groundborne vibration level impacts would be considered less than significant.

The Lead Agency finds that MM NOI-2 is feasible, is adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.6.8 - Recreation

Impact REC-2

Impact: The refined project could include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.16, Recreation, Page 3.16-17; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-24). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM REC-1 As new development occurs in the Plan Area, the City shall periodically (every 5 years) monitor residential population growth compared to development of new parklands for the purpose of evaluating the strength of this Plan to meet the ratio of 3 acres of parkland per 1,000 population. If the ratio is not met, the City shall explore additional ways to increase the amount of dedicated parkland in the Plan Area, including but not limited to designating additional lands for parkland development.

Facts in Support of Findings: Implementation of the refined project is projected to generate an increase in the population, requiring the dedication of new parks and recreational facilities. As discussed in Section 3.14, Population and Housing, the development of up to 42,900 new residential units could accommodate 123,271 residents by 2050.

The Plan Area does not currently contain any parkland that is maintained by the City. In order to meet the citywide parks and open space standard of 3 acres per 1,000 residents, the refined project would require approximately 384.8 acres of parks by 2050. The refined project would facilitate the creation of parks and recreational facilities. As discussed previously, Policy OS-2.1 would maximize active recreational opportunities in the open space network. Active space includes playgrounds, fields, hardcourts, pools, and other facilities for sports and other physical activities. Policy CF-2.2 would encourage the creation of regional trails and open spaces in Rural Cluster Districts that connect urban uses to agricultural uses with trails for pedestrians, bicyclists, and equestrians. Policy RC-4.4 would support recreational opportunities with a range of parks and multiuse trails by establishing joint-use agreements with FMFCD to allow access to storm drainage/recharge basins for recreational use, when appropriate. Furthermore, development within the Plan Area would be required pay applicable development fees to finance park facility improvements.

The population increase projected under the refined project is within the population growth contemplated by the General Plan and would therefore have less than significant impacts related to the provision of new or altered park facilities. However, the refined project would incorporate new zone districts and planned land use types, resulting in the need for up to 384.8 acres of additional parkland. Therefore, impacts related to the provision of parks and recreation services would require mitigation. MM REC-1 would require the City to monitor all residential population growth compared to development of new parklands within the Plan Area, in order to ensure compliance with the minimum ratio of 3 acres of parkland per 1,000 population. With implementation of MM REC-1, impacts would be less than significant.

The Lead Agency finds that MM REC-1 is feasible, is adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Cumulative Recreation Impact

Impact: The refined project could result in cumulative impacts with respect to recreation.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.16, Recreation, Page 3.16-19; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-24). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM REC-1.

Facts in Support of Findings: The geographic scope of the cumulative impact analysis for Recreation impacts is the Plan Area and portions of the City of Fresno, City of Clovis, and unincorporated Fresno County adjacent to the Plan Area. This analysis evaluates whether impacts of the Specific Plan, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to recreation. This analysis then considers whether incremental contribution of the impacts associated with implementation of the Specific Plan would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

As stated above, implementation of the refined project would result in up to 42,900 new residential units, which could accommodate 123,871 residents by 2050. At full buildout, the refined project would require approximately 410.4 acres of usable parkland to meet the citywide parks and open space standard of 3 acres per 1,000 residents. Parkland refers to Pocket, Neighborhood, and Community Parks. The Plan Area currently does not have any City-managed parkland.

The General Plan identified the need for nearly 2,313 acres of new Pocket, Neighborhood, and Community Parks by the General Plan horizon year of 2035 in the City's Sphere of Influence (SOI). As discussed under Impact REC-2, future development under the refined project could include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. Individual development projects would be required to pay applicable development fees, which would allow new parks to be constructed at appropriate sites within the cumulative setting and adequately maintained. However, cumulative impacts could be significant, as the refined project would incorporate new zone districts and planned land use types in the Plan Area, resulting in the need for up to 384.8 acres of parkland to meet the citywide parks and open space standard of 3 acres per 1,000 residents. Therefore, implementation of MM REC-1, which requires the City to monitor residential population growth compared to development of new parklands to meet the ratio of 3 acres of parkland per 1,000 population, would

ensure potential impacts would be addressed and mitigated to meet the parkland requirements. Cumulative impacts would be less than significant with mitigation incorporated.

The Lead Agency finds that MM REC-1 is feasible, is adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.6.9 - Transportation and Traffic

Impact TRANS-1

Impact: The refined project could conflict with a program plan, ordinance or policy of the circulation system, including transit, roadway, bicycle and pedestrian facilities.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.17, Transportation and Traffic, Page 3.17-31; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-24). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM TRANS-1a Provide more options for shorter trips by encouraging vertical mixed uses and locating residential uses in walking distance (0.5 mile) to retail and employment uses.

MM TRANS-1b Provide pedestrian and bicycle network improvements within the development connecting complementary uses (i.e., residential, employment, retail, and transit stops) internally and to existing off-site facilities.

MM TRANS-1c Ensure that design of key intersections and roadways encourage the use of walking, biking, and transit.

MM TRANS-1d Collaborate with the Fresno Area Express (FAX) to provide new transit services, including the consideration of shuttle and micro-transit service, throughout the proposed project and within the proposed project area.

MM TRANS-1e In addition, the following Transportation Demand Management (TDM) strategies may be applicable at the implementing project level:

- Reduce Parking Supply for Retail Uses (maximum reduction: 12.5 percent)
- Add Transit Rerouting and Transit Stops (maximum reduction: 5 percent)
- Implementation of Local Shuttle Service (grouped strategy with transit system improvements)

- Mandatory Travel Behavior Change Program, Promotions and Marketing (maximum reduction: 1 percent)
- Promotions and Marketing (maximum reduction: 1 percent)
- Emergency Ride Home (ERH) Program (maximum reduction: 3 percent)
- School Carpool Program (maximum reduction: 15 percent)
- Bike Share (maximum reduction: 0.25 percent)
- Implement/Improve On-street Bicycle Facility (maximum reduction: 0.625 percent)
- Traffic Calming Improvements (maximum reduction: 1 percent)
- Pedestrian Network Improvements (maximum reduction: 2 percent)
- Unbundle the cost of parking from multi-family residential land uses.

Facts in Support of Findings: Table 3.17-5 of the Recirculated Draft PEIR summarizes daily and PM peak-hour trip generation for the refined project. Institute of Traffic Engineers (ITE) Trip Generation 11th Edition was used to generate the trip rates for the four types of land uses in the refined project. In total, the refined project, because it is slightly reduced compared to the analysis in the Recirculated Draft PEIR, is expected to generate fewer total daily trips and AM and PM peak-hour trips from the 42,900 total dwelling units and 36,000 estimated total employees at full buildout.

Roadway Impact Analysis—Traffic Increase

The refined project would not have an impact on the existing roadways within the project area. Other roadways within the Plan Area would be upgraded into a network of Complete Streets as defined by the Fresno Complete Streets Policy adopted in 2019. A Complete Street is defined as a transportation facility that is planned, designed, operated, and maintained to provide safe mobility for all users—including bicyclists, pedestrians, transit vehicles, trucks, and motorists. In addition to Complete Streets, the safety of the designed roadway network environment would be implemented such that driver, pedestrian, and bicyclist safety are paramount.

The refined project would be consistent with General Plan Policy MT-1-k, which calls for planning and design of roadway systems to meet LOS D on major roadways. Roadway improvements to increase capacity and maintain LOS standards would be planned and programmed based on consideration of the total overall needs of the roadway system, recognizing the priority of maintenance, rehabilitation, and operation of the existing road system. Convenient transit stops would be provided in the Plan Area, and sidewalks would be constructed pursuant to City standards.

Further, the refined project would be consistent with the General Plan objectives and policies to create and maintain a transportation system that is safe, efficient, provides access in an equitable manner, and optimizes travel by all modes. The refined project is a comprehensive planning document for the nearly 9,000-acre Plan Area and addresses wide-ranging infrastructure and community challenges associated with accommodating a large increment of the City's growth. Planning at this scale allows design and phasing of infrastructure improvements that are more efficient, environmentally sensitive, and cost-effective. The plan provides for mobility within and across town centers, neighborhoods, schools, and open spaces by comprehensively planning roadways, high-quality transit service, and safe walking and biking connections. The plan also

provides for a variety of transportation options necessary to meet the needs of the residents and employees within the Plan Area. Centers would be designed with a clear pattern of pedestrian-scaled streets, blocks, buildings, and public spaces based on the block connectivity and size standards specified in the SEDA Development Code Update, including a transportation network that is based on a high-density grid system. These policies would ensure consistency with applicable goals, objectives, and policies of the various transportation plans locally and regionally.

Because site-specific designs showing driveway locations have not been developed, there are no specific details to review and assess impacts on pedestrian, bicycle, and transit facilities. As part of the standard development review process, the City would require all future proposed development of parcels to go through a review of pedestrian, bicycle, and transit facilities in the area surrounding the individual development project to ensure that future developments do not conflict with existing or planned facilities supporting those travel modes. All proposed pedestrian, bicycle, and transit facilities would be designed using the appropriate design standards. The impact on these facilities would be less than significant.

The Lead Agency finds that MM TRANS-1a through MM TRANS 1-e are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact TRANS-3

Impact: The refined project could substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.17, Transportation and Traffic, Page 3.17-36; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-24). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM TRANS-1a through MM TRANS-1e.

The following mitigation measures shall be implemented as necessary through monitoring and coordination between Caltrans and the City of Fresno:

MM TRANS-3a Lengthen the eastbound turning lane to 875 feet and the westbound turning lane to 1,150 feet for the De Wolf Avenue and State Route (SR) 180 intersection.

MM TRANS-3b Lengthen the westbound turning lane to 1,075 feet for the McCall Avenue and State Route (SR) 180 intersection.

MM TRANS-3c Prior to approval of individual development projects within the Fresno Southeast Development Area Specific Plan Area (Plan Area), the City of Fresno shall coordinate with the California Department of Transportation (Caltrans) to determine whether the project would result in a potential impact on queueing lengths at either the Clovis Avenue and State Route (SR) 180 eastbound off-ramp interchange or the Temperance Avenue and SR-180 eastbound off-ramp interchange. If the queueing extends into the auxiliary lane of either of these interchanges, the City shall implement mitigation consistent with the Caltrans Local Development Review Safety Review Practitioners Guidance in coordination with Caltrans. This mitigation includes, but is not limited to:

- Implementation of project-specific transportation demand management programs, such as rideshare programs, shared mobility facilities, or improvements to bicycle and pedestrian infrastructure;
- Improvements to existing site-specific active transportation infrastructure; or
- Improvements to ramp terminal operations such as lane reassignment, traffic signalization phasing or retiming, and turn lane extensions.

MM TRANS-3d Prior to approval of individual development projects within the Fresno Southeast Development Area Specific Plan Area (Plan Area), the City of Fresno shall establish a development fee program that shall collect fees from developers of individual development projects within the Plan Area to fund required safety improvements to transportation facilities.

Facts in Support of Findings: As previously discussed, the refined project does not approve or entitle any specific development, and specific project design is unknown at this time. However, Caltrans comments on the NOP and subsequent comment letters on the Draft PEIR for the refined project requested that peak-hour ramp queue analyses be prepared for specific SR-180 interchanges and intersections at project buildout to determine potential impacts. The requested interchanges include Clovis Avenue, Fowler Avenue, and Temperance Avenue, and the requested intersections include De Wolf Avenue, Highland Avenue, and McCall Avenue. An unacceptable queueing condition exists if queue lengths extend past queue lanes or exit ramps (queue spillback), creating a potential traffic hazard. A significant impact could occur if new or worsening queue spillback occurs. Excess queueing can generate speed differentials between slow or stopped traffic on ramps or in turn pockets, and faster traffic in through lanes. Thus, the following analysis contains results of queue length analyses for all of the interchanges and intersections identified above.

The queueing analysis was conducted using expected lane geometry and traffic control at the Specific Plan buildout in 2035, which includes the anticipated widening of Temperance Avenue to six lanes, De Wolf Avenue to four lanes, and signal timings obtained from Caltrans. Estimated turning movements at all study locations were extracted from the Fresno Activity Based Model (FresnoABM) and adjusted to projected 2035 No Project and 2035 Refined project conditions using current ramp and mainline volumes. Using these volumes, the queueing analysis was conducted using Synchro 11 and SimTraffic 11 software. Simulation results were based on the average results of five one-hour

runs, in accordance with Caltrans methodology and are included in Appendix H of the Recirculated Draft PEIR.

As shown in Table 3.17-8 of the Recirculated Draft PEIR, the queueing analysis evaluated the potential queueing lengths under project conditions and identified two interchanges where projected queue lengths may extend into the auxiliary lanes: interchange 1 (Clovis Avenue and SR-180 EB Ramp), which would extend approximately 335 feet into the auxiliary lane, and Interchange 5 (Temperance Avenue and SR-180 EB Ramp), which would extend approximately 355 feet into the auxiliary lane. Based on consultation with Caltrans, neither restriping nor the use of the auxiliary lane for additional storage is an available mitigation measure to address the queueing lengths.

Therefore, in accordance with the Caltrans Highway Design Manual and project-specific recommendations through consultation with Caltrans, the refined project would implement MM TRANS-3c, which would require the close coordination between the City and Caltrans to determine at what point the queueing length would begin to extend into the auxiliary lanes identified above during implementation of the refined project. If queue lengths would extend into the auxiliary lanes identified for the interchanges above, the City would coordinate with Caltrans to implement mitigation consistent with Appendix B of the Caltrans Local Development Review Safety Review Practitioners Guidance. The refined project would implement General Plan and Specific Plan policies that implement some of the mitigation strategies identified in the Caltrans Local Development Review Safety Review Practitioners Guidance that may reduce vehicle queueing so that the available storage would not be exceeded during buildout of the refined project. Specifically, both the Fresno General Plan and the SEDA Specific Plan include policies that support the preparation of the transportation demand management programs as called for in the Caltrans Local Development Review Safety Review Practitioners Guidance. General Plan Policy MT-2-g directs the City to pursue implementation of Transportation Demand Management and Transportation System strategies to reduce peak-hour vehicle traffic and supplement the capacity of the transportation system. SEDA Specific Plan Policy UF-8.1 directs the City to develop a SEDA Transportation Demand Management Program consistent with the City's VMT policy. Policy UF-8.1 specified that this program should include physical design credits (i.e., bicycle storage, on-site showers, shared parking), lifestyle credits (i.e., on-site child care, telecommuting, flex hour programs), and credits for auto-alternative programs (i.e., shuttle service, subsidized transit, guaranteed ride home programs).

Similarly, both the General Plan and the SEDA Specific Plan contain policies related to active transportation and investments and improvements to the City's and Plan Area's transit and trail systems as specified in the second bullet above. General Plan Policies MT-1-j, MT-4-b, MT-4-c, MT-4-h, MT-4-l, MT-5-a through MT-5-d, and MT-8-a through MT-8c all direct the City to implement improvements and investments to bikeways, pedestrian walkways, existing and proposed transit systems, and other related features that support active transportation. The Urban Form Chapter of the SEDA Specific Plan contains multiple policies that address active transportation and transit service improvements within the Plan Area in order to create a balanced transportation network accessible to all users. Similarly, the Open Space Chapter of the SEDA Specific Plan addresses the future development of a SEDA Parks and Trails Master Plan, as well as improvements to curb, gutter, and sidewalk infrastructure.

Moreover, as discussed in Impact TRANS-1, the refined project would implement MM TRANS-1a through MM TRANS-1e, which require transportation demand management strategies to be developed at the project level, implementation of additional transit services, and the inclusion of design elements and pedestrian and bicycle network improvements that encourage fewer vehicle trips.

Therefore, because the Recirculated Draft PEIR is a programmatic document and the timing of specific development proposals within the Plan Area and implementation of the General Plan and Specific Plan policies identified above are unknown, it is too speculative to determine whether and when the available storage will be met. Therefore, MM TRANS-3c is included in the refined project to ensure that a significant safety hazard related to queueing would not occur. To support the implementation of MM TRANS-3c, the refined project would also implement MM TRANS-3d, which requires the City to collect development fees from future development projects in the Plan Area to fund necessary traffic safety improvements.

For Interchange 2 (Clovis Avenue and SR-180 westbound ramp), the refined project already fails in the no project condition, so no mitigation is necessary for the refined project.

For Intersection 7 (De Wolf Avenue and SR-180 intersection), the refined project would be required to implement MM TRANS-3a, which requires lengthening the eastbound turning lane to 875 feet and the westbound turning lane to 1,150 feet.

For Intersection 9 (McCall Avenue and SR-180 intersection), the refined project would be required to implement MM TRANS-3b, which requires lengthening the westbound turning lane to 1,075 feet.

In addition, future development consistent with the refined project would undergo individual planning review at the time of application and additional project-specific environmental review may be required. It is not anticipated that development would substantially increase hazards due to a geometric design feature or incompatible uses because the City would require review proposed future developments for consistency with applicable regulations, including the policies in the General Plan, designed to ensure safety, during planning review to eliminate any such hazards. Thus, with implementation of MM TRANS-3a, MM TRANS-3b, MM TRANS-3c, and MM TRANS-3d, as well as MM TRANS-1a through MM TRANS-1e, impacts would be less than significant.

The Lead Agency finds that MM TRANS-1a through 1e and MM TRANS-3a through MM TRANS-3d are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact TRANS-4

Impact: The refined project could result in inadequate emergency access.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.17, Transportation and Traffic, Page 3.17-41; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-24). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM TRANS-4 At the time of planning application submittal, the project applicant shall prepare a Construction Management Plan (CMP) that shall specify traffic controls required to maintain adequate circulation and access throughout the Southeast Development (SEDA) Specific Plan Area. At least one lane shall remain open in each direction during construction and access to all existing businesses shall be maintained. This plan shall be subject to approval by the jurisdictional police and fire departments prior to commencement of construction.

Facts in Support of Findings: The refined project may require temporary lane closures or detours during construction activity. However, all lane closures or detours would be coordinated with the sheriff and fire departments to ensure that access to existing businesses and through circulation are maintained, as well as emergency access. The construction contractor would provide signage, cones, and/or flag persons as deemed necessary through a project-specific Construction Management Plan (CMP) to ensure adequate emergency access. All development will be required to prepare a CMP to demonstrate to the City and the associated sheriff and fire departments that emergency access would be maintained at all times during construction. Preparation of a CMP, as required by MM TRANS-4, would reduce any impact of temporary lane closures or detours to less than significant.

The Lead Agency finds that MM TRANS-4 is feasible, is adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Cumulative Transportation Impacts

Impact: The refined project would have a less than significant cumulative impact on transportation with mitigation incorporated.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Chapter 3, Transportation and Traffic, Page 3.17-41; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-24). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM TRANS-1a through MM TRANS-1e, MM TRANS-3a through MM TRANS-3d, and MM TRANS-4.

Facts in Support of Findings:

Year 2035 Baseline (No Project) Conditions

The following presents the results of the LOS calculations under the year 2035 baseline conditions without the project. LOS analyses at the study segments were conducted for 2035 no project conditions to establish a base to evaluate the impacts due to the addition of traffic from the refined project. Study segment volumes were forecasted using the Fresno Activity Based Travel Demand Model. Table 3.17-9 of the Recirculated Draft PEIR shows the forecasted study segment volumes for the year 2035 baseline (no project) conditions.

Study Segment Level of Service Analysis—Year 2035 No Project Conditions

The study segment LOS analysis for the forecasted volumes are presented in Table 3.17-10 of the Recirculated Draft PEIR. All of the study segments in the year 2035 no project conditions are forecasted to perform at a LOS of D or better.

Level of Service

This analysis presents the results of the LOS calculations for the year 2035 conditions with the refined project. LOS analysis at the study segments were conducted for 2035 with project conditions. Study segment volumes were forecasted using delta method, using the FresnoABM. Table 3.17-11 of the Recirculated Draft PEIR shows the forecasted study segment volumes for the year 2035 with project conditions. Compared to the 2035 no project condition, Jensen Way and McCall Lane saw the most growth in AM peak-hour, PM peak-hour, and daily volumes with the refined project built out. Because of the existing low volumes from the City of Fresno count data, the forecasted with project volumes are not as high as raw FresnoABM output volumes.

Study Segment Level of Service Analysis—Year 2035 With Project Conditions

The study segment LOS analysis for the forecasted volumes are presented in Table 3.17-12 of the Recirculated Draft PEIR. All of the study segments in the year 2035 with project conditions are forecasted to perform at a LOS of D or better.

Refined project development in combination with future cumulative development in the City could result in localized impacts on the transportation network in the City. It is anticipated that cumulative development would be required to implement similar mitigation measures as the refined project to reduce potential impacts on the transportation system, although there may be residual significant and unavoidable impacts. MM TRANS-1a through MM TRANS-1e, MM TRANS-3a through MM TRANS-3d, and MM TRANS-4 would apply to the refined project to reduce any project-level impacts to less than significant. Therefore, the refined project would not make a cumulatively considerable contribution to potential cumulative transportation and circulation impacts, and the cumulative impact would be less than significant.

The Lead Agency finds that MM TRANS-1a through MM TRANS-1e, MM TRANS-3a through MM TRANS-3d, and MM TRANS-4, are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.6.10 - Utilities and Service Systems

Impact UTIL-1

Impact: The refined project could require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.18, Utilities and Service Systems, Page 3.18-64; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-25). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implementation of all other mitigation measures in the Recirculated Draft PEIR would be required for all construction activities. Therefore, construction of new utilities would cause less than significant impacts with mitigation incorporated, with regard to the other potential environmental impacts discussed in this Recirculated Draft PEIR. Mitigation measures for all resource topics in the Recirculated Draft PEIR would be applicable to construction of new or expanded utility infrastructure.

MM UTIL-1a The City shall evaluate the water conveyance system at the time that discretionary projects are submitted for approval by the City, and the City shall not approve development that would demand additional water and exceed the capacity of a facility until additional capacity is provided. The City shall evaluate proposed water capacity and conveyance improvements provided in the City Metro Plan and General Plan for potential environmental impacts, and shall construct such improvements prior to exceedance of capacity to accommodate full buildout of the Specific Plan.

MM UTIL-1b The City shall evaluate the water supply system at the time that discretionary projects are submitted for approval by the City, and the City shall not approve development that would demand additional water until additional sources are secured and provided for future development. The City shall evaluate proposed water supply improvements for potential environmental impacts, and shall construct such improvements prior to exceedance of demand to accommodate full buildout of the Specific Plan.

- MM UTIL-1c** The City shall evaluate the wastewater system at the time that discretionary projects are submitted for approval by the City, and the City shall not approve development that would contribute wastewater to the wastewater treatment system that would exceed capacity until additional capacity is provided. The City shall evaluate proposed wastewater treatment improvements provided in the City Wastewater Master Plan and General Plan for potential environmental impacts, and shall construct such improvements prior to exceedance of capacity to accommodate full buildout of the Specific Plan.
- MM UTIL-1d** Consistent with the Sewer System Management Plan, the City shall evaluate the wastewater collection system at the time that discretionary projects are submitted for approval by the City, the City shall not approve development that would generate additional wastewater and exceed the capacity of a facility until additional capacity is provided. The City shall evaluate proposed wastewater collection improvements provided in the City Wastewater Master Plan and General Plan for potential environmental impacts, and shall construct such improvements prior to exceedance of capacity to accommodate full buildout of the Specific Plan.
- MM UTIL-1e** The City shall support the Fresno Metropolitan Flood Control District (FMFCD) in evaluating the stormwater collection system and implementing the District Services Plan and Storm Drainage and Flood Control Master Plan, and in constructing such improvements to the storm drain system prior to exceedance of capacity to accommodate full buildout of the Specific Plan. The City shall complete these evaluations prior to approving any new project applications for future development in the Plan Area that require a discretionary approval and shall confirm that each project has incorporated any resulting standards prior to issuing approval.
- MM UTIL-1f** At the time discretionary projects are submitted, the City shall require project-specific environmental evaluations for the expansion or relocation of electric or telecommunication facilities be completed prior to project approval.

Facts in Support of Findings: The potential long-term impacts to utility services and facilities are based on the potential increase in development as a result of the implementation of the proposed Specific Plan. The Specific Plan for SEDA provides implementation mechanisms for development in the Plan Area that accommodate increased density and accelerate housing production. As part of the City's General Plan, SEDA was designated with land use classifications as defined in the General Plan. The Specific Plan presents alternative land use classifications for SEDA and seeks to propose how the Plan Area would develop over time to complete buildout conditions with these newly defined land use categories. As such, utility infrastructure would need to accommodate the increased development and densities among the Specific Plan land use classifications when compared to the previously approved General Plan land uses and developments.

The refined project would involve the relocation, construction, or expansion of numerous utility facilities in order to provide utility services for the new land uses associated with the refined project. The proposed utility expansions are a part of the Project Description, and the potential impacts that

would result from construction of these facilities are evaluated throughout the Recirculated Draft PEIR (e.g., Section 3.3, Air Quality; Section 3.10, Hydrology and Water Quality; and Section 3.13, Noise and Vibration, etc.). The purpose of the analysis in this section is to evaluate whether the proposed facilities would have adequate capacity to serve the refined project's demand for utilities and service systems during construction and operation, or whether further relocation or construction of new or expanded facilities would be required.

Construction

The construction of expanded and new water, wastewater treatment, stormwater drainage, and other utility facilities could result in short-term environmental effects. These temporary effects include traffic, air emissions, GHG emissions, and noise from construction equipment and vehicles as well as water quality effects during construction. The following is a discussion of each potential impact.

- **Traffic**—Construction of these facilities may require lane closures or other traffic control measures along the adjacent roadway and could result in lower levels of service on nearby roadways and intersections. These effects would be potentially significant.
- **Air Emissions**—Construction activities would result in the generation of criteria pollutants, such as reactive organic gases (ROGs) and nitrogen oxides (NO_x) (ozone precursors) and particulate matter (PM₁₀ and PM_{2.5}) pollutant emissions. The implementation of the proposed Specific Plan policies as well as existing San Joaquin Valley Air Pollution Control District (Valley Air District) regulations identified in Section 3.3, Air Quality, of the Recirculated Draft PEIR, would reduce potential construction emissions. However, since the timing of the construction of the expanded and new facilities is not known, there could be more than one facility under construction at one time. Therefore, there is a possibility that emission standards for the criteria pollutants identified above could be exceeded, and significant impacts could occur. In addition, the operation of treatment plants and the construction of other utility infrastructure (pipes, basins, etc.) would contribute to emissions associated with the buildout of the proposed Specific Plan. These emissions could be criteria pollutants, toxic pollutants, and odors. These emissions would be potentially significant.
- **GHG Emissions**—Construction of utility facilities and treatment plants would result in the generation of GHG emissions. Construction emissions would occur only in the short-term; however, since the timing of the construction of the expanded and new facilities is not known, there could be more than one facility under construction at one time. Therefore, there is a possibility that a substantial amount of GHG emissions could occur. In addition, the operation of treatment plants and the construction of other utility infrastructure (pipes, basins, etc.) could contribute to emissions associated with the buildout of the proposed Specific Plan. These emissions would be potentially significant.
- **Noise**—Construction and operation of expanded and new treatment plants and other utility infrastructure (pipes, basins, etc.) would increase noise levels in the vicinity of each improvement and facility location. Various proposed Specific Plan policies and existing General Plan policies would reduce potential noise levels to meet City noise standards. Therefore,

potential increases in noise levels associated with the future construction and operation of expanded and new utility facilities and infrastructure would be less than significant.

- **Water Quality**—Construction activities associated with expanded and new utility facilities and infrastructure could result in potential water quality issues. However, projects that disturb more than one acre of soil must obtain coverage under the Construction General Permit and implement BMPs to protect surface water flows from sources of pollution at the construction site. With the implementation of the proposed Specific Plan policies, existing General Plan policies, and the required BMPs, short-term construction impacts on surface water quality would be less than significant. In addition, the operations of any treatment facilities would discharge treated water to approved locations. The approval of these locations would require consistency with the regulatory requirements identified in a waste discharge permit. Consistency with these discharge permits would result in a less than significant impact on long-term water quality.

There may also be construction impacts as a result of new or expanded utility infrastructure that could result in long-term effects related to aesthetics, agricultural resources, biological resources, and cultural resources. The following is a discussion of these potential impacts.

- **Aesthetics**—Impacts to aesthetics may be adverse on the Plan Area. The construction of expanded or new utility facilities, infrastructure, or treatment facilities could alter the current visual characteristics of the area. However, the proposed Specific Plan includes various policies (see Section 3.2, Aesthetics) to reduce potential aesthetic impacts, and the expanded or new facilities would not substantially alter the visual characteristic of the area. These potential facilities may add lighting systems in the area; however, the increases in lighting are anticipated to be less than significant with the implementation of the proposed Specific Plan policies and mitigation measures identified in Section 3.2, Aesthetics, of the Recirculated Draft PEIR.
- **Agricultural Resources**—The general locations of proposed expanded or new utility facilities or infrastructure could result in impacts to current Farmland Mapping and Monitoring Program (FMMP) designated areas. The removal of FMMP lands would result in significant impacts; therefore, the construction of expanded or new utility facilities and infrastructure could result in significant farmlands impacts.
- **Biological Resources**—The future construction of expanded or new utility facilities and infrastructure could result in impacts to biological resources. Proposed Specific Plan policies and mitigation measures identified in Section 3.4, Biological Resources, of the Recirculated Draft PEIR, would reduce potential impacts to biological resources to less than significant.
- **Cultural Resources**—The future construction of expanded or new utility facilities and infrastructure could result in impacts to cultural resources. There is a potential for unknown cultural resources (i.e., archaeological, paleontological, and human remains) to be located at the future sites of the proposed utilities. Although there is a potential for unknown resources, the implementation of the proposed Specific Plan policies and mitigation measures identified in Section 3.5, Cultural Resources, of the Recirculated Draft PEIR, would reduce the potential impacts to cultural resources to less than significant.

- **Water Supply**—The potential long-term impacts related to water supply requirements of the baseline General Plan conditions for the Plan Area versus the proposed Specific Plan conditions for the Plan Area differ by 1.7 percent and are considered less than significant for full implementation of the proposed Specific Plan with mitigation incorporated. The results of the water demand analysis are shown in Table 3.18-1 and Table 3.18-2 of the Recirculated Draft PEIR.

Per the Water Technical Study prepared for the Recirculated Draft PEIR, projected water demand for the Plan Area under General Plan conditions was 19.50 mgd, and the projected water demand for the Plan Area under Specific Plan conditions was 19.83 mgd, resulting in an increase of 0.33 mgd (370 AFY), or 1.7 percent. Though this increase is not substantial, there may still be a need for expansion of water supply and treatment facilities, and construction of new distribution facilities to serve future land uses in the Plan Area is still required, as there are no existing City water distribution facilities in the Plan Area. Thus, development of the Plan Area could result in significant impacts to the existing water supply and distribution system.

A summary of the master planned proposed water supply, treatment, and distribution infrastructure that would accommodate future development associated with the Specific Plan include the following:

- New municipal groundwater wells.
 - Wellhead treatment as needed.
- Expansion of the NESWTF.
- New water storage tanks and booster pump stations.
- Extension of 48-inch diameter RTM.
- New Transmission Grid Mains of various sizes.
- New recharge inter-ties to FMFCD basins.

Recycled Water Supply

Improvements within the Plan Area would be required to facilitate the use of recycled water. Since the recycled water distribution system has not yet been planned for the area, it has been assumed that all land uses that would be eligible for recycled water use would utilize potable water until the recycled water supply and distribution system are available. However, these potable water facilities should be installed in accordance with all recycled water regulations and requirements, allowing a seamless transition to recycled water. This includes installing purple pipe, purple valve boxes, purple irrigation facilities, and maintaining required clearances with other adjacent utilities.

If the Plan Area is expected to be supplied with recycled water from the Fresno-Clovis RWRF, considerable infrastructure will be needed to convey the water from the facility to the Plan Area at a usable flow rate and pressure. Piping of various sizes and booster pump stations will be required, among other improvements. If a satellite RWRF is planned, then the infrastructure required would likely mainly consist of a distribution system of pipelines to convey the recycled water to the users.

Consideration would need to be given to recycled water storage facilities when assessing the demand versus the supply of recycled water produced.

The following paragraphs provide a baseline analysis of the Plan Area to understand a preliminary recycled water demand based solely on the estimated area of open space presented in the Specific Plan buildout plan, and only accounting for recycled water that may be used for irrigation of said open space. According to the Specific Plan, each land use classification will encompass some percentage of open space, or “Park Acres.”

The total minimum park acres in the Plan Area equal 464 acres. Utilizing precipitation data obtained from the Western Regional Climate Center for Fresno, preliminary irrigation calculations were completed to determine the ETWU of the park acres in the Plan Area. Assuming the landscaping would be warm-season turf, and irrigation would mainly be applied via overhead spray/rotors, an annual ETWU with rainfall included of approximately 283 AF (0.3 mgd) was found for the Plan Area (without rainfall yields an ETWU of 1,572 AF, or 1.4 mgd). This represents the minimum required recycled water demand for the park acres included in each of the land use classifications and does not account for any designated open spaces, agricultural areas, or other miscellaneous potential recycled water uses. This has also been completed without knowledge about the available supply of recycled water for the Plan Area, and demands would need to be reassessed once a supply is available.

This demand is not a clear indicator of how much recycled water the Plan Area would actually use. Updates to the Recycled Water Master Plan will be required to fully develop the recycled water distribution system for the Plan Area. Determinations of potential recycled water users will need to be made to accurately estimate the anticipated recycled water demand.

Recycled water may be a considerable contributor to the Plan Area’s water supply system. The principal impact of providing recycled water is the overall water supply rather than direct shortages for end users because the ability exists to trade off and supplement recycled water supply from other sources. The recycled water planning documents do not delve into detailed plans for improvements for the Plan Area. Recycled water is not currently utilized in the Plan Area, and there are no portions of the recycled water distribution system that have been constructed within the area. Thus, any proposed recycled water use would necessitate the expansion of the existing recycled water system and installation of new recycled water pipelines, and potentially new treatment and storage facilities to provide sufficient recycled water at buildout conditions.

Because of the lack of planning document details and the absence of recycled water supply currently in the Plan Area, it is difficult to assess the necessary mitigation measures to accommodate the impacts of new facilities. Continued evaluation of available capacity and construction of improvements is required. Construction and operation of potential improvements could result in project-specific impacts that are not currently known because recycled water facilities have not yet been designed or planned. Until further environmental evaluations have occurred and further planning is completed, potential impacts would be considered significant without any mitigation. Therefore, impacts related to the construction of new recycled water treatment facilities or

expansion of baseline facilities would be less than significant with mitigation incorporated. See the Recycled Water Technical Study for a full explanation of the analysis process and subsequent results.

Wastewater Treatment

The Specific Plan proposes a transfer of density from the General Plan conditions to the Specific Plan conditions, which would modify the distribution of wastewater generation in the Plan Area from that originally planned. Generally, wastewater generation is predicted to increase as growth occurs, both in the General Plan and this Specific Plan. For the purposes of this analysis, it was assumed that development of the Plan Area would proceed as described in the Wastewater Technical Study prepared for the Recirculated Draft PEIR—from the General Plan to the Specific Plan land conditions, resulting in new or reoccupied dwelling units and new or repurposed commercial/mixed-use space within the Plan Area. Per the proposed Specific Plan, the Plan Area has capacity for the proposed dwelling units and 5,580 acres of residential space, 1,120 acres of commercial/mixed-use space, and 1,820 acres of office/employment space.

As shown in Table 3.18-3 of the Recirculated Draft PEIR, there would be an increase in baseline wastewater generation of 1.46 mgd, or 15 percent when compared to the buildout General Plan conditions. The Plan Area is projected to produce an estimated 11.32 mgd at buildout with Specific Plan land uses compared to 9.86 mgd under the General Plan land uses. Given that the Master Plan utilities were designed based on General Plan buildout conditions, a 15 percent increase would impact associated wastewater treatment requirements and WDRs, and the impacts would be significant without mitigation.

The City would be required to increase wastewater treatment capacity and obtain revised and/or new waste discharge permits. The policies included in the General Plan and the Wastewater Master Plan would reduce the potential impacts associated with increased wastewater generation and treatment requirements; however, these improvements would need to be reevaluated given the projected increase in wastewater generation in the Plan Area, and the City will need to update the Wastewater Master Plan. The implementation of the proposed Specific Plan will result in the need for expansion of the existing wastewater treatment facilities, and new wastewater collection and treatment facilities to serve future land uses in the Plan Area.

A summary of master planned proposed wastewater treatment facilities and collection infrastructure that should accommodate future development associated with the Specific Plan include:

- Wastewater Master Plan Update: Large-diameter trunk sewers, arterial lateral sewer mains, and a satellite wastewater reclamation/scalping plant.
- Expansion of Fresno-Clovis RWRF wastewater treatment capacity.
- Increased size of planned wastewater collection facilities.
- Various wastewater improvement/rehabilitation plans within the City to improve overall wastewater collection and treatment system conditions.

Stormwater Drainage

As development of the Plan Area occurs under the Specific Plan, new and expanded storm drain facilities will be necessary to adequately accommodate the increase in stormwater flows due to an increase in impervious surfaces. Implementation of the Specific Plan would result in a significant impact on existing drainage facilities. The transition from General Plan to Specific Plan, though, proposes a modest transfer of density and land uses throughout the Plan Area, which would modify the distribution of stormwater generation. Under both the General Plan and Specific Plan, stormwater generation would continue to increase as growth continues.

The buildout of the Specific Plan when compared to the General Plan would result in a net increase of 248 AF in expected runoff; FMFCD allows a 20 percent change in required basin volumes before the basin must be modified. Table 3.18-4 of the Recirculated Draft PEIR shows that all existing basins that are encompassed in or serve SEDA do not exceed a 20 percent change in volume or exceed its capacity.

Table 3.18-5 of the Recirculated Draft PEIR shows that the buildout of the Specific Plan results in a change in required volume of more than 20 percent in one basin (Basin DX), and the exceedance of one basin's proposed capacity (Basin DW). These two basins would need to be revised by resizing or relocating.

The Plan Area does have master planned FMFCD utilities, including inlets, pipelines, basins, and drainage areas, which have been designed to accommodate the General Plan developments, and are being modified for the SEDA Specific Plan developments by FMFCD. The majority of the planned facilities would be sufficient to provide drainage for the Specific Plan improvements without significant environmental impacts, except for Basin DW and DX, which would require reassessment and possibly resizing or relocation. FMFCD plans for drainage facilities but does not construct facilities until such time as development. Therefore, impacts related to the construction of new storm drain treatment facilities or expansion of baseline facilities would be less than significant with mitigation incorporated. See the Storm Drain Technical Study for a full explanation of the analysis process and subsequent results.

Mitigation measures related to storm drain systems are established and required in the Storm Drain Master Plan and other applicable City planning documents. Stormwater collection and handling must adhere to these mitigation measures.

A summary of master planned proposed storm drain facilities and collection infrastructure that should accommodate future development associated with the Specific Plan include the design and construction of Basins DS, DT, DU, DV, DW, DX, DY, DZ, and their associated collection facilities, including but not limited to inlets, manholes, catch basins, pipelines, and pump stations.

Electricity, Natural Gas, and Telecommunications

The refined project would not utilize natural gas, so there would be no impacts related to natural gas infrastructure. Electricity and telecommunications utilities respond to increased demands in various ways. These may include temporary stoppages or rolling blackouts, extension of existing infrastructure, or construction of new facilities.

Each of these utility providers prepares long-range plans to accommodate projected growth in their service areas. For example, PG&E provides annual sustainability reports that outline strategies to accommodate future growth and ensure reliability of electrical service. As indicated in the 2021 Corporate Sustainability Report, PG&E has requested approval for 387 megawatts of additional energy storage from six projects slated for completion by August 2023. These projects will provide “system reliability procurement that will help integrate increasing amounts of renewable energy and meet peak summer demand.” Telecommunications companies continually expand infrastructure to serve the growing population. These planning efforts take into account growth projections, including the growth under the refined project. Because the refined project would not result in unplanned growth, the majority of growth would be infill, and because the utility providers take into consideration all future growth projections in their planning efforts, the refined project would not be expected to require or result in new or expanded electricity or telecommunications facilities beyond those already planned. Impacts would be less than significant.

The Lead Agency finds that MM UTIL-1a through MM UTIL-1f are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact UTIL-2

Impact: The refined project could have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.18, Utilities and Service Systems, Page 3.18-69; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-25). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM HYD-2b, MM HYD-2c, MM UTIL-1a, MM UTIL-1b, and the following:

MM UTIL-2a The City shall develop and implement water conservation measures to reduce the per capita water use, and continue to refine and implement water saving and conservation standards for new developments approved under the Specific Plan. The City shall complete these measures and standards prior to approving any new project applications for future development in the Plan Area that require a discretionary approval and shall confirm that each project has incorporated the refined measures and standards prior to issuing approval.

MM UTIL-2b The City shall continue to implement the City of Fresno Water Conservation Program, as may be updated, and periodically update restrictions on water uses, and

evaluate the feasibility of the conservation target identified as part of the Fresno General Plan. The City shall complete these measures prior to approving any new project applications for future development in the Plan Area that require a discretionary approval and shall confirm that each project has incorporated any resulting standards prior to issuing approval. The City shall continue to implement Objective RC-7 and Policies RC-7-a through RC-7-l of Chapter 7, “Resource Conservation and Resilience,” and Objective PU-8 and Policies PU-8-a through PU-8-g of Chapter 6, “Public Utilities and Services,” of the approved Fresno General Plan.

MM UTIL-2c The City shall refine landscape water conservation standards that will apply to new development installed landscapes, building on the State Model Water Efficient Landscape Ordinance (MWELO) and other State regulations. The City shall complete these standards prior to approving any new project applications for future development in the Plan Area that require a discretionary approval and shall confirm that each project has incorporated any resulting standards prior to issuing approval.

Facts in Support of Findings: As shown by the 1.7 percent increase in water demand, existing City water supplies could be sufficient to supply the future development in the Plan Area in addition to the existing demands. Current City water supply sources are as follows:

- **Groundwater:** The City owns and operates 270 municipal water wells with 202 active wells; projected groundwater supply for the City of Fresno in 2035 is 149,100 AFY.
- **Surface Water:** The City owns and operates two surface water treatment facilities—the NESWTF and the SESWTF. The NESWTF has a design capacity of 30 mgd expandable to 60 mgd, and the SESWTF has a design capacity of 54 mgd expandable to 80 mgd. The surface water is obtained from the Kings River via an agreement with FID, and from the Friant-Kern Canal through an agreement with the USBR. Treated surface water is used for potable uses and groundwater recharge. The projected surface water supply for the City of Fresno in 2035 is 191,600 AFY (60,000 via USBR, 131,600 via FID).
- **Recycled Water:** The City owns and operates the Fresno-Clovis RWRF and the NFWRF, which collects and treats wastewater from City users to various levels of treatment for nonpotable uses. The Fresno-Clovis RWRF produces undisinfected secondary effluent for use as restricted irrigation water for farmland and for groundwater recharge via discharge into adjacent percolation ponds, and disinfected tertiary effluent for distribution through the City’s recycled water distribution system for nonpotable uses, including landscape irrigation and industrial processes. The NFWRF collects and treats wastewater to a disinfected tertiary level for use as landscape irrigation supply for the Copper River Ranch Golf Course. The projected supply of recycled water for the City of Fresno in 2035 is 5,910 AFY.

The UWMP presents actual data available for water supply and demand for the year 2020, as well as projected water usage. For 2020, the actual total potable water demand for the City was 121,993 AFY, and the projected potable water demand for the City in 2035 is 154,210 AFY. Additionally, the projected nonpotable water demand for the City for groundwater recharge is 68,100 AFY for 2035. The estimated groundwater yield for the City in 2035 was projected to be 149,100 AF, assuming

groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA, indicating that groundwater alone will not be sufficient to meet future City demands, including those for SEDA.

However, estimated surface water supplies for the City are projected to be 191,600 AF for 2035 (60,000 via USBR, 131,600 via FID) during normal water years, as well as 5,910 AF of recycled water. Total projected water supply for the City in 2035 is 346,610 AF during normal water years and assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA, and total projected demand is 222,310 AF. The estimated increase in total water use for SEDA in accordance with the Specific Plan selected alternative is 0.33 mgd, or 370 AFY. This results in a modified projected potable demand for the City of 154,580 AFY, with a total water demand (potable and nonpotable) of 222,680 AFY.

In the event of a single dry year, the projected water supply for 2035 is 200,862 AF assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA and the projected demand is 184,174 AF; for multiple dry years, the projected water supplies and demands are shown in Table 3.18-6 of the Recirculated Draft PEIR.

The City Metro Plan Update will include proposed infrastructure improvements necessary to sustain development in the Plan Area, including the construction of new groundwater wells, surface water treatment plant expansions, and expansion of the Regional Transmission water distribution system. Impacts would be less than significant with the incorporation of mitigation and compliance with all regulatory requirements and proposed policies for the proposed Specific Plan.

Implementation of the proposed plan would result in a total buildout of approximately 42,000 dwelling units and over 3,000 acres (130+ million square feet) of mixed use, commercial, office, retail, public, and open spaces throughout the Plan Area. The General Plan anticipated that approximately 15,000 dwelling units would be built out in the Plan Area by 2035. The proposed increase in development would result in a long-term increase in water demand with each new land use. Additionally, construction activities associated with development will require the use of water for various purposes. Operations of construction equipment and tools, and construction operations such as excavation, grading, and demolition would increase impacts as well.

Future planned improvements to the water conveyance and treatment infrastructure in the Plan Area include:

- New municipal groundwater wells.
 - Wellhead treatment as needed.
- Expansion of the NESWTF.
- New water storage tanks and booster pump stations.
- Extension of 48-inch diameter RTM in Olive Avenue.
- New Transmission Grid Mains.
- New recharge inter-ties to FMFCD basins.

Additionally, updates to the Recycled Water Master Plan would help ensure that adequate water is available to serve the development under the Specific Plan.

Since the increase in water demand for the Specific Plan Area is 1.7 percent beyond the General Plan condition, the impacts to water supply could be potentially significant; upon compliance with regulatory requirements, proposed policies for full implementation of the proposed Specific Plan, proposed mitigation measures, and construction of proposed water supply and distribution system infrastructure, the impact could be reduced. The normal water year supply projected for the City of Fresno in 2035 is 346,610 AF, and total projected demand is 222,310 AF. All water supply scenarios for dry years for 2035 are sufficient to accommodate the increase in water demand for the Specific Plan Area of 370 AFY assuming groundwater characteristics are not altered due to climatic events or regulatory influences from SGMA.

A WSA has been completed for the refined project and is included in Appendix I of the Recirculated Draft PEIR. As shown in the WSA, the total projected water supplies for the refined project during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the refined project in addition to existing and planned future uses. As shown in Table 7.1 of the WSA, demand within the City's service area is not expected to exceed the City's supplies in any normal, single dry, or multiple dry year between 2020 and 2045. The projected increase in water demand for the refined project is 0.33 MGD, or approximately 370 AFY. As shown in the WSA, the increase in water demand due to the refined project would not exceed the projected available water supplies for the normal, single dry, and multiple dry years. See the WSA for additional information and further analysis.

Continued implementation of Objective PU-8 and Policies PU-8-a through PU-8-g of the approved General Plan would apply to the refined project.

The Lead Agency finds that MM HYD-2b, MM HYD-2c, MM UTIL-1a, MM UTIL-1b, MM UTIL-2a, MM UTIL-2b, and MM UTIL-2c are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact UTIL-3

Impact: The refined project could result in a determination by the wastewater treatment provider which serves or may serve the refined project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.18, Utilities and Service Systems, Page 3.18-70; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-25). Changes or alterations have been required in, or incorporated into, the refined project which avoid or

substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM UTIL-1c and MM UTIL-1d.

Facts in Support of Findings: The potential long-term impacts related to wastewater collection, treatment, and disposal requirements of the General Plan versus the Specific Plan differ by 15 percent, or 1.46 mgd, and are considered significant for full implementation of the proposed Specific Plan. Development in accordance with the proposed Specific Plan would result in a significant impact on the existing wastewater treatment facilities and their capacities and require an increase of wastewater treatment capacities in the form of expansions to existing facilities or the construction of new facilities.

The following proposed Wastewater Master Plan improvements could help accommodate future development associated with the Specific Plan:

- Expansion of Fresno-Clovis RWRF wastewater treatment capacity.
- SEDA Reclamation Facility—A satellite treatment facility in the southeast portion of the City to serve the SEDA Plan Area.
- Increased size of planned wastewater collection facilities.
- Various wastewater improvement/rehabilitation plans within the City to improve overall wastewater collection and treatment system conditions.

Other additional proposed Wastewater Master Plan improvements would help with conveyance of wastewater to treatment facilities, including:

- New trunk sewers and arterial lateral sewer mains.

Additionally, the implementation of the Specific Plan policies and improvements would result in significant impacts associated with wastewater treatment requirements and WDRs.

The policies in the General Plan are designed to reduce potential effects associated with expansion of wastewater treatment capacity, including those associated with the proposed Specific Plan. The measures required by the General Plan and the Wastewater Master Plan (listed above) also include surface water treatment facilities, additional wastewater collection system infrastructure, water conveyance facilities, and additional pipeline and storage facilities.

Implementation of the proposed plan would result in a total buildout of approximately 45,000 dwelling units and over 3,000 acres (130+ million square feet) of mixed use, commercial, office, retail, public, and open spaces throughout the Specific Plan Area. The proposed increase in development would result in a long-term increase in wastewater generation with each new land use. Additionally, construction activities associated with development would generate wastewater.

The proposed Specific Plan would require new connections to and expansion of the existing wastewater infrastructure to serve future development. Construction of this expansion and new connections have been evaluated as part of the Recirculated Draft PEIR, and the implementation of these capital improvements would ensure that the City's wastewater conveyance and treatment infrastructure would be sufficient to accommodate the needs of the Specific Plan development. Compliance with all regulatory requirements and policies in the General Plan and the Specific Plan would further ensure adequate wastewater treatment and conveyance capacity. The impact would be less than significant with mitigation incorporated.

The Lead Agency finds that MM UTIL-1c and MM UTIL-1d are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Impact UTIL-4

Impact: The refined project could generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.18, Utilities and Service Systems, Page 3.18-71; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-25). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

MM UTIL-4 The City shall evaluate additional landfill locations at the time discretionary projects are submitted and shall not approve development that could contribute solid waste to a landfill that is at capacity until additional capacity is provided.

Facts in Support of Findings: New residential, commercial, mixed-use, and public land uses in the Plan Area would increase the amount of solid waste generated by residents and businesses. The increase in growth and development as a result of the implementation of the proposed Specific Plan would result in an increase of solid waste to transfer stations and landfills and contribute to an increased demand for solid waste services throughout the Plan Area.

Based on the estimated closure dates of the American Avenue Landfill in 2031 and the Clovis Landfill in 2047, there is a potential for additional landfill capacity needed to accommodate the additional development from this Specific Plan. Therefore, development under the proposed Specific Plan could result in a significant impact on landfill capacity.

Implementation of the proposed plan would result in a total buildout of approximately 42,000 dwelling units and over 3,000 acres (130+ million square feet) of mixed-use, commercial, office,

retail, public, and open spaces throughout the Plan Area. The proposed increase in development would result in a long-term increase in solid waste generation with each new land use.

To reduce the significant impacts associated with the solid waste disposal, the City would need to increase disposal capacity. The policies in the General Plan are designed to reduce the potential effect associated with solid waste disposal, including those associated with the proposed Specific Plan. The City is responsible for evaluating additional landfill locations to ensure adequate landfill capacity for future development, and MM UTIL-4 requires that the City shall not approve development that could contribute solid waste to a landfill that is at capacity until such additional capacity has been provided. All future development under the Specific Plan would be required to comply with State and local requirements for reduction of solid waste going to landfills.

The Lead Agency finds that MM UTIL-4 is feasible, is adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

Cumulative Utilities and Service Systems Impacts

Impact: The refined project would have a less than significant cumulative impact on utilities and service systems with mitigation incorporated.

Findings: Less than significant impact with mitigation incorporated. (Recirculated Draft PEIR, Section 3.18, Utilities and Service Systems, Page 3.18-75; Recirculated Draft PEIR, Chapter 5, Alternatives to the Proposed Project, Page 5-25). Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)).

Mitigation Measures

Implement MM HYD-2b, MM HYD-2c, MM UTIL-1a through MM UTIL-1f, MM UTIL-2a through MM UTIL-2c, and MM UTIL-4.

Facts in Support of Findings: The cumulative impact analysis evaluates the incremental contribution of the refined project in combination with past, present, and reasonably foreseeable future development within the Plan Area, the City, and the broader service areas of individual utility providers. Buildout of the refined project, together with regional growth, would increase demand for public utilities and service systems and could require expansion or construction of new infrastructure.

Cumulative demand for water supply and treatment facilities would increase due to regional population and employment growth. However, water service providers are required to prepare and regularly update UWMPs to ensure long-term supply reliability, including during normal, dry, and multiple dry years. The City's water supply planning, including potable and recycled water infrastructure improvements, conservation programs, and required system expansions, is designed

to accommodate projected cumulative growth. With implementation of water conservation standards, verification of adequate supply prior to development approval, and construction of necessary infrastructure improvements, the project's contribution to cumulative water impacts would not be cumulatively considerable.

Cumulative impacts related to recycled water systems would result from the need to expand distribution and treatment infrastructure to serve growth within the City and Plan Area. Although recycled water infrastructure does not currently serve the Plan Area, future development would be required to implement recycled water consistent with City policies and applicable regulations. Planned expansion of recycled water facilities and integration into future development would ensure system capacity is available, and with implementation of mitigation measures requiring infrastructure expansion and planning coordination, cumulative impacts would be reduced to a less than significant level.

Cumulative impacts to wastewater treatment and conveyance systems would occur due to increased wastewater generation from forecasted regional development. These increases could require expansion of existing treatment plants and conveyance infrastructure. However, the City's Wastewater Master Plan anticipates projected growth, including development under the Specific Plan, and includes planned system upgrades and capacity improvements. Mitigation measures requiring verification of available capacity, phased infrastructure expansion, and construction of necessary facilities prior to capacity exceedance would ensure that cumulative wastewater impacts would be less than significant.

Cumulative stormwater drainage impacts would result from increased impervious surfaces associated with urban development, which would increase runoff volumes and peak flows. The FMFCD manages and updates the Storm Drainage and Flood Control Master Plan to address regional drainage needs. Planned basin expansions, updated drainage infrastructure, and implementation of Low Impact Development (LID) measures and detention facilities would ensure adequate system capacity for cumulative conditions. Compliance with these requirements and implementation of associated mitigation measures would reduce the project's contribution to cumulative storm drainage impacts to a less than significant level.

Cumulative impacts to solid waste disposal capacity would increase as regional development generates additional waste. Disposal needs are addressed through regional landfill planning, capacity expansions, and compliance with State-mandated waste reduction and diversion requirements. Mitigation measures requiring verification of available landfill capacity prior to project approval and implementation of waste reduction strategies would ensure that the project's contribution to cumulative solid waste impacts is not cumulatively considerable.

Cumulative demand for electric power and telecommunications services would increase with continued regional development. Utility providers plan for long-term growth within their service areas and routinely upgrade and expand infrastructure to maintain service reliability. Compliance with applicable regulations and coordination with service providers to ensure adequate infrastructure capacity would ensure that cumulative impacts related to energy and communications services would be less than significant.

The PEIR identifies and requires implementation of mitigation measures (MM HYD-2b and MM HYD-2c, MM UTIL-1a through MM UTIL-1f, MM UTIL-2a through MM UTIL-2c, and MM UTIL-4) across all utility categories, including but not limited to:

- Evaluation of system capacity prior to project approval;
- Construction of infrastructure improvements prior to capacity exceedance;
- Implementation of water conservation and efficiency standards;
- Expansion of water, wastewater, and storm drainage facilities consistent with applicable master plans; and
- Verification of landfill capacity and continued compliance with solid waste regulations.

With implementation of these mitigation measures and compliance with applicable regulatory frameworks and service provider planning documents, the refined project's incremental contribution to cumulative impacts on utilities and service systems would not be cumulatively considerable.

The Lead Agency finds that MM HYD-2b and MM HYD-2c, MM UTIL-1a through MM UTIL-1f, MM UTIL-2a through MM UTIL-2c, and MM UTIL-4 are feasible, are adopted, and will further reduce impacts. Accordingly, the Lead Agency finds that, pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the refined project that mitigate or avoid the potentially significant impacts as identified in the PEIR. Therefore, impacts would be less than significant with mitigation incorporated.

1.7 - Impacts Identified in the PEIR as Being Significant and Unavoidable Even After the Incorporation of All Feasible Mitigation Measures

The Lead Agency hereby finds that, despite the incorporation of mitigation measures outlined in the PEIR and the attached MMRP, the following impacts from the refined project and related approvals cannot be fully mitigated to a less than significant level and a Statement of Overriding Considerations is therefore included herein.

1.7.1 - Aesthetics, Light, and Glare

Impact AES-3

Impact: The refined project would in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings. (Public views are those that are experienced from publicly accessible vantage point).

Findings: The City finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Impact AES-3 to a less than significant level. (CEQA Guidelines Section 15091(a)(3)). The City has reviewed any suggested mitigation measures and finds these suggestions infeasible. This impact will remain significant and unavoidable. The City concludes, however, that the benefits of the refined project outweigh the significant unavoidable impacts of the refined project, as set forth in Section 1.14, Statement of Overriding Considerations, below.

Mitigation Measures

No feasible mitigation measures are available.

Facts in Support of Findings: Future development allowed by the Specific Plan could degrade the visual character of the Plan Area if the form and appearance of new development deteriorate the quality of the existing setting. The Plan Area exhibits a predominantly agricultural and rural residential character. Future development allowed by the Specific Plan would introduce intensified building development compared with what is currently characteristic of the Plan Area. However, some rural residential, open space, and agricultural land uses would be preserved.

The refined project includes updates to the Development Code to implement the proposed land use and zoning updates. The Specific Plan also includes policies intended to guide the visual character of the Plan Area to ensure visually appealing and cohesive design. Policy UF-2.3 outlines design principles for the character of buildings, street blocks, commercial uses, and town centers. Policy UF-7.3 supports vibrant, walkable, and accessible communities by enabling parking lot design that is pleasant and unobtrusive to the streetscape by adhering to the listed standards. Policy OS-2.2 supports natural landscape and wildlife habitats by encouraging the maintenance of passive open spaces. Policy OS-4.1 encourages the establishment of a planned network of multiuse greenway trails. Policy CF-3.3 encourages the expansion of a viable community farming program, which would help preserve the agricultural character of the area. Lastly, Policy CR-3.6 requires the incorporation of historic sites, infrastructure, and landscape features into new developments to preserve the Plan Area's sense of place.

The Specific Plan includes updates to the Development Code, which would require that the size, density, composition, and building character of residential districts be consistent with the SEDA Land Use District Standards set forth in the SEDA Development Code Update. These updates, along with Specific Plan policies, would guide the development of the area such that visual quality is maintained. Any future individual development projects would be reviewed by the City for compliance with the Development Code, which provides a precise guide for the physical development of the City, promotes high-quality architecture and sustainable design, and aims to safeguard and enhance the appearance of the City. In addition, all future development would be required to comply with the policies and actions of the General Plan and Specific Plan designed to protect visual character and quality. Consistent with the General Plan and Specific Plan policies, individual development projects would be required to undergo project-specific environmental review, which may require additional site-specific or project-specific measures to reduce any potential impacts.

However, buildout of the Specific Plan would alter the existing visual character by increasing the intensity of development in many areas that are primarily agricultural. No feasible mitigation measures are available to mitigate the impact to a less than significant level. Therefore, impacts are considered significant and unavoidable.

Impact AES-4

Impact: The refined project would create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

- MM AES-4a** Lighting systems for street and parking areas shall include shields to direct light to the roadway surfaces and parking areas. Vertical shields on the light fixtures shall also be used to direct light away from adjacent light sensitive land uses such as residences.
- MM AES-4b** Lighting systems for public facilities such as active play areas shall provide adequate illumination for the activity; however, low-intensity light fixtures and shields shall be used to minimize spillover light onto adjacent properties.
- MM AES-4c** Lighting systems for nonresidential uses, not including public facilities, shall provide shields on the light fixtures and orient the lighting system away from adjacent properties. Low-intensity light fixtures shall also be used if excessive spillover light onto adjacent properties will occur.
- MM AES-4d** Lighting systems for freestanding signs shall not exceed 100 footlambert (ft-L) when adjacent to streets which have an average light intensity of less than 2.0 horizontal foot-candles and shall not exceed 500 ft-L when adjacent to streets that have an average light intensity of 2.0 horizontal foot-candles or greater.
- MM AES-4e** Materials used on building façades shall be non-reflective.

Facts in Support of Findings: All future development in accordance with the Specific Plan would result in land use changes within the Plan Area. These land use changes include the development of new residential and nonresidential land uses.

Intensified development in the Plan Area could increase the amount of light from streetlights, exterior lighting from buildings, and vehicle headlights. The increase in lighting within the Plan Area could result in light spillover onto adjacent areas and could substantially illuminate the sky during nighttime. This increase in illumination is considered a significant impact.

Many areas directly adjacent to the Plan Area are exposed to a small amount of light due to the existing rural and agricultural setting. Intensified development in the Plan Area would considerably increase the amount of lighting systems within the Plan Area, which could result in an increase in light spillover to adjacent areas. Furthermore, increased nighttime traffic resulting from intensified development would create additional sources of light from car headlights. Therefore, development would increase the amount of light, causing spillover onto properties adjacent to the Plan Area and an increase in the nighttime sky illumination. This increase in light is considered a significant impact.

Development in accordance with the proposed Specific Plan and the Development Code would increase the number of new structures that could create new sources of glare within the Plan Area and directly adjacent to the Plan Area. These new sources of glare could result from materials used on building façades, parking lots, signs, roadway surfaces, and motor vehicles. Because of the amount of new building square footage planned for the Plan Area, new buildings would result in a substantial increase in glare. This increase could result in significant glare impacts.

Future development facilitated by implementation of the refined project would be required to comply with the lighting standards established in the City Municipal Code (Article 25, Performance Standards). Future development would also comply with the proposed Specific Plan policies related to light and glare including Policy OS-4.3, which provides guidance on lighting standards for trails.

Further, the General Plan does not include any specific existing policies related to light and glare. Therefore, the refined project would be required to implement MM AES-4a, which requires outdoor lighting to include shields; MM AES-4b, which requires lighting in public locations to have enough light for activities but while minimizing light spill; MM AES-4c, which requires light to be oriented away from other residential uses; MM AES-4d, which requires freestanding signs to not exceed 100 ft-L; and MM AES-4e, which restricts use of reflective surfaces. The implementation of MM AES-4a through MM AES-4e would reduce impacts related to light and glare.

Consistent with the existing General Plan and proposed SEDA Specific Plan policies, individual development projects would be required to undergo project-specific environmental review, which may require additional site-specific or project-specific measures to reduce any potential impacts. For example, all future development would be required to comply with glare standards established Article 25 of the Municipal Code. Additionally, implementation of MM AES-4a through MM AES-4b would reduce potential glare impacts resulting from the refined project. However, impacts would remain significant and unavoidable.

Cumulative Aesthetics Impacts

Impact: The refined project would have a significant and unavoidable cumulative impact on aesthetics, light, and glare.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of

employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AES-4a through MM AES-4e.

Facts in Support of Findings: The geographic scope of the cumulative impact analysis for aesthetics is the Plan Area and portions of the City of Fresno, City of Clovis, and unincorporated Fresno County located outside of the Plan Area that can be viewed from and have views of the Plan Area. This analysis evaluates whether impacts of the Specific Plan, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to aesthetics. This analysis then considers whether incremental contribution of the impacts associated with implementation of the Specific Plan would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

In general, potential visual impacts to the character of an area take into account the immediate surroundings; thus, the analysis of cumulative aesthetic impacts focuses on areas that share a viewshed with the Plan Area. The Plan Area and most of the surrounding area is predominantly rural and rural residential. Future development in the cumulative context would include new residential, commercial, and industrial development consistent with the General Plan or the applicable General Plans of each of the surrounding municipalities. Future development would be subject to the design review processes of the individual jurisdiction, and the applicable land use plans contain policies and implementing actions to preserve visual character, land use compatibility, and views in those jurisdictions. Cumulative projects within the City would be required to comply with applicable City General Plan policies and programs and adhere to development and design standards in the Municipal Code that address aesthetics, including lighting and glare, the alteration of scenic resources and natural features, and the alteration of views of scenic resources and natural features. However, continued buildout of the General Plan and nonagricultural development in the surrounding communities identified by the geographic scope would continue to significantly change the visual character of the area and amount of nighttime illumination, even with adherence to General Plan policies and project-specific design review. For these reasons, cumulative impacts to aesthetics or nighttime lighting and daytime glare would be significant.

As previously discussed above, there are no designated scenic vistas or State-designated Scenic Highways in the Plan Area or the City. The refined project and cumulative development would be subject to specific regulations and guidelines related to building heights, setbacks, undergrounding of utilities, landscaping, signage, and permitted land uses. However, cumulative development is anticipated to contribute to the conversion of rural and agricultural uses to urban uses. This cumulative change is expected to result in a substantial alteration of the existing visual character of the area. Additionally, the project's contribution to light and glare is also expected to generate new sources of light and glare, even with the implementation of MM AES-4a through MM AES-4e. These new sources of glare could result from materials used on building façades, parking lots, signs, roadway surfaces, and motor vehicles. Therefore, the refined project could result in cumulatively

considerable visual character and light and glare impacts. Thus, overall, the refined project would result in significant and unavoidable cumulative impacts.

1.7.2 - Agricultural Resources and Forestry Resources

Impact AG-1

Impact: The refined project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural uses.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

MM AG-1 Prior to initiation of grading activities, project proponents shall compensate for the loss of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland within the Fresno Southeast Development Area Specific Plan Area (Plan Area) by preserving an equivalent type and quantity of land at a 1:1 ratio through recordation of a conservation easement, or other recorded instrument, such as a covenant or deed that restricts the preserved land in perpetuity to agricultural uses.

The acreage and type of land use to compensate for the loss of farmland shall be determined using the Land Evaluation and Site Assessment (LESA) Model. The LESA Model evaluates measures of soil resource quality, a given project's size, water resource availability, surrounding agricultural lands, and surrounding protected resource lands.

In the alternative, if the City adopts a Farmland Preservation Program pursuant to Fresno General Plan Policy RC-9-c, project proponents may compensate for the loss of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland by complying with the adopted Farmland Preservation Program.

Facts in Support of Findings: According to the FMMP California Important Farmland Finder, as shown in Exhibit 3.2-1 of the Recirculated Draft PEIR, there are approximately 2,475 acres of land designated as Prime Farmland, approximately 1,352 acres of Farmland of Statewide Importance, approximately 1,189 acres of land designated as Farmland of Local Importance, and approximately 1,725 acres of land designated as Unique Farmland scattered throughout the Plan Area. The remainder of the Plan Area has a variety of designations, including approximately 337 acres of Urban Built-Up Land and approximately 1,536 acres of Rural Residential Land. As previously discussed,

about half of the land in the Plan Area, approximately 5,000 acres, contains agricultural uses. Therefore, buildout of the Specific Plan would occur on land with soil types designated by the FMMP as farmland.

The Specific Plan does not contemplate or approve any specific development but rather provides a framework for future development within the Plan Area. Agricultural preservation is a guiding principle behind the planning and design of the Specific Plan, and Plan buildout would include components designed to preserve the continuity and viability of surrounding land for agricultural uses and open space and to integrate community-scale farming and agriculture. Furthermore, the refined project's objectives include integrating small farms, community gardens, and farmers' markets into neighborhoods, schools, and town centers and creating a buffer that includes rural homes, organic farming, and open spaces to serve as a transition between the Plan Area and commercial agriculture to the east. However, the refined project would facilitate future development of housing within the Plan Area and, as a result, would result in the conversion of Prime Farmland, Farmland of Local Importance, and Unique Farmland to nonagricultural uses.

To counter the effects of agricultural conversion, the Specific Plan includes a policy framework to support the integration of agriculture within the urban sphere. Programs that would be integrated into the Specific Plan may include school and neighborhood gardens, community orchards, agricultural education centers, and small farming operations in green belts and on the buffer edge. Furthermore, the Specific Plan includes policies to address land use compatibility through a Buffer District. Buffer Districts act as a transitional buffer between the urban areas of the Plan Area and larger-scale agricultural uses. Unlike the patchwork of rural ranchette development that is typically found at the rural outskirts of cities, the Buffer District would discourage outward sprawl by clearly delineating the urban-rural edge. Therefore, the policies included in the Specific Plan would directly limit farmland conversion and thereby help to preserve agriculture in the Plan Area.

Further, the refined project would comply with the General Plan, which includes several policies intended to protect agricultural uses in the City and SOI. Policy RC-9-a directs the City to work with the Counties of Fresno and Madera, the City of Clovis, and other public agencies to conserve agricultural land resources. Additionally, Policy RC-9-b defines when residential and commercial development on unincorporated agricultural land should be prohibited, and Policy RC-9-c describes implementation of the Farmland Preservation Program.

Additionally, the refined project would implement MM AG-1, which requires future developments within the Plan Area to evaluate and mitigate the potential loss of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland by utilizing the LESA Model and 1:1 conservation easements, or other recorded instruments, to mitigate the loss of farmland. If the City adopts a Farmland Preservation Program pursuant to Fresno General Plan Policy RC-9-c, MM AG-1 states that project proponents may compensate for the loss of Prime Farmland, Farmland of Statewide Importance, and Unique Farmland by complying with the adopted Farmland Preservation Program.

However, while implementation of MM AG-1 would reduce the degree of potential impacts associated with future development under the Specific Plan, the conversion of Farmland to

nonagricultural uses would still occur. Therefore, this impact would be significant and unavoidable even with implementation of available mitigation.

Impact AG-2

Impact: The refined project would conflict with existing zoning for agricultural use, or a Williamson Act Contract.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AG-1.

Facts in Support of Findings: The Plan Area does not contain land designated for agricultural use by the General Plan. However, as shown in Exhibit 3.2-2 of the Recirculated Draft PEIR, there are parcels within the Plan Area that are currently under Williamson Act Contracts. As provided in Exhibit 2 of Appendix A, the Specific Plan would designate the majority of land within the Plan Area that is under Williamson Act Contract for nonagricultural land uses (such as residential and regional and community center uses). Therefore, implementation of the refined project could conflict with existing Williamson Act Contracts because nonagricultural uses would be allowed on lands under a Williamson Act Contract and because project implementation would facilitate future development of nonagricultural land uses within the Plan Area.

However, Williamson Act Contract holders can continue commercial agriculture operations pursuant to the existing contract. Agricultural lands which do not hold an existing Williamson Act Contract may continue agricultural uses as a legal non-conforming use and under protections of the Fresno County Right-to-Farm Ordinance, as noted in Policy UF-1.6 of the Specific Plan, which establish right-to-farm practices in accordance with the Fresno County Right-to-Farm Ordinance to allow the continued operation of agricultural activities which occur adjacent to new residential developments.

Policy UF-1.6 further requires buffers between new residential development and existing farmlands to protect ongoing farming operations. Existing agricultural activities as established within Fresno County are permitted to continue operations in perpetuity.

The refined project would also implement MM AG-1 as described above, which could reduce impacts related to Williamson Act Contract land in the event that there is overlap with Prime Farmland, Farmland of Statewide Importance, or Unique Farmland on future development sites. However, there are no feasible mitigation measures available that would reduce impacts to

Williamson Act Contracts to less than significant levels, and therefore, project impacts would be significant and unavoidable.

Impact AG-5

Impact: The refined project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AG-1.

Facts in Support of Findings: As discussed under Impact AG-1, future development facilitated by the refined project would result in the conversion of farmland to nonagricultural uses, which would result in a potentially significant impact. The refined project would implement MM AG-1, which would require future projects that would convert farmland to nonagricultural uses to evaluate and mitigate impacts on a project-by-project basis through the implementation of 1:1 conservation easements until such time as a Farmland Preservation Program is adopted by the City. Project implementation would not result in other changes in the existing environment that would impact agricultural land outside of the Plan Area. Additionally, there is no designated forest land or Timberland in the Plan Area, and therefore, development in accordance with the refined project would not impact forest land, as discussed under Impact AG-3 and Impact AG-4. Despite implementation of MM AG-1, impacts associated with conversion of Farmland to nonagricultural use would be significant and unavoidable.

Cumulative Agriculture Impacts

Impact: The refined project would result in significant and unavoidable cumulative impacts to agriculture and forestry resources.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation

measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AG-1.

Facts in Support of Findings: The cumulative setting for agriculture and forestry resources includes the cities of Fresno, Clovis, and Sanger, and Counties of Fresno and Madera. This analysis evaluates whether impacts of the proposed Specific Plan, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to agriculture and forestry resources. This analysis then considers whether incremental contribution of the impacts associated with implementation of the proposed Specific Plan would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

Agriculture

Cumulative development is anticipated to convert agricultural uses to nonagricultural uses and conflict with existing agricultural zoning and Williamson Act Contracts. Development in accordance with the continued implementation of the approved General Plan would result in a significant impact on agricultural resources. To reduce potential cumulative impacts on agricultural uses, the approved General Plan includes Objective RC-9 and Policies RC-9-a through RC-9-c, which would reduce cumulative impacts to agricultural resources. In addition, the refined project would incorporate MM AG-1, which requires all future development to evaluate and mitigate the loss of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on a project-by-project basis prior to grading activities to address the conversion of farmland to non-farmland uses. However, despite the implementation of MM AG-1, cumulative impacts related to the conversion of agricultural land would remain significant. For these reasons, cumulative impacts on agricultural resources would be significant and unavoidable.

In addition, as identified under Impact AG-2, development consistent with the proposed Specific Plan could conflict with existing agricultural zoning and land under Williamson Act Contracts, and there is no feasible mitigation that would reduce this impact to less than significant. Therefore, the refined project's incremental contribution to the conversion of farmland is cumulatively considerable. Thus, cumulative impacts related to the conversion of Williamson Act Contract land would be significant and unavoidable.

Forestry

No cumulative impacts would occur to forestland because there is no identified or zoned forestland in the geographic scope of cumulative projects. Given the location of the refined project and the surrounding area and the lack of any forestland or land zoned as forest, the refined project would not contribute to any cumulative impact.

1.7.3 - Air Quality

Impact AIR-1

Impact: The refined project would conflict with or obstruct implementation of the applicable air quality plan.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

MM AIR-1a Prior to future discretionary project approval in the Fresno Southeast Development Area Specific Plan Area (Plan Area), development project applicants shall prepare and submit to the Director of the Planning and Development Department, or designee, documentation that demonstrates the use of “Super-Compliant” architectural coatings during construction of the proposed project. “Super-Compliant” architectural coatings, also known as low-VOC, are paints which do not exceed 10 grams of reactive organic gas (ROG) per liter of paint.

All architectural coatings shall be applied either by (1) using a high-volume, low-pressure spray method operated at an air pressure between 0.1 and 10 pounds per square inch gauge to achieve a 65 percent application efficiency; or (2) manual application using a paintbrush, hand-roller, trowel, spatula, dauber, rag, or sponge, to achieve a 100 percent application efficiency. The construction contractor shall also use precoated/natural colored building materials, where feasible.

MM AIR-1b Prior to future discretionary project approval in the Fresno Southeast Development Area Specific Plan Area (Plan Area), development project applicants shall prepare and submit to the Director of the Planning and Development Department, or designee, a technical assessment evaluating potential project construction phase-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (Valley Air District) methodology for assessing construction impacts. If construction-related air pollutants are determined to have the potential to exceed the SJVAPCD adopted threshold of significance, project applicants for new development projects shall be required to incorporate mitigation measures into construction plans to reduce air pollutant emissions during construction activities. The identified measures shall be included as part of the Project Conditions of Approval. Possible mitigation measures to reduce construction emissions include but are not limited to:

- Use of offroad construction equipment that meets the United States Environmental Protection Agency (EPA) Tier 4 Final off-road engine emissions standards.
- Install temporary construction power supply meters on-site and use these to provide power to electric power tools whenever feasible. If temporary electric power is available on-site, forbid the use of portable gasoline- or diesel-fueled electric generators.
- Use of diesel oxidation catalysts and/or catalyzed diesel particulate traps on diesel equipment, as feasible.
- Maintain equipment according to manufacturers' specifications.
- Restrict idling of equipment and trucks to a maximum of 5 minutes (per California Air Resources Board [ARB] regulation).
- Phase grading operations to reduce disturbed areas and times of exposure.
- Avoid excavation and grading during wet weather.
- Limit on-site construction routes and stabilize construction entrance(s).
- Remove existing vegetation only when absolutely necessary.
- Sweep up spilled dry material (e.g., cement, mortar, or dirt trackout) immediately. Never attempt to wash them away with water. Use only minimal water for dust control.
- Store stockpiled material and waste under a temporary roof or secured plastic sheeting or tarp.

MM AIR-1c Prior to future discretionary project approval in the Fresno Southeast Development Area Specific Plan Area (Plan Area), development project applicants shall prepare and submit to the Director of the Planning and Development Department, or designee, a technical assessment evaluating potential project operation-related air quality impacts. The evaluation shall be prepared in conformance with San Joaquin Valley Air Pollution Control District (Valley Air District) methodology in assessing air quality impacts. If operation-related air pollutants are determined to have the potential to exceed the Valley Air District adopted thresholds of significance, the project applicants for new development projects shall be required to incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the Project Conditions of Approval. Possible mitigation measures to reduce long-term emissions include but are not limited to:

- For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections including the use of electric-powered forklifts and/or other interior vehicles at loading docks for plugging in the anticipated number of refrigerated trailers to reduce idling time and emissions.
- Applicants for manufacturing and light industrial uses shall consider energy storage (i.e., battery) and combined heat and power (CHP, also known as

cogeneration) in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.

- Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with SJVAPCD Rule 2845 (13 California Code of Regulations [CCR] Chapter 10, § 2485).
- Electric vehicle (EV) charging shall be provided as specified in Section A4.106.8.2 (Residential Voluntary Measures) of the California Green Building Standards Code (CALGreen) Code.
- Bicycle parking shall be provided as specified in Section A4.106.9 (Residential Voluntary Measures) of the CALGreen Code.
- Projects shall be required to implement, at a minimum, an increase in each building's energy efficiency 15 percent beyond Title 24 and reduction of indoor water use by 25 percent.
- Maximize use of solar energy including solar panels; installing the maximum possible number of solar energy arrays on building roofs throughout the City to generate solar energy.
- Maximize the planting of trees in landscaping and parking lots.
- Use light-colored paving and roofing materials.
- Require use of electric or alternatively fueled street-sweepers with HEPA filters.
- Require use of electric lawn mowers and leaf blowers.
- Utilize only Energy Star heating, cooling, and lighting devices, and appliances.
- Use of water-based or low volatile organic compound (VOC) cleaning products.
- For buildings with more than 10 tenant-occupants, changing/shower facilities shall be provided as specified in Section A5.106.4.3 (Nonresidential Voluntary Measures) of the California Green Building Standards Code (CALGreen) Code.
- Long-term and short-term bicycle parking shall be provided as specified in Section A5.106.4 (Nonresidential Mandatory Measure) of the CALGreen Code.
- Preferential parking for low-emitting, fuel-efficient, and carpool/van vehicles shall be provided as specified in Section A5.106.5.1 (Nonresidential Voluntary Measures) of the CALGreen Code.

Facilities shall be installed to support future EV charging at single-family, multi-family, commercial, and nonresidential uses. EV charging infrastructure shall meet the most ambitious voluntary standard of the CALGreen Code.

MM AIR-1d

Prior to future discretionary project approval in the Fresno Southeast Development Area Specific Plan Area (Plan Area), development project applicants proposing a project with the potential to introduce sources of diesel particulate matter (DPM) and/or toxic air contaminants (TACs) (such as diesel backup generators or significant truck trips) within 0.25 mile of a sensitive land use (e.g., residential, schools, hospitals, or nursing homes), as measured from the property line of the project to the property line of the nearest sensitive use, shall prepare and submit to the Director of the Planning and Development Department, or a designee, a

Prioritization (Screening HRA) and/or a Health Risk Assessment (HRA). An analysis evaluating potential health risks to sensitive receptors farther than 0.25 mile from the proposed project site may also be required, depending on the size and scope of the project, the amount of air toxic emissions from project construction and operation sources (HHD truck trips, stationary source emissions, etc.), the type of pollutants emitted, the proximity to the nearest sensitive receptor, and the expected duration of project construction. The Prioritization should be performed using Valley Air District-approved methods. If a project will result in a Prioritization score of 10 or greater, then an HRA shall be prepared in accordance with policies and procedures of the most current California Office of Environmental Health Hazard Assessment (OEHHA) and the San Joaquin Valley Air Pollution Control District (Valley Air District). If the HRA shows that the incremental health risks exceed their respective thresholds, as established by the Valley Air District at the time a project is considered, the project applicant shall be required to identify and demonstrate that Best Available Control Technologies for toxics (T-BACTs), including appropriate enforcement mechanisms to reduce risks to an acceptable level. T-BACTs may include, but are not limited to:

- Restricting idling on-site or electrifying warehousing docks to reduce DPM;
- Requiring use of newer tier equipment and/or vehicles;
- Providing charging infrastructure for: electric forklifts, electric yard trucks, local drayage trucks, last mile delivery trucks, electric and fuel-cell heavy-duty trucks; and/or
- Installing solar panels, zero-emission backup electricity generators, and energy storage to minimize emissions associated with electricity generation at the project site.
- T-BACTs identified in the HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site plan.

Facts in Support of Findings: The Recirculated Draft PEIR proposes the following criteria for determining project consistency with the current AQPs:

1. Will the project conform to the growth assumptions in the AQPs?
2. Will the project comply with applicable control measures in the AQPs?

The use of the criteria listed above is a standard approach for CEQA analysis of projects in the Valley Air District's jurisdiction, as well as within other air districts, for the following reasons:

- AQP emissions inventories and attainment modeling are based on growth assumptions for the area within the air district's jurisdiction.
- AQPs rely on a set of air district-initiated control measures, as well as implementation of federal and State measures, to reduce emissions within their jurisdictions, with the goal of attaining the air quality standards.

AQPs are plans for reaching attainment of air quality standards. The assumptions, inputs, and control measures are analyzed to determine whether the SJVAB can reach attainment for the AAQS. In order to show attainment of the standards, the Valley Air District analyzes the growth projections in the valley, contributing factors in air pollutant emissions and formations, and existing and adopted emissions controls. The Valley Air District then formulates a control strategy to reach attainment that includes both State and Valley Air District regulations and other local programs and measures.

Consistency with Assumptions in AQPs

A method for determining consistency with the AQP's assumptions is determining consistency with the applicable General Plan to ensure that the refined project's population density and land use are consistent with the growth assumptions used in the AQPs for the SJVAB. The regional emissions inventory for the SJVAB is compiled by the Valley Air District and Fresno COG. Regional population, housing, and employment projections developed by Fresno COG are based, in part, on the local jurisdictions' general plan land use designations. These projections form the foundation for the emissions inventory of the AQMP. These demographic trends are incorporated into the 2022–2046 RTP/SCS, compiled by Fresno COG to determine priority transportation projects within the Fresno COG region.

The Valley Air District is tasked with implementing programs and regulations required by the federal CAA and the California CAA. The Valley Air District has prepared several plans to attain the National AAQS and California AAQS. Emission reductions achieved through implementation of the Valley Air District's NSR offset requirements are a major component of the Valley Air District's AQPs. The established thresholds of significance for criteria pollutant emissions are based on the Valley Air District's offset requirements for stationary sources. Therefore, projects with emissions below the thresholds of significance for criteria pollutants would be determined to "not conflict or obstruct implementation of the District's air quality plan." The analysis in Impact AIR-2 demonstrates that the proposed Specific Plan would generate long-term emissions of criteria air pollutants that would exceed the Valley Air District's regional operation-phase significance thresholds, which were established to determine whether a project has the potential to cumulatively contribute to the SJVAB's nonattainment designations. Thus, implementation of the proposed Specific Plan would result in an increase in the frequency or severity of existing air quality violations; cause or contribute to new violations; or delay timely attainment of the AAQS.

Various policies of the General Plan and the proposed Specific Plan would promote complete streets, mixed-use and transit-oriented neighborhoods, and increased capacity for alternative transportation modes, which would help reduce air pollutant emissions. As included in the Regulatory Framework section above, these policies include General Plan policies UF-1c, UF-12a-f, UF-14a and 14b, LU-2, LU-3, LU-5-f, RC-4, HC-3-d, HC-3-f, MT-1, and MT-2. Proposed Specific Plan policies related to air quality include HC-3.2 and 3.3, OS-6, and the policies included in the draft Plan's Greenhouse Gas Reduction and Conservation chapter, including Policy RC-1.1 through 1.7. These policies promote active transit, clean air measures, and support the reduction in average vehicle trip distances, which contribute to reducing overall per capita VMT in the region.

MM AIR-1a would serve to further reduce emissions generated by future development projects envisioned in the Plan Area. MM AIR-1b and MM AIR-1c require the submittal of a technical assessment of project-specific construction phase and operation-related air quality impacts, and the identification of project-specific mitigation measures as appropriate, prior to future discretionary project approval. MM AIR-1d requires the submittal of an HRA and the inclusion of project-specific T-BACTs as appropriate, prior to future discretionary approval for future industrial or warehousing projects located within established screening distances. In addition, as described in the regulatory section, AB 98 will prescribe various Statewide warehouse design and building standards for new or expanded logistics use developments. These requirements will ensure that individual future development projects in the Plan Area do not have a significant impact on sensitive receptors.

However, even with the implementation of these policies and mitigation measures, as further discussed under Impact AIR-2 and Impact AIR-3, due to the size of the proposed development, the refined project could create a localized violation of State or federal air quality standards, significantly contribute to cumulative nonattainment pollutant violations, and potentially expose sensitive receptors to substantial pollutant concentrations under cumulative conditions. There is no mitigation available that would reduce the criteria pollutant emissions from the refined project's construction or operation to less than significant levels, as compared to the recommended Valley Air District significance thresholds. Therefore, the refined project would have a significant impact under this criterion.

Control Measures

The AQP contains a number of control measures that are enforceable requirements through the adoption of rules and regulations. A detailed description of rules and regulations that apply to this project is provided in Section 3.3.2, Regulatory Framework, of the Recirculated Draft PEIR. The refined project would comply with all applicable District rules and regulations. Therefore, the refined project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan for this criterion.

Impact Summary

The refined project has the potential to exceed the Valley Air District's significance thresholds during construction and operation. Implementation of the refined project would result in the generation of substantial long-term criteria air pollutant emissions that would exceed the Valley Air District regional significance thresholds and would therefore not be considered consistent with the existing AQPs. MM AIR-1a, MM AIR-1b, MM AIR-1c, and MM AIR-1d would serve to reduce construction and operation-phase criteria air pollutant emissions; however, the mitigation measures would not reduce emissions to less than significant levels. Applicable Valley Air District rules and regulations, in addition to the refined project's policies and design guidelines, would contribute to reducing long-term criteria air pollutant emissions to the extent feasible. However, due to the magnitude and intensity of development accommodated by the refined project, Impact AIR-1 would remain significant and avoidable.

Impact AIR-2

Impact: The refined project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AIR-1a through MM AIR-1d.

Facts in Support of Findings: This impact is related to the cumulative effect of a project's regional criteria pollutant emissions. By its nature, air pollution is largely a cumulative impact resulting from emissions generated over a large geographic region. The nonattainment status of regional pollutants is a result of past and present development within the SJVAB, and this regional impact is a cumulative impact. In other words, new development projects (such as the refined project) within the SJVAB would contribute to this impact only on a cumulative basis. No single project would be sufficient in size, by itself, to result in nonattainment of regional air quality standards. Instead, a project's emissions may be individually limited but cumulatively considerable when taken in combination with past, present, and future development projects. All new development that would result in an increase in air pollutant emissions above those assumed in regional AQPs would contribute to cumulative air quality impacts.

The cumulative analysis focuses on whether a specific project would result in cumulatively considerable emissions. According to Section 15064(h)(4) of the CEQA Guidelines, the existence of significant cumulative impacts caused by other projects alone does not constitute substantial evidence that the refined project's incremental effects would be cumulatively considerable.

Rather, the determination of cumulative air quality impacts for construction and operational emissions is based on whether the refined project would result in regional emissions that exceed the Valley Air District regional thresholds of significance for construction and operations on a project level. Projects that generate emissions below the significance thresholds would be considered consistent with regional air quality planning efforts and would not generate cumulatively considerable emissions. The primary pollutants of concern during project construction and operation are ROG, NO_x, PM₁₀, and PM_{2.5}. The Valley Air District's GAMAQI, adopted in 2015, contains thresholds for CO, NO_x, ROG, SO_x, PM₁₀, and PM_{2.5}.

Ozone is a secondary pollutant that can be formed miles from the source of emissions, through reactions of ROG and NO_x emissions in the presence of sunlight. Therefore, ROG and NO_x are termed

ozone precursors. The SJVAB often exceeds the State and national ozone standards. Therefore, if the refined project emits a substantial quantity of ozone precursors, the refined project may contribute to an exceedance of the ozone standard. The SJVAB also exceeds air quality standards for PM₁₀, and PM_{2.5}; therefore, substantial project emissions may contribute to an exceedance for these pollutants. The Valley Air District's annual emission significance thresholds used for the refined project define the substantial contribution for both operational and construction emissions as follows:

- 100 tons per year CO
- 10 tons per year NO_x
- 10 tons per year ROG
- 27 tons per year SO_x
- 15 tons per year PM₁₀
- 15 tons per year PM_{2.5}

Construction Emissions

Construction emissions result from on-site and off-site activities. On-site emissions principally consist of exhaust emissions from the heavy-duty off-road construction equipment, on-site motor vehicle operation, and fugitive dust from disturbed soil. Off-site emissions are caused by motor vehicle exhaust from delivery and haul truck vehicles, work traffic, and road dust (mainly PM_{2.5} and PM₁₀). The majority of this fugitive dust would remain localized and limited to the atmosphere around the project site. However, the potential for off-site impacts from fugitive dust exists unless control measures are implemented to reduce the particulate emissions from this source prior to leaving construction sites.

Construction activities associated with buildout of the refined project are anticipated to occur sporadically over approximately 25 years or more. Buildout would consist of multiple smaller projects, each having its own construction timeline and activities. Development of multiple properties could occur at the same time. However, there is no defined development schedule for these future projects at this time. For this analysis, the estimate of annual emissions is based on a conservative scenario, where several construction projects occur at one time and all construction phases overlap. Table 3.3-8 of the Recirculated Draft PEIR shows the unmitigated annual construction emissions for future development projects envisioned under the refined project. The table shows the annual emissions that would be generated over the anticipated development period.

As shown in the table, construction activities associated with implementation of the proposed Plan could potentially exceed the Valley Air District regional thresholds for VOC, NO_x, CO, PM_{2.5}, and PM₁₀. The primary source of NO_x emissions is vehicle and construction equipment exhaust. NO_x is a precursor to the formation of both ozone and particulate matter (PM₁₀ and PM_{2.5}). VOC is a precursor to the formation of ozone. PM₁₀ emissions primarily occur as fugitive dust due to disturbed soil, and road dust. Project-related emissions would contribute to the ozone, PM₁₀, and PM_{2.5} nonattainment designations of the SJVAB.

As previously discussed, existing General Plan policies would help minimize construction emissions from projects in the Plan Area. Compliance with the Valley Air District Regulation VIII requirements,

which serve to reduce fugitive dust from construction and trackout, help to reduce particulate matter emissions from construction activities in the SJVAB. As part of the development process, individual site-specific projects accommodated under the proposed Specific Plan that meet the criteria of SJVAPCD Rule 9510 would be required to prepare a detailed air quality impact assessment. To the extent applicable under SJVAPCD Rule 9510 for each such individual development, the Valley Air District would require calculation of the construction emissions from the development.

The purpose of the air quality impact assessment is to confirm a development's construction exhaust emissions and therefore be able to identify appropriate mitigation, either through implementation of specific mitigation measures or payment of applicable off-site fees. Compliance with SJVAPCD Rule 9510 will be required for future development projects envisioned as part of the refined project. However, because these future projects are not yet defined, it is not possible to quantify the potential emission reductions that would be associated with compliance with SJVAPCD Rule 9510 at the project level. Furthermore, while adherence to SJVAPCD Rule 9510 would contribute to reducing exhaust NO_x emissions, it would not be applicable to reducing VOC emissions generated by operation of equipment and from off-gassing from asphalt and paints.

There is the potential for multiple projects and construction phases to be constructed at one time in the Plan Area, which may result in the generation of cumulatively significant amounts of criteria pollutant emissions. Therefore, project-related construction activities would result in potentially significant regional air quality impacts due to the potential for overlapping impacts from multiple projects being constructed at one time.

To reduce the impacts of future development projects consistent with the refined project, MM AIR-1a and MM AIR-1b are required. These mitigation measures would reduce emissions of VOC, NO_x, PM₁₀, and PM_{2.5} associated with the construction of future development projects in the Plan Area to the extent feasible. However, due to the size of the refined project and the potential for overlapping construction activities, future development projects could still potentially exceed the Valley Air District regional thresholds, even with the implementation of mitigation. Therefore, project-related construction activities would result in significant and unavoidable regional air quality impacts.

Operational Emissions

Buildout of the refined project would result in direct and indirect criteria air pollutant emissions from area, energy, and mobile sources. Area sources would include activities such as landscape maintenance and occasional architectural coatings. Energy sources would include electricity. Mobile sources would include vehicle trips associated with passenger cars. As previously discussed, the Valley Air District regional emission significance thresholds were used to determine the refined project's impact significance. The proposed Fresno SEDA Specific Plan policies emphasize development of mixed-use areas and improvements to active and public transit facilities that would contribute to reducing vehicle trips and VMT. As an example, the refined project would create mixed-use areas and would integrate distinct neighborhood commercial development areas that would provide daily services and amenities for the nearby residences and businesses.

Overall, the general proposed guiding principles and objectives for land use planning and the proposed land use changes and transportation improvements would contribute to reducing vehicle

trips and VMT per service population to the extent feasible. Furthermore, existing General Plan policies would further reduce emissions from the operation of future projects in the Plan Area. However, when compared to the existing land uses, due to the magnitude of planned growth in the Plan Area, implementation of the refined project would generate significant emissions of criteria pollutants, and a net increase of approximately 602,972 in total regional VMT (see Appendix B of the Recirculated Draft PEIR). As the refined project would become fully operational in 2050, Table 3.3-9 of the Recirculated Draft PEIR shows the annual operational emissions for full buildout of the refined project in 2050.

As shown in this table, due to the magnitude of the proposed growth, operation of the land uses accommodated under the refined project at buildout would generate air pollutant emissions that exceed the Valley Air District's regional significance thresholds for VOC, NO_x, CO, PM₁₀, and PM_{2.5} at full buildout. Emissions of VOC and NO_x that exceed the Valley Air District regional threshold would cumulatively contribute to the ozone nonattainment designation of the SJVAB. Emissions of NO_x that exceed the Valley Air District's regional significance thresholds would cumulatively contribute to the ozone and particulate matter nonattainment designations of the SJVAB. Emissions of direct PM₁₀ and PM_{2.5} would contribute to the PM_{2.5} nonattainment designations.

The application of the SJVAPCD 9510 to future individual projects would contribute to reducing NO_x and particulate matter emissions. In addition, application of SJVAPCD Rule 9410 (Employer Based Trip Reduction) would contribute to reducing mobile source emissions from the operation of the refined project. The objectives and policies included in the proposed Specific Plan would generally support a more sustainable development pattern to accommodate growth within the Plan Area by creating complete neighborhoods, high-density housing in proximity to jobs and service amenities, and supporting alternative transit options through improvements to the pedestrian, bicycle, public transportation, and alternative-fueled vehicle networks and infrastructure, which would contribute in minimizing long-term criteria air pollutant emissions.

However, while compliance with the Valley Air District rules and the policies of the proposed Specific Plan may contribute to reducing operation-related regional air quality impacts of individual projects envisioned under the proposed Specific Plan to less than significant levels, the projected cumulative emissions associated with future development projects would be in exceedance of the Valley Air District thresholds. Therefore, implementation of the refined project would result in a significant impact because it would significantly contribute to the nonattainment designations of the SJVAB. To reduce emissions from the operation of future projects envisioned in the refined project, MM AIR-1c and MM AIR-1d are required to reduce emissions to the extent feasible, in combination with the existing General Plan policies applicable to the refined project. However, due to the magnitude of emissions generated by the residential, office, and commercial land uses proposed as part of the refined project, no mitigation measures are available that would reduce cumulative impacts below the Valley Air District's thresholds. Therefore, despite adherence to the applicable mitigation measures, Impact AIR-2 would remain significant and unavoidable.

Impact Summary

Regional emissions generated by the refined project would exceed applicable thresholds after compliance with all rules, regulations, and mitigation measures during operation. Localized

operational emissions would also present a potentially significant impact after incorporation of identified mitigation. This impact would be significant and unavoidable.

Impact AIR-3

Impact: The refined project would expose sensitive receptors to substantial pollutant concentrations.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AIR-1d.

Facts in Support of Findings:

Sensitive Receptors

Those who are sensitive to air pollution include children, the elderly, and persons with preexisting respiratory or cardiovascular illness. The Valley Air District considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools.

Construction: ROG

ROG is emitted during the application of architectural coatings (painting). The amount emitted is dependent on the amount of ROG (or VOC) in the paint. ROG emissions are typically an indoor air quality health hazard concern rather than an outdoor air quality health hazard concern. Therefore, exposure to ROG during architectural coatings is a less than significant health impact.

There are three types of asphalt that are typically used in paving: asphalt cements, cutback asphalts, and emulsified asphalts. However, SJVAPCD Rule 4641 prohibits the use of the following types of asphalt: rapid cure cutback asphalt; medium cure cutback asphalt; slow cure asphalt that contains more than 0.5 percent of organic compounds that evaporate at 500°F or lower; and emulsified asphalt containing organic compounds, in excess of 3 percent by volume, that evaporate at 500°F or lower. An exception to this is medium cure asphalt when the National Weather Service official forecast of the high temperature for the 24-hour period following application is below 50°F.

The acute (short-term) health effects from worker direct exposure to asphalt fumes include irritation of the eyes, nose, and throat. Other effects include respiratory tract symptoms and pulmonary function changes. The studies were based on occupational exposure of fumes. Residents are not in

the immediate vicinity of the fumes; therefore, they would not be subjected to concentrations high enough to evoke a negative response. In addition, the restrictions that are placed on asphalt in the San Joaquin Valley reduce ROG emissions from asphalt and exposure. The impact to nearby sensitive receptors from ROG during construction is less than significant.

Operation: ROG

During operation, ROG would be emitted primarily from motor vehicles. Direct exposure to ROG from project motor vehicles would not result in health effects, because the ROG would be distributed across miles and miles of roadway and in the air. The concentrations would not be great enough to result in direct health effects.

Construction and Operation: NO_x, PM₁₀, and PM_{2.5}

As discussed in Impact AIR-2, construction and operation of future individual development projects accommodated under the proposed Specific Plan could potentially result in an exceedance of the Valley Air District's ambient air quality screening threshold of 100 pounds per day.

As stated, the planned improvements, objectives, and policies under the proposed Specific Plan would generally support a sustainable development pattern in accommodating future growth within the Plan Area, which would generally contribute to reducing long-term criteria air pollutant emissions. In addition, application of the SJVAPCD Rule 9510 and Regulation VIII would contribute to reducing operation- and construction-related NO_x and particulate matter emissions. Furthermore, SJVAPCD Rule 9410 would also contribute to reducing operation-related mobile source emissions.

However, while individual development projects may not result in exceeding the screening threshold of 100 pounds per day, the projected cumulative emissions associated with future development projects accommodated under the proposed Specific Plan would be in exceedance and could result in causing an exceedance of the AAQS. Therefore, as construction and operation of future individual development projects accommodated under the proposed Specific Plan could result in causing or contribute to a violation of the AAQS, impacts to air quality would be significant.

Toxic Air Contaminants

During construction and operation, the refined project could result in emissions of several TACs that could potentially impact nearby sensitive receptors. The Valley Air District has defined health risk significance thresholds. These thresholds are represented as a cancer risk to the public and a non-cancer hazard from exposures to TACs. Cancer risk represents the probability (in terms of risk per million individuals) that an individual would contract cancer resulting from exposure to TACs continuously over a period of several years. The Valley Air District's latest threshold of significance for TAC emissions is an increase in cancer risk for the maximally exposed individual of 20 in a million (formerly 10 in a million). Exposures to TACs can also result in both short-term (acute) or long-term (chronic) non-cancer health impacts. Such impacts could include illnesses related to reproductive effects, respiratory effects, eye sensitivity, immune effects, kidney effects, blood effects, central nervous system, birth defects, or other adverse environmental effects.

Project construction would involve the use of diesel-fueled vehicles and equipment that emit DPM, which is considered a TAC. Industrial land uses, such as chemical processing facilities, chrome-plating

facilities, dry cleaners, and gasoline-dispensing facilities, have the potential to be substantial stationary sources that would require a permit from the Valley Air District for emissions of TACs. Emissions of TACs would be controlled through permits issued by the Valley Air District and would be subject to further study and an HRA prior to the issuance of any necessary air quality permits. In addition to stationary/area sources of TACs, commercial and industrial operations could generate a substantial amount of DPM emissions from off-road equipment use and truck idling. New land uses in the proposed Plan Area that use diesel trucks, including trucks with transport refrigeration units, could generate an increase in DPM that would contribute to cancer and non-cancer health risk in the SJVAB.

As it is not possible to determine the amount of TAC concentrations at the time of this analysis, it is not possible to calculate the risks for a particular health effect within the Plan Area. The refined project is a programmatic project, and until specific future projects are proposed, the associated TAC emissions cannot be determined or modeled at this time. Through the implementation of MM AIR-1d, future development projects subject to environmental review under CEQA would be required to analyze potential TAC emissions and include mitigation as appropriate.

The ARB developed a guidance document, *Air Quality and Land Use Handbook: A Community Health Perspective* (ARB Handbook), to address the siting of sensitive land uses in the vicinity of freeways, distribution centers, rail yards, ports, refineries, chrome-plating facilities, dry cleaners, and gasoline-dispensing facilities. This guidance document was developed to assess compatibility and associated health risks when placing sensitive receptors near existing pollution sources. The ARB's recommendations for the siting of new sensitive land uses were based on a compilation of studies that evaluated data on the adverse health effects from proximity to air pollution sources. The key observation in these studies is that proximity to air pollution sources substantially increases both exposure and the potential for adverse health effects. Respiratory and cardiovascular problems including asthma, lung cancer, and premature death have been associated with living near major roadways and freeways. Children who live near major roadways and freeways have been found to have higher asthma rates and reduced lung function. There are three carcinogenic TACs that constitute the majority of the known health risks from motor vehicle traffic: DPM from trucks and benzene and butadiene from passenger vehicles. It has been found that outdoor concentrations are highest near the roadway and decrease with increasing distance downwind of the source. The ARB recommends avoiding siting new sensitive land uses within 500 feet of urban roads with more than 100,000 vehicles per day or rural roads with more than 50,000 vehicles per day. MM AIR-1d requires that an HRA be performed and potential health impacts be mitigated.

Future development envisioned as a part of the refined project would be required to comply with AB 2588, and ARB standards for diesel engines. While existing City policies and regulations are intended to minimize impacts associated with sensitive receptors, mitigation measures for future project developments that implement these policies and regulations are identified to ensure that the intended environmental protections are achieved. Compliance with MM AIR-1d would help to ensure that mobile sources of TACs not covered under the Valley Air District permits are considered during subsequent project-level environmental review. This mitigation measure requires the preparation of project-specific technical health risk assessments for certain discretionary large industrial or warehousing uses to evaluate operational-related health risk impacts to further ensure

that operational-related emissions are reduced to a less than significant level. However, information regarding operational characteristics of future specific development projects and the associated emissions cannot be determined at the time of this analysis; therefore, cumulative growth within the Plan Area could result in an overall impact above the health-based thresholds established by the Valley Air District.

In addition to operational emissions from new stationary sources of emissions and vehicle trips to and within the Plan Area, the refined project would locate new sensitive receptors (residents) that could be subject to existing sources of TACs within the refined project boundary. The California Supreme Court in *California Building Industry Association v. Bay Area Air Quality Management District* concluded that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents.

Compliance with existing regulatory programs, General Plan policies, and MM AIR-1d would serve to reduce the health risk impacts of the refined project to the extent feasible. However, the refined project would result in the future development of numerous projects, each contributing incrementally to air emissions affecting sensitive receptors. Thus, it is possible that the refined project would result in cumulatively significant impacts to sensitive receptors, even if individual projects were each less than significant. This is particularly likely since none of the measures herein would prevent multiple development projects from being constructed concurrently within close proximity to sensitive receptors in such a manner as to cause substantial concentrations within the area. Further, neither the amount of construction occurring nor the exact location within the Plan Area is foreseeable, and, as such, it cannot be determined whether the resultant construction emissions could be adequately controlled or reduced to below regulatory thresholds. Without such information, it is not possible to conclude that air pollutant emissions resulting from construction activities would be adequately reduced to the point that sensitive receptors are not exposed to substantial concentrations of air pollutants, and thus a significant and unavoidable impact may result.

Cumulative Air Quality Impacts

Impact: The refined project would have a significant and unavoidable cumulative impact on air quality.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

Implement MM AIR-1a through MM AIR-1d and MM AIR-4.

Facts in Support of Findings: The geographic scope of the cumulative impact analysis for Air Quality is the SJVAB. This analysis evaluates whether impacts of the Specific Plan, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to air quality emissions. This analysis then considers whether incremental contribution of the impacts associated with implementation of the Specific Plan would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

In accordance with the Valley Air District's methodology, any project that produces a significant project-level regional air quality impact in an area that is in nonattainment contributes to the cumulative impact. Because of the extent of the area potentially impacted from cumulative project emissions (i.e., the SJVAB); the Valley Air District considers a project cumulatively significant when project-related emissions exceed the regional emissions thresholds, as discussed in Impact AIR-2 and Impact AIR-3. No significant cumulative impacts were identified with regard to CO hotspots.

Criteria Pollutants

The SJVAB is designated nonattainment for ozone and PM_{2.5}, under the California and national AAQS and nonattainment for PM₁₀ under the California AAQS. Construction of cumulative projects will further degrade the regional and local air quality. Air quality will be temporarily impacted during construction activities. As discussed in Impact AIR-2, construction emissions associated with the proposed Plan would exceed the Valley Air District's regional construction emissions thresholds for VOC, NO_x, CO, PM_{2.5}, and PM₁₀, and NO_x, after implementation of MM AIR-1a and MM AIR-1b. Thus, the refined project's contribution to cumulative air quality impacts would be cumulatively considerable and therefore significant.

For operational air quality emissions, any project that does not exceed or can be mitigated to less than the annual regional threshold values is not considered by the Valley Air District to be a substantial source of air pollution and does not add significantly to a cumulative impact. As discussed, the SJVAPCD Rules 9510 and 9410 would contribute to reducing emissions of NO_x and particulate matter associated with future individual projects accommodated under the proposed Specific Plan and may reduce impacts for these individual development projects to a less than significant level. In addition, the planned improvements, design guidelines, objectives, and policies under the proposed Specific Plan would generally support a more sustainable development pattern in the Plan Area. Creation of more complete neighborhoods, with high-density housing located in proximity to jobs and amenities, in addition to improving the public transit, pedestrian, and bicycle networks and infrastructure would contribute to reducing per capita VMT. However, due to the amount of growth for the proposed Plan Area, operation of the cumulative projects accommodated under the proposed Plan would result in emissions in excess of the Valley Air District regional emissions thresholds for VOC, NO_x, CO, PM₁₀, and PM_{2.5} after implementation of MM AIR-1c. Thus, the proposed Specific Plan's criteria air pollutant emissions would be cumulatively considerable and therefore significant.

Toxic Air Contaminants

The refined project would permit residential, office, commercial, and industrial land uses. Development of the land uses that are allowed under the refined project may result in stationary sources of TAC emissions, including light industrial facilities, warehouses, dry cleaners, restaurants

with charbroilers, or buildings with emergency generators and boilers. While MM AIR-1d would serve to reduce the potential health impacts of TAC emissions in the Plan Area, there is not enough information currently available to quantify the emissions of specific project development that may occur as a part of the refined project to guarantee a less than significant finding. Furthermore, the construction and operation of multiple projects in the Plan Area may lead to a cumulatively considerable, and therefore significant, amount of TAC emissions.

Objectionable Odors Exposure

As discussed in Impact AIR-4, potential odor sources associated with the refined project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities; however, construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. Although it is possible other construction activities could occur in proximity concurrent with construction of the refined project, due to the short duration and intermittent nature of construction-related odors, impacts would be less than cumulatively considerable.

For long-term operation, the refined project and other cumulative developments would be required to comply with SJVAPCD Rule 4102 to prevent occurrences of public nuisances, as well as MM AIR-4, which would require potential future odor-generating industrial projects to mitigate potential impacts. Therefore, odors associated with the refined project operations would be less than cumulatively considerable.

1.7.4 - Noise

Impact NOI-1

Impact: The refined project would generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Findings: Changes or alterations have been required in, or incorporated into, the refined project which avoid or substantially lessen the significant environmental effects as identified in the PEIR (CEQA Guidelines § 15091(a)(1)). However, impacts would still remain significant and unavoidable even with mitigation incorporated. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the PEIR (CEQA Guidelines § 15091(a)(3)).

Mitigation Measures

MM NOI-1a Construction Activity Hours Restriction

Construction activity which requires a permit issued by the City of Fresno shall be limited to the hours between 7:00 a.m. and 10:00 p.m. on weekdays and Saturdays.

Any construction activity outside of these hours must comply with the City's noise performance standards in Section 15.2506 of the Municipal Code.

MM NOI-1b Construction Noise Mitigation Plan

Prior to the issuance of demolition, grading, and/or construction permits, applicants for individual development projects within 500 feet of noise-sensitive receptors (e.g., residences, hospitals, schools) shall conduct a project-level construction noise analysis to evaluate potential impacts on sensitive receptors. The analysis shall be conducted once the final construction equipment list that will be used for demolition and grading activities is determined. The project-level noise analysis shall be prepared, reviewed, and approved by the City of Fresno Planning Director. If the analysis determines that demolition and construction activities would result in an impact to identified noise-sensitive receptors, then specific measures to attenuate the noise impact shall be outlined in the analysis and reviewed and approved by the City of Fresno Planning Director. Specific measures may include, but are not limited to, the following Best Management Practices (BMPs):

- Post a construction site notice near the construction site access point or in an area that is clearly visible to the public. The notice shall include the following: job site address; permit number, name, and phone number of the contractor and owner; dates and duration of construction activities; construction hours allowed; and the City of Fresno Planning Director and construction contractor phone numbers where noise complaints can be reported and logged.
- Consider the installation of temporary sound barriers for construction activities immediately adjacent to occupied noise-sensitive structures.
- Restrict haul routes and construction-related traffic to the least noise-sensitive times of the day.
- Reduce non-essential idling of construction equipment to no more than 5 minutes.
- Ensure that all construction equipment is monitored and properly maintained in accordance with the manufacturer's recommendations to minimize noise.
- Fit all construction equipment with properly-operating mufflers, air intake silencers, and engine shrouds, no less effective than as originally equipped by the manufacturer, to minimize noise emissions.
- If construction equipment is equipped with backup alarm shut offs, switch off backup alarms and replace with human spotters, as feasible.
- Stationary equipment (such as generators and air compressors) and equipment maintenance and staging areas shall be located as far from existing noise-sensitive land uses, as feasible.
- To the extent feasible, use acoustic enclosures, shields, or shrouds for stationary equipment such as compressors and pumps.
- Shut off generators when generators are not needed.
- Coordinate deliveries to reduce the potential of trucks waiting to unload and idling for long periods of time.

- Grade surface irregularities on construction sites to prevent potholes from causing vehicular noise.
- Minimize the use of impact devices such as jackhammers, pavement breakers, and hoe rams. Where possible, use concrete crushers or pavement saws rather than hoe rams for tasks such as concrete or asphalt demolition and removal.
- The final noise reduction measures to be implemented and their associated details shall be determined by the construction-level noise analysis. The final noise reduction measures shall be included on all construction and building documents and/or construction management plans and submitted for verification to the City; implemented by the construction contractor through the duration of the construction phase; and discussed at the pre-demolition, -grade, and/or - construction meetings.

MM NOI-1c Traffic Noise Reduction Plan

Prior to issuance of building permits, the property owner/developer shall be responsible to implement the following measures to limit potential traffic noise source impacts:

- Any proposed development project that would include noise-sensitive land use development along noise impacted roadway segments identified in Table 3.13-8 shall demonstrate compliance with Municipal Code Section 15-2506 by submitting a final acoustical report. This report shall demonstrate that the proposed project incorporates sufficient noise attenuation features, if needed, to meet the City's exterior/interior noise performance standards. The individual project owner/developer shall submit the acoustic study to the Planning Director for review and approval. Upon approval by the City of Fresno, the proposed acoustical design features shall be incorporated into the proposed development. Noise reduction design features may include, but are not limited to, locating noise-sensitive development on the site to be shielded by structures (buildings, enclosures, or sound walls) or by using upgraded wall and window assemblies to ensure that acceptable interior noise levels are maintained.

MM NOI-1d Stationary Source Noise Reduction Plan

Prior to issuance of building permits, the property owner/developer shall be responsible to implement the following measures to limit operational stationary noise source impacts:

- Any proposed development projects that include unshielded parking areas within 175 feet, or unshielded truck loading docks within 300 feet, or unshielded mechanical ventilation equipment systems within 35 feet of a noise-sensitive receptor, shall demonstrate compliance with Municipal Code Section 15-2506 by submitting a site-specific acoustic study. These reports shall demonstrate that the proposed project incorporates sufficient noise attenuation features, if needed, to

meet the City of Fresno's exterior/interior noise performance standards. The individual project owner/developer shall submit the acoustic study to the Planning Director for review and approval. Upon approval by the City, the proposed acoustical design features shall be incorporated into the proposed development. Noise reduction design features may include, but are not limited to, locating stationary noise sources on the site to be shielded by structures (buildings, enclosures, or sound walls) or by using equipment that has a quieter rating.

Facts in Support of Findings

Temporary Construction Noise Impacts

A significant impact would occur if project-related, noise producing construction activities result in a substantial temporary increase in ambient noise levels in excess of the established standards. The City's Noise Ordinance identifies that construction, repair, or remodeling work accomplished pursuant to a building, electrical, plumbing, mechanical, or other construction permit issued by the City or other governmental agency, or to site preparation and grading, are exempt from the noise performance standards of the Noise Ordinance provided such work takes place between the hours of 7:00 a.m. and 10:00 p.m. on any day except Sunday.

Development that could occur from implementation of the Specific Plan is expected to result in construction activities within the planning area. Noise impacts from construction activities would be a function of the noise generated by construction equipment, equipment location, sensitivity of nearby land uses, and the timing and duration of the construction activities.

For future development projects, two types of short-term noise impacts would occur during site preparation and project construction. The first type would result from the increase in traffic flow on local streets associated with the transport of workers, equipment, and materials to and from the project site. The transport of workers, construction equipment, and materials to a development site would incrementally increase noise levels on access roads leading to the site. Typically, a doubling of the ADT hourly volumes on a roadway segment is required in order to result in an increase of 3 dBA in traffic noise levels, which, as discussed in the characteristics of noise discussion above, is the lowest change that can be perceptible to the human ear in outdoor environments. Individual development project's construction trips would not be expected to double the hourly or daily traffic volumes along roadway segments in the vicinity of a development site. For this reason, short-term intermittent noise from construction trips would not be expected to result in a perceptible increase in hourly or daily average traffic noise levels. Therefore, short-term construction-related noise impacts associated with the transportation of workers and equipment to a development site would be less than significant.

For future development projects, the second type of short-term noise impact is related to noise generated during site preparation, grading, and construction activities. Construction is performed in discrete steps, each of which has its own mix of equipment and, consequently, its own noise characteristics. These various sequential phases would change the character of the noise generated on-site. Thus, the noise levels vary as construction progresses. Despite the variety in the types and

sizes of construction equipment, similarities in the dominant noise sources and patterns of operation allow construction noise ranges to be categorized by work phase. Table 3.13-2 shows typical noise levels of construction equipment as measured at a distance of 25 feet from the operating equipment.

The site preparation phase, which includes excavation and grading activities, generates the highest noise levels because the noisiest construction equipment is earthmoving equipment. Earthmoving equipment includes excavating machinery and compacting equipment, such as bulldozers, draglines, backhoes, front loaders, roller compactors, scrapers, and graders. Typical operating cycles for these types of construction equipment may involve 1 or 2 minutes of full power operation followed by 3 or 4 minutes at lower power settings.

Development projects that could occur with implementation of the of the Specific Plan would be expected to require the use of some of the loudest pieces of construction equipment listed in Table 3.13-2 of the Recirculated Draft PEIR. For example, the maximum noise level generated by each pile driver is assumed to be 112 dBA L_{max} at 25 feet from this equipment. Bulldozers would generate 87 dBA L_{max} at 25 feet. The maximum noise level generated by graders is approximately 82 dBA L_{max} at 25 feet. Each doubling of sound sources with equal strength increases the noise level by 3 dBA. Assuming that each piece of construction equipment operates at some distance from the other equipment, a reasonable worst-case combined noise level during this phase of construction would be 90 dBA L_{max} at a distance of 50 feet from the acoustical center of a construction area. This would result in a reasonable worst-case hourly average of 86 dBA L_{eq}. The acoustical center reference is used because construction equipment must operate at some distance from one another on a project site and the combined noise level as measured at a point equidistant from multiple sources operating simultaneously would represent the worst-case noise levels.

There are no site-specific development plans; however, project development in the Plan Area could result in the potential for relatively high single-event construction noise causing resulting in temporary substantial increase in ambient noise levels in the vicinity of the project in excess of established standards, potentially resulting in an intermittent noise nuisance that could result in annoyance or sleep disturbances at nearby sensitive receptors. Therefore, mitigation is required to reduce this potential impact. With implementation of Mi NOI-1a and MM NOI-1b, construction noise impacts due to construction activities would be reduced to the extent feasible. However, given that details of individual development projects in the vicinity of the Plan Area are currently unknown, it is not possible to quantify the construction noise impacts at specific off-site or on-site sensitive receptors. Because these construction activities may occur near noise-sensitive receptors and because noise disturbances may occur for prolonged periods of time, construction noise impacts would remain significant and unavoidable.

Operational Mobile Source Noise Impacts

A significant impact would occur if project-generated traffic would result in a substantial increase in ambient noise levels compared with those that would exist without the refined project. The City does not define “substantial increase”; therefore, for purpose of this analysis, a substantial increase is based on the following criteria. A characteristic of noise is that audible increases in noise levels generally refer to a change of 3 dBA or more as this level has been found to be barely perceptible to

the human ear in outdoor environments. A change of 5 dBA is considered the minimum readily perceptible change to the human ear in outdoor environments. Therefore, for purposes of this analysis, a significant impact would occur if the refined project would cause the CNEL to increase by any of the following:

- 5 dBA or more even if the CNEL would remain below normally acceptable levels for a receiving land use.
- 3 dBA or more, thereby causing the CNEL to exceed normally acceptable levels for a receiving land use.

As identified in Table 3.13-6 of the Recirculated Draft PEIR, noise environments with transportation noise levels of up to 65 dBA CNEL are considered normally acceptable for new residential, transient lodging, hospitals, nursing homes, churches, and meeting halls land use development.

The FHWA highway traffic noise prediction model (FHWA-RD-77-108) was used to evaluate existing and future project-related traffic noise conditions along modeled roadway segments in the vicinity of the project site. Traffic modeling was performed using the data provided by TJKM in the traffic analysis prepared for the refined project. The resultant noise levels were weighed and summed over a 24-hour period to determine the CNEL values. The traffic noise modeling input and output files—including the 60 dBA, 65 dBA, and 70 dBA CNEL noise contour distances—are included in Appendix I of the Recirculated Draft PEIR. Table 3.13-8 of the Recirculated Draft PEIR shows a summary of the traffic noise levels for year 2035 forecast traffic conditions without and with the refined project, as measured at 50 feet from the centerline of the outermost travel lane.

As shown in Table 3.13-8 of the Recirculated Draft PEIR, the highest traffic noise level increase with implementation of the refined project would occur along De Wolf Avenue, on the segment north of Jensen Avenue. The modeling results show that the plus project traffic noise levels would result in an increase of 3.3 dBA over conditions that would exist without the project, resulting in traffic noise levels of 63.6 dBA CNEL as measured at 50 feet from the centerline of the outermost travel lane along this roadway segment. These noise levels are below the City's normally acceptable land use compatibility standard of 65 dB CNEL for noise-sensitive land use development. The resulting increase is less than the 5 dBA increase that would be considered a substantial increase. Therefore, project-related traffic noise levels would not result in a substantial permanent increase in traffic noise levels in excess of applicable standards and would represent a less than significant impact.

However, several of the modeled roadway segments, shown in bold in Table 3.13-8 of the Recirculated Draft PEIR, have traffic noise levels that exceed the City's land use compatibility standards for new development proposed near transportation noise sources. The roadway segment of Jensen Avenue east of Temperance Avenue would experience the highest forecasted traffic noise levels, with noise levels of 71.6 dBA CNEL as measured at 50 feet from the centerline of the outermost travel lane under With Project conditions. This would be considered a significant impact and site-specific analysis would be required for future noise-sensitive land use development in these areas. These traffic noise impacts can be mitigated either by using setbacks, soundwalls, acoustic-rated windows, or by siting nonsensitive buildings as shielding. For example, at a distance of 160 feet

from the centerline of Jensen Avenue, future traffic noise levels would attenuate to below 65 dBA CNEL; in addition, properly sited structural (building or sound wall) shielding can provide 15 dBA or greater additional noise reduction.

Therefore, implementation of MM NOI-1c, which requires preparation of a traffic noise reduction plan to identify appropriate design measures, where required, would ensure traffic noise impacts on future noise-sensitive land use development projects would be reduced to less than significant.

Operational Stationary Source Noise Impacts

A significant impact would occur if operational noise levels generated by stationary noise sources associated with development projects within the Plan Area would exceed the noise performance standards of Section 15-2506 of the Municipal Code.

Development projects that could occur with implementation of the Specific Plan would include new stationary noise sources. These stationary noise sources could involve a wide spectrum of uses and activities, including various industrial uses, commercial operations, agricultural production, school playgrounds, high school football games and marching bands, HVAC units, generators, lawn maintenance equipment, and swimming pool pumps. These would be potential point sources of noise that could affect noise-sensitive receptors in the Plan Area.

Typical maximum noise levels from truck loading and unloading activity are 65 dBA to 75 dBA Lmax as measured at 50 feet. These maximum noise levels include noise from associated truck loading/unloading activities, including maneuvering, trailer loading and unloading, backup alarms or beepers, and docking noise. Parking activities include vehicles cruising at slow speeds, doors shutting, or cars starting, would generate noise levels of approximately 60 dBA to 70 dBA Lmax at 50 feet. Current market available residential mechanical ventilation equipment has rated operational noise levels up to 70 dBA Leq at a distance of 3 feet. Current market available commercial grade mechanical ventilation equipment is rated as having operational noise levels up to 80 dBA Leq at 3 feet from the operating equipment.

These stationary source operational noise levels could exceed the City's noise performance thresholds if they were to occur in areas adjacent to sensitive receptor land uses. Therefore, mitigation would be required to reduce this potential impact. Operational activity noise levels can be mitigated either at the source or at the receiving land use using setbacks, soundwalls, acoustic-rated windows, or by siting loading/parking areas on sides of buildings opposite sensitive receptors (using buildings as shielding). For example, at a distance of 300 feet, unobstructed truck loading activity noise levels would attenuate to below 60 dBA Lmax, while properly sited structural shielding (building or sound wall) can provide 15 dBA or greater additional noise reduction.

Therefore, with implementation of MM NOI-1d, which requires preparation of a stationary source noise reduction plan to identify appropriate design measures, where required, would ensure stationary source operational noise impacts generated by future development projects would be reduced to less than significant.

Cumulative Noise Impacts

Impact: The refined project would have a significant and unavoidable impact regarding construction noise.

The refined project would have a less than significant impact with regard to all other noise and vibration impacts.

Findings: The City finds that specific economic, legal, social, technological, and other considerations make it infeasible to reduce Cumulative Noise Impact to a less than significant level. (CEQA Guidelines Section 15091(a)(3)). The City has reviewed any suggested mitigation measures and finds these suggestions infeasible. This impact will remain significant and unavoidable. The City concludes, however, that the benefits of the refined project outweigh the significant unavoidable impacts of the refined project, as set forth in Section 1.14, Statement of Overriding Considerations, below.

Mitigation Measures

No mitigation is available that would reduce cumulative construction noise impacts to less than significant.

Facts in Support of Findings: The geographic scope of the cumulative noise analysis is limited by the range of potential noise impacts. Noise impacts tend to be localized; therefore, noise impacts for traffic and stationary noise sources are limited to approximately 500 feet from the source. This analysis evaluates whether impacts of the Specific Plan, together with impacts of cumulative development, would result in a cumulatively significant impact with respect to noise. This analysis then considers whether incremental contribution of the impacts associated with implementation of the Specific Plan would be significant. Both conditions must apply for cumulative effects to rise to the level of significance.

Construction Noise Impacts

The significance threshold for a cumulative construction noise impact would be a substantial temporary noise increase in areas in the project vicinity, which already experience excessive noise levels from construction activities. There are no major long-term development projects undergoing construction in the Plan Area that would constitute an existing cumulative impact. However, given that details of individual development projects adjacent to the Plan Area are currently unknown, it is not possible to quantify future cumulative construction noise impacts that could occur if multiple developments were to construct simultaneously, which could constitute a cumulative noise impact. Because construction activities associated with implementation of the Specific Plan could then also occur simultaneously and because noise disturbances could occur for prolonged periods of time, there is the possibility for cumulative construction noise impacts that would remain significant and unavoidable.

Traffic Noise Impacts

The significance threshold for a cumulative traffic noise impact would be a substantial permanent increase in traffic noise levels in the vicinity of the project along any roadway segment that already experiences noise levels in excess of normally acceptable standards for adjacent land uses. As shown in Table 3.13-8 of the Recirculated Draft PEIR, several modeled roadway segments currently experience traffic noise levels that exceed the City's land use compatibility standards for new development proposed near transportation noise sources. This would be considered an existing cumulative impact. However, as shown in the traffic noise impact discussion above, for each of the existing impacted roadway segments, implementation of the Specific Plan would not result in a considerable contribution to this existing cumulative impact. Therefore, implementation of the project would not result in a potentially significant cumulatively considerable contribution to traffic noise impacts on roadway segments in the Plan Area or within 500 feet of the Plan Area. This impact would be less than significant.

Stationary Source Noise Impacts

The significance threshold for a cumulative stationary source operational noise impact would be a substantial temporary noise increase at any location that is already exposed to excessive noise levels from stationary source operational noise. There are no major permanent stationary noise sources in the Plan Area that would constitute an existing cumulative noise impact. Therefore, since there is not an existing cumulative stationary source noise impact in the Plan Area, implementation of the Specific Plan would result in a less than significant cumulative impact related to stationary source noise. In addition, as shown in the stationary source noise impact discussion, any proposed project in the Plan Area that would have stationary noise sources would be required to prepare a site-specific analysis and incorporate design measures, where necessary, to ensure potential impacts would be reduced to less than significant as measured at sensitive receptors. Therefore, implementation of the project would not result in a potentially significant cumulatively considerable contribution to stationary source noise impacts in the Plan Area or within 500 feet of the Plan Area. This impact would be less than significant.

Construction Vibration Impacts

Construction-related groundborne vibration impacts are very localized; therefore, only areas within approximately 50 feet of a construction site could potentially be affected by groundborne vibration resulting from construction activities. There are no major long-term development projects undergoing construction in the Plan Area that would constitute an existing cumulative groundborne vibration impact. Therefore, since there is not an existing cumulative groundborne vibration impact in the Plan Area, the implementation of the Specific Plan would result in a less than significant cumulative impact related to construction groundborne vibration. Therefore, implementation of the project would not result in a potentially significant cumulatively considerable contribution to construction vibration impacts in the Plan Area or within 50 feet of the Plan Area. This impact would be less than significant.

Operational Groundborne Vibration Impacts

The only cumulatively considerable contribution to groundborne vibration conditions in the project vicinity would result from introduction of new permanent sources of groundborne vibration to an

existing impacted environment. The only major sources of groundborne vibration in the project vicinity is railroad activity along the rail line located over 9,000 feet west of the refined project's development areas. Implementation of the refined project would not introduce any new permanent sources of groundborne vibration to the project vicinity and would not increase railroad activity. Therefore, implementation of the refined project would not result in a potentially significant cumulatively considerable contribution to vibration conditions in the project vicinity. This impact would be less than significant.

1.8 - Findings Regarding Alternatives

1.8.1 - Introduction

This section presents findings regarding alternatives to the refined project. The section provides a summary and discussion of the feasibility of the following alternatives evaluated in the Recirculated Draft PEIR:

- Alternative 1: No Project Alternative
- Alternative 2: Consolidated Business Park Alternative
- Alternative 3: Farmland Conservation Alternative

In accordance with CEQA Guidelines Section 15126.6, the PEIR contained a comparative impact assessment of alternatives to the project originally evaluated in the PEIR. The primary purpose of this analysis is to provide decision-makers and interested agencies, organizations and individuals with information about a reasonable range of potentially feasible project alternatives, which could avoid or reduce any of the project's significant adverse environmental effects. Important considerations for this alternatives analysis are noted below:

- A PEIR need not consider every conceivable alternative to a project;
- A PEIR should identify alternatives that were considered by the lead agency, but rejected as infeasible during the scoping process;
- Reasons for rejecting an alternative include:
 - Failure to meet most of the basic project objectives identified in Section 1.3.2;
 - Infeasibility; and
 - Inability to avoid significant environmental effects.

CEQA does not require that an analysis of alternate sites always be included in a PEIR. Pursuant to CEQA Guidelines Section 15126.6(f)(2), in making the decision to include or exclude analysis of an alternate site, the "key question and first step in analysis is whether any of the significant effects of the refined project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR."

An increased residential density alternative that increased residential uses by 45,000 units in a different project location than the proposed SEDA was considered and rejected because it would not lessen any of the refined project's impacts. There are no locations in the City where 45,000 homes

could be constructed while avoiding environmental impacts to agricultural land. Agricultural land would be impacted regardless of where a large new residential development is located in the City. Therefore, no location alternative in the City is capable of avoiding the project's significant and unavoidable agriculture impact. For this reason, a location alternative is not considered further. Additionally, in this case, an alternative location does not constitute a feasible alternative because the project in question consists of a comprehensive specific plan for a 9,000-acre planning area. An alternative location would not meet the City's fundamental purpose of establishing a planning document that serves as the comprehensive land use planning document for the jurisdiction; as such, the geographical area encompassed by the plan is an immutable, fundamental characteristic. Thus, it is not possible to evaluate an alternative location.

The City also finds that the project originally evaluated in the PEIR was subsequently refined through the public review and decision-making process to arrive at the refined project considered herein. The originally evaluated project is therefore treated as an alternative to the refined project. The City has considered the environmental analysis of the originally evaluated project as set forth in the PEIR, together with the comparative analysis of alternatives, and finds that although the originally evaluated project may avoid or lessen certain environmental effects, it would not fully achieve the City's policy objectives or respond to key feasibility and implementation concerns identified during the administrative process. Specifically, substantial evidence in the record demonstrates that the originally evaluated project raised unresolved issues related to the timing and phasing of development, the availability and financing of necessary infrastructure, and the coordination of land uses to ensure compatibility with existing and planned community facilities, including schools and other sensitive receptors. In contrast, the refined project incorporates a more defined and implementable framework, including a phased development approach tied to infrastructure delivery and fiscal capacity, as well as refinements to project configuration to better integrate land uses and provide appropriate buffers and safeguards. The City further finds that, based on substantial evidence in the record, specific economic, legal, social, technological, and policy considerations, including uncertainty regarding infrastructure funding mechanisms, the need for enforceable phasing thresholds, and the requirement to address site-specific compatibility constraints, render the originally evaluated project infeasible. Accordingly, the City rejects the originally evaluated project as an alternative pursuant to CEQA Guidelines Section 15091(a)(3).

The following discussion describes each considered alternative and identifies the reasons the Lead Agency rejects each alternative.

Alternative 1: No Project Alternative

Description: Under this alternative, the Specific Plan would not be approved, and thus, the proposed Specific Plan policies would not be implemented, and no zoning or land use designation changes would occur in the Plan Area. Additionally, the areas within the Plan Area that are outside of the City's SOI would not be annexed to the City. Future development in the Plan Area would be developed in accordance with the current land use and zoning maps identified in the General Plan. The buildout of the General Plan includes approximately 17,900 homes and approximately 29,600 jobs in the Plan Area. Comparatively, the proposed Specific Plan would include approximately 42,900 homes and approximately 36,000 jobs. The existing Plan Area contains the following General Plan

designations that would not change under Alternative 1: Residential-Low Density, Residential-Medium Density, Residential-Urban Neighborhood, Employment-Mixed Use, Employment-Office, Public Facilities, Open Space, and Buffer.

Findings: Alternative 1 would have similar, but slightly less, impacts than the refined project for the following impact areas: biological resources; cultural and Tribal cultural resources; energy; geology, soils, and seismicity; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use; public services; transportation; utilities and service systems; and wildfire, all of which would have a less than significant or no impact conclusion for the refined project. Impacts resulting from the refined project that would be significant and unavoidable, including those related to aesthetics, light, and glare; agricultural resources and forestry resources; air quality; and noise, would also be significant and unavoidable under Alternative 1, but slightly less impactful.

Additionally, the City finds that this alternative would not meet project objectives to the same degree as the refined project. Under Alternative 1, the refined project would not be approved, and buildout of the Specific Plan would be consistent with the General Plan. Buildout under the General Plan includes approximately 17,900 homes and approximately 29,600 jobs in the Plan Area. Comparatively, the proposed Specific Plan would include approximately 42,900 homes and approximately 36,000 jobs. Accordingly, Alternative 1 would not meet project objectives related to housing choice and implementation, nor would it be as successful at attracting opportunities in green technology and energy systems, agriculture-related industries, modular housing, and other emerging fields to provide jobs for City residents as the refined project. Furthermore, it would not advance the City's goal to plan for the eventual full development of land within the SOI without expansion. Additionally, this alternative would not implement a key requirement of LAFCo Resolution USOI-144 calling for a specific plan in the SEDA (formerly SEGAs), thus ensuring orderly and meaningful development for all land within the City's SOI. For each of these reasons, separately and independently, the City rejects Alternative 1.

Alternative 2: Consolidated Business Park Alternative

Description: Under the Consolidated Business Park Alternative (Alternative 2), the SEDA Specific Plan would occur as planned, but this alternative maintains the Flexible Research and Development land designations from the General Plan for the area south of Jensen Avenue. Similar to the refined project, it would accommodate approximately 42,900 homes and 36,000 jobs within the 9,000-acre planning area. The area identified in the Specific Plan as Flexible Research and Development to the east of Temperance Avenue and north of Jensen Avenue would be developed as Neighborhood Residential and Mixed Residential with two community centers and five neighborhood centers. Additionally, this alternative would change the land use designations for the planned Mixed Residential and Neighborhood Residential, along with the Community and Neighborhood Centers south of Jensen Avenue. Under Alternative 2, that area would be designated as Flexible Research and Development and Offices. Please refer to Exhibit 5-1 of the Recirculated Draft PEIR for a visual representation of this alternative.

Findings: Alternative 2, the Consolidated Business Park Alternative, is substantially similar to the refined project¹ and would have similar impacts compared to the project evaluated in the PEIR and would have less than significant or no impacts associated with biological resources; cultural resources and Tribal cultural resources; energy; geology, soils, and seismicity; GHG emissions; hazards and hazardous materials; hydrology and water quality; land use; mineral resources; public services; recreation; transportation; utilities and service systems; and wildfire. The significant and unavoidable impacts related to aesthetics, light, and glare; agricultural resources and forestry resources; air quality; and noise would remain significant and unavoidable. The significant and unavoidable impacts related to a conflict with the Valley Air District regional significant thresholds and a cumulatively considerable net increase in criteria pollutants would remain significant and unavoidable under Alternative 2.

Alternative 2 is substantially similar to the refined project; however, it would not meet some of the project objectives to the same degree as the refined project. Separately, the City rejects Alternative 2 as evaluated in the PEIR because the refined project incorporates additional modifications requested through the public review and City Council process, including the Lone Star Elementary School buffer and other implementation refinements. For each of these reasons, separately and independently, the City rejects Alternative 2.

Alternative 3: Farmland Conservation Alternative

Description: Under the Farmland Conservation Alternative (Alternative 3), buildout of the SEDa Specific Plan would occur as proposed in the Recirculated Draft PEIR; however, under this alternative, specific parcels of farmland along the entire eastern boundary of the Plan Area from Shields Avenue to Jensen Avenue would be conserved. No future development or ground-disturbing activities would be permitted on farmland designated for conservation. This would conserve a total of 648.61 acres of farmland that would not be conserved under the conditions evaluated in the PEIR (Exhibit 5-1 of the Recirculated Draft PEIR). The Plan Area currently has 5,552 acres of Prime Farmland, Unique Farmland, and Farmland of Statewide Importance.

Under the refined project, buildout of the Specific Plan would include a farmland buffer along the east side of the Plan Area, designated as Rural Cluster Residential which allows specific residential development to be developed on the important farmlands. This Alternative would include the Rural Cluster Residential Buffer; however, it would not permit developments on identified farmland within this portion of Plan Area. It would be compatible with the uses of the surrounding land since the farmland preserved will also be rural in nature. It is important to note that although development would not be allowed in identified farmland, ground-disturbing activity consistent with agricultural uses would still be permitted. Please refer to Exhibit 5-2 of the Recirculated Draft PEIR for a visual representation of this alternative.

Findings: Alternative 3, the Farmland Conservation Alternative, would have similar, but slightly less impacts associated with biological resources; cultural resources and Tribal cultural resources; energy; geology, soils, and seismicity; GHG emissions; hazards and hazardous materials; hydrology and water

¹ The refined project is based on Alternative 2 (Consolidated Business Park Alternative) evaluated in the Recirculated Draft PEIR but includes additional refinements adopted by the City following public review and consideration of the environmental analysis.

quality; mineral resources; public services; recreation; transportation; utilities and service systems; and wildfire. The significant and unavoidable impacts related to aesthetics, light, and glare; agricultural resources and forestry resources; air quality; and noise would remain significant and unavoidable. The significant and unavoidable impacts related to a conflict with the Valley Air District regional significant thresholds and a cumulatively considerable net increase in criteria pollutants would remain significant and unavoidable under Alternative 3. Additionally, Alternative 3 would have a significant and unavoidable impact on land use, greater than the refined project.

Alternative 3 would result in fewer homes than the refined project, because land designated for residential uses would be conserved as farmland. However, although Alternative 3 would not fully reduce impacts to agriculture to below a level of significance, it would promote objectives related to Community Farming and Agriculture by preserving additional farmland to a greater degree than the refined project. Nonetheless, this alternative would not advance the project objectives to the same degree as the refined project. For example, it would not attract opportunities in green technology and energy systems, agriculture-related industries, modular housing, and other emerging fields to provide jobs for City residents to the same degree as the refined project. Nor would it advance City's goal to plan for the eventual full development of land within the SOI without expansion.

Additionally, this alternative would not implement a key requirement of LAFCo Resolution USOI-144 calling for a specific plan in the SEDA (formerly SEGA), thus ensuring orderly and meaningful development for all land within the City's SOI, to the same degree as the refined project. For each of these reasons, separately and independently, the City rejects Alternative 3.

Environmentally Superior Alternative

CEQA Guidelines Section 15126(e)(2) requires identification of an environmentally superior alternative. If the No Project Alternative is environmentally superior, CEQA requires selection of the "environmentally superior alternative other than the No Project Alternative" among the project and the alternatives evaluated.

None of the alternatives analyzed would reduce the significant and unavoidable impacts related to Aesthetics, Light, and Glare; Agricultural Resources and Forestry Resources; and Noise, to below a level of significance although they would be incrementally less than the refined project. Most of the less than significant impacts in other resource areas would be substantially similar; although incrementally less than the refined project (with the exception of land use impacts under Alternative 3, which would be incrementally greater than the refined project).

Alternative 1, the No Project Alternative, would not meet the project objectives. Alternatives 2 and 3 would meet many of the project objectives. The Consolidated Business Park Alternative was identified as the environmentally superior alternative in the PEIR. The refined project is based on that alternative and incorporates additional refinements that further reduce potential impacts and improve implementation. Accordingly, the City finds that the refined project is environmentally equivalent to or environmentally superior to Alternative 2 and adopts the refined project.

1.9 - Findings Regarding Cumulative Impacts

Consistent with CEQA's requirements, the PEIR includes an analysis of cumulative impacts. The refined project before the City represents an alternative to the project as evaluated in the PEIR. The City finds, based on substantial evidence in the record, that the PEIR's analysis of cumulative impacts is applicable to the refined project being approved because the environmental effects of the refined project are within the scope of, and are not materially different in kind or greater in severity than, those disclosed in the PEIR. Accordingly, the findings set forth herein for cumulative impacts apply equally to the refined project.

As disclosed in the PEIR, and as applicable to the refined project, except as to cumulative air quality impacts, cumulative aesthetics, light, and glare impacts, cumulative agricultural resources and forestry resources impacts, and cumulative construction noise, all other cumulative impacts associated with the refined project are less than significant with the implementation of applicable mitigation and compliance with applicable regulations. Cumulative air quality impacts, cumulative aesthetics, light, and glare impacts, cumulative agricultural resources impacts, and cumulative construction noise impacts remain significant and unavoidable even with incorporation of all feasible mitigation.

1.10 - Findings Regarding Growth Inducement

CEQA Guidelines Section 15126.2(e) requires a discussion of the ways in which a refined project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Typical growth-inducing factors might be the extension of urban services or transportation infrastructure to a previously unserved or underserved area, or the removal of major barriers to development.

Buildout of the Specific Plan could generate up to approximately 42,900 homes and 36,000 jobs, as well as 1,820 acres of employment-generating land uses such as office, Research and Development, and institutional uses by the year 2050. Based on the average household size in the City, this anticipated future development could accommodate up to 123,271 residents. The population potential for the Plan Area is within the population growth anticipated by the General Plan, which anticipates growth of up to 226,000 additional residents by 2035, consistent with the refined project. Accordingly, implementation of the refined project would not exceed the City's anticipated population growth.

According to the General Plan, the City projects that the total additional residential development capacity by the General Plan's horizon in 2035 would be approximately 76,000 additional dwelling units, and by the General Plan's buildout in 2050 would be approximately 145,000 additional dwelling units between both the infill and growth areas. These values constitute the planned growth anticipated by the City for residential units within its SOI. As the refined project would generate approximately 42,900 new dwelling units by 2050, approximately 30 percent of the total planned capacity for the City, full buildout of the Specific Plan would be considered planned growth providing housing to meet the demand for new residential units and would not be considered growth inducing.

The Lead Agency finds that the refined project would not result in unplanned growth.

1.11 - Findings Regarding Significant Irreversible Environmental Changes

According to Sections 15126(c) and 15126.2(d) of the CEQA Guidelines, the Lead Agency must address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of nonrenewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources are not justified.

The Specific Plan is a planning level action that addresses plans and policies covering a planning area of 9,000 acres. Although the general location and type of development can be anticipated based on the guidance in the Specific Plan, until the City receives a development application, the exact location, type of development, and potential impacts are too speculative to be determined. Because there is no specific development project being proposed at this time, a project-level analysis cannot be prepared. Nonetheless, it is anticipated that nonrenewable resources would be used on-site during construction and operation of projects consistent with the Specific Plan, including fossil fuels, water, concrete, steel, and lumber. Accordingly, implementation of the refined project would result in the commitment of such resources. Sections 3.6 and 3.18 of the Recirculated Draft PEIR address the commitment of nonrenewable resources. As substantiated and described in Section 3.18, of the Recirculated Draft PEIR, the utilities that service the City, the City itself, and future projects that would implement the Specific Plan are all subject to regulations that are working to reduce the amount of nonrenewable resources that are committed to development projects.

As such, implementation of the refined project is not anticipated to consume substantial amounts of nonrenewable resources, such as energy in a wasteful manner, and implementation of the refined project would not result in significant impacts from consumption of utilities. Based on the conclusions outlined above and the analysis provided in the PEIR, the City finds that, although irreversible environmental changes would result from the refined project, such changes would not result in significant irreversible changes.

1.12 - Mitigation Monitoring and Reporting Plan

Pursuant to Public Resources Code Section 21081.6 and Guidelines Section 15091(d), the Lead Agency adopts the MMRP prepared for the refined project, attached as Appendix C. Implementation of the mitigation measures contained in the MMRP is hereby made a condition of approval of the refined project. The MMRP is incorporated by reference in these Findings. In the event of any

inconsistencies between the mitigation measures set forth herein and the MMRP, the MMRP shall control.

1.13 - Findings Regarding Recirculation

During the public review period after the Draft PEIR was published in July 2023, the Lead Agency received certain additional information. In response to this information, the Lead Agency partially revised the environmental analysis to include updated analysis and mitigation in Section 3.17, Transportation and Traffic. Additionally, the Lead Agency became aware of a technological issue that caused Section 3.7, Geology, Soils, and Seismicity, to be inadvertently omitted from the previously circulated online document. Although the chapter was available for review on the Lead Agency's website and in hard copy form, the Lead Agency recirculated this section as part of the Partial Recirculated Draft PEIR. Accordingly, Section 3.7, Geology, Soils, and Seismicity, and Section 3.17, Transportation and Traffic, were partially recirculated for an additional 45-day comment period. During the review period after the Partial Recirculated Draft PEIR was published, the Lead Agency received additional comments and information. Furthermore, prior to finalization of the 2023 Draft PEIR and the Partial Recirculated Draft PEIR, the Lead Agency decided to revise the PEIR to remove reliance on the City of Fresno 2021 General Plan PEIR, as well as the 2021 GHG Reduction Plan. The City prepared and circulated the Recirculated Draft PEIR from February 7, 2025, to March 24, 2025. Lead Agency staff and consultants involved in preparing the various studies, reports and analyses included in the PEIR have also presented additional information since the publication of the Recirculated Draft PEIR. Some of this information was contained in comments submitted on the Recirculated Draft PEIR, and in responses to those comments contained in the Final PEIR. Other information was presented at or before public meetings/hearings on the PEIR. The PEIR incorporates feasible mitigation, additions, clarifications, modifications, and other changes, in response to comments and as determined appropriate by Lead Agency staff and required under CEQA.

Under *Laurel Heights Improvement Ass'n v. Regents of Univ. of Cal.* (1993) 6 CA4th 1112 (Laurel Heights II) and the CEQA Guidelines (14 California Code of Regulations [CCR] § 15088.5(a)(3)), when information added to the Final PEIR consists of a suggested additional mitigation measure, recirculation is required only if the new mitigation measure meets all of the following criteria (*South County Citizens for Smart Growth v. County of Nevada* (2013) 221 CA4th 316, 330):

- It is feasible;
- It is considerably different from the alternatives or mitigation measures already evaluated in the Draft PEIR;
- It would clearly lessen the project's significant environmental impacts; and
- It is not adopted.

Recirculation is only required if each of the above tests is met. (*South County Citizens, supra* at 330). As described in detail in the Final PEIR, mitigation measures proposed during the public comment period are either (1) not necessary; (2) not feasible; (3) or are already included as mitigation. As noted in Final PEIR Section 5, Errata, clarifications were made to the Final PEIR to revise mitigation measures in response to comments received on the Recirculated Draft PEIR. No additional mitigation

measures were incorporated. These clarifications do not have any significant effects. The Lead Agency has considered all relevant information, including the opinions and comments of interested agencies, organizations, and individuals. The Lead Agency finds that the mitigation revisions do not meet the test for recirculation. Additionally, the Lead Agency finds that none of the additional information provided during the public comment period demonstrates any of the following situations requiring recirculation identified in CEQA Guidelines Section 15088.5 have occurred:

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

Based on the foregoing and as explained in more detail in the Final PEIR, and having reviewed all the information in the record of proceedings, the Lead Agency hereby finds that this additional information does not constitute significant new information, nor does it require recirculation of the PEIR. The additional information merely clarifies or amplifies an adequate PEIR.

Additionally, after circulation of the Recirculated Draft PEIR, the City directed staff to review the applicability of Alternative 2. Staff reviewed Alternative 2, and the City ultimately determined to adopt an alternative based on Alternative 2 (see Appendix A, Project Description) as the refined project.

As described above, under CEQA Guidelines Section 15088.5, recirculation is not required merely because a lead agency adopts a project or alternative that differs from those originally proposed, provided the environmental effects of the adopted project were adequately disclosed and analyzed such that the public had a meaningful opportunity to review and comment. (See *Laurel Heights Improvement Assn. v. Regents of Univ. of Cal.* (1993) 6 Cal.4th 1112, 1130–1131.) Here, the refined project does not introduce any new significant environmental impacts, does not increase the severity of any previously identified significant impact, and does not require the identification of new mitigation measures beyond those already analyzed and disclosed in the Recirculated Draft PEIR and the Final PEIR. Rather, the refined project represents the refinement of Alternative 2 and is a variation of an alternative that was fully evaluated in the Recirculated Draft PEIR. Its environmental effects are fully within the spectrum of impacts analyzed in the PEIR. (CEQA Guidelines § 15088.5(a); *South County Citizens for Smart Growth v. County of Nevada* (2013) 221 Cal.App.4th 316, 330.)

Moreover, the PEIR demonstrates that the environmental consequences of the refined project are equal to or less adverse than those disclosed for the project scenarios previously circulated for public review. Accordingly, the public and decision-makers were not deprived of a meaningful opportunity

to comment on the environmental effects. For these reasons, adoption of the refined project does not require recirculation of the PEIR under CEQA.

1.14 - Statement of Overriding Considerations

CEQA requires that a Lead Agency balance the benefits of a project against its unavoidable environmental risk in determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits outweigh the unavoidable adverse effects, those effects may be considered “acceptable” pursuant to CEQA Guidelines Section 15093(a). CEQA requires that a Lead Agency support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Those reasons must be based on substantial evidence in the PEIR or elsewhere in the administrative record pursuant to CEQA Guidelines Section 15093(b). The Lead Agency’s written reasons are referred to as a Statement of Overriding Considerations.

As explained in the above Findings of Fact, most of the refined project’s impacts on the environment would either be insignificant or, through the incorporation of mitigation measures as conditions of approval of the refined project, can be reduced to less than significant. However, as set forth in Section 1.6 above, impacts to aesthetics, light, and glare; agriculture; air quality; and noise will remain significant and unavoidable as no mitigation measures are feasible that would reduce impacts to below a level of significance. Further, as set forth in Section 1.7 above, there are no feasible alternatives to the refined project, which would mitigate or avoid those environmental impacts and which would meet project objectives.

Accordingly, as set forth below, the City hereby declares that the following benefits provided to the public through the approval and implementation of the project outweigh the identified significant adverse environmental impacts of the project that cannot be mitigated. The City finds that each of the project benefits separately and individually outweighs all of the unavoidable adverse environmental effects identified in the PEIR and therefore finds those impacts to be acceptable.

- The Specific Plan would implement an important vision of the Fresno General Plan, in providing for the orderly development of the SEDA, thus maintaining the City’s decision to plan for the eventual full development of land within the SOI without expansion.
- The Specific Plan would implement policies designed to facilitate housing affordable to all Fresno residents. This would also further an important goal of the Fresno General Plan and would be a valuable tool in supporting the objectives and policies of the City’s Housing Element, such as Policy UF-1-d, Policy H-2-a, Policy H-2-b, Policy H-2-c, Policy H-5-a, Policy H-5-B, Policy H-5-c, Policy H-5-d.
- The Specific Plan would implement policies designed to establish active Employment Districts which will provide a variety of employment opportunities to meet the varied needs of residents and employers. This would also further policies of the Fresno General Plan oriented toward job creation, including Policy ED-3-f.
- The Specific Plan would implement policies designed to provide an accessible and well-balanced transportation network that provides a range of transportation options for residents and employees, including providing the framework for high-capacity public transit, bicycle and

pedestrian routes, and a network of bicycle-priority routes. This would also further objectives and policies of the Fresno General Plan oriented toward multimodal transportation, including Objective UF-14; and Policies MT-1-j, RC-2-a, and HC-2-d.

- The Specific Plan would implement policies designed to support and promote local agriculture, community farming, and small-scale agriculture to both improve economic opportunities for residents and increase access to local foods. This would also further objectives and policies of the Fresno General Plan oriented toward promoting and supporting urban agriculture and access to healthy foods, including Objective HC-5; and Policy HC-5-f.
- The Specific Plan would implement a key requirement of LAFCo Resolution USOI-144 calling for a specific plan in the SEDA (formerly SEGA), thus ensuring orderly and meaningful development for all land within the City's SOI.

1.15 - Custodian of Record; Scope and Content of Record

The documents and materials that constitute the record of proceedings on which this Resolution has been based are located at the Planning and Development Department, 2600 Fresno Street, Third Floor, Room 3065, Fresno, CA 93721. This information is provided in compliance with Public Resources Code Section 21081.6.

Various documents, information, testimony, reports, studies, analyses, and other materials (both oral and written) constitute the record upon which the City Council bases these Findings and the basis for the Council's approval and/or adoption contained herein. These Findings cite specific pieces of evidence, but none of the Council's findings are based solely on those cited pieces of evidence. Rather, these Findings are based upon the entire record, and the Lead Agency intends to rely upon all supporting evidence in the record for each of its conclusions contained herein.

The documents in the record include all items referenced in Public Resources Code Section 21167.6(e) and any additional items, if otherwise required by law.